

**Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ**



GENERAL PURPOSES COMMITTEE – THURSDAY, 30 MARCH 2017

Further to the agenda and papers for the above meeting, previously circulated, please find attached the background papers for the following item:

- 7. Reordering and Indexing of the Constitution - Indication of Proposals**

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Part 1 – SUMMARY

- How the Council operates
- Executive Arrangements
- Overview and Scrutiny
- The Council's Staff
- Citizens' Rights

1. How the Council operates

- 1.1 The Council is composed of 59 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 1.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.
- 1.3 All councillors meet together as the Council. Meetings of the Council are open to the public, unless special circumstances apply. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council. The Leader appoints the membership of the Executive and allocates their portfolios of responsibilities. The Council also appoints overview and scrutiny Committees and other committees.
- 1.4 The Council meeting is the forum for major debates and consideration of matters of interest to the whole community of Central Bedfordshire, as well as for holding to account the Executive Members and committees. In addition to the annual, budget setting and ordinary Council meetings, the Council has made provision in its rules for extraordinary meetings.
- 1.5 The functions of the full Council and the rules that govern the conduct of Council meetings are described in **Part B** of the Constitution.

2. Executive Arrangements

- 2.1 1. The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a leader plus at least two but not more than nine councillors, including a deputy leader appointed by the Leader. When major decisions (known as 'Key Decisions' which are defined in **Part C2** of the constitution) are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework (set out in **Part B2** of the constitution), this must be referred to the Council as a whole to decide.
- 2.2 The Council's executive arrangements are described in **Part C1.9** of the constitution.

3. Overview and Scrutiny

- 3.1 There are four themed overview and scrutiny committees that support the work of the Executive and the Council as a whole. They submit reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor and scrutinise the decisions of the Executive, including powers to 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.
- 3.2 The Council's overview and scrutiny arrangements are described in **Part D1** of the constitution.

4. The Council's Staff

- 4.1 The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Officers also take operational decisions under the Council's executive arrangements. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol

governs the relationships between officers and members of the Council. This protocol is contained in **Part F4** of the constitution.

5. Citizens' Rights

- 5.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in **Part A4** of the constitution. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.
- 5.2 Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in the constitution.
- 5.3 Citizens have the right to:-
 - 5.3.1 Vote at local elections if they are registered;
 - 5.3.2 Contact their local councillor about any matters of concern to them;
 - 5.3.3 inspect the Council's constitution;
 - 5.3.4 Attend meetings of the Council, the Executive and committees except where confidential or exempt matters (for example personal, financial or commercial information) are being discussed;
 - 5.3.5 Petition to request a referendum on a mayoral form of constitution;
 - 5.3.6 Speak and ask questions, submit petitions and make deputations at meetings of the Council, the Executive and committees in accordance with the Council's Public Participation Procedure (**Part A4** of the constitution);
 - 5.3.7 Participate in and contribute to investigations by overview and scrutiny committees;
 - 5.3.8 Find out from the Executive's forward plan what major decisions are to be discussed by the Executive or decided by the Executive or officers and when;
 - 5.3.9 Complain to the Council about its services and

receive a timely response;

- 5.3.10 Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
 - 5.3.11 Complain to the Monitoring Officer if they believe that a councillor has not followed the Council's Code of Conduct; and
 - 5.3.12 Inspect the Council's accounts and make their views known to the external auditor.
- 5.4 The Council welcomes participation by its citizens in its work. For further information please see the Council's website at www.centralbedfordshire.gov.uk or contact the Council's Monitoring Officer at Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Beds, SG17 5TQ.
- 5.5 Details of the rights of citizens to inspect agendas and reports and attend meetings are included in the Access to Information Procedure Rules at **Part G2** of the constitution.



Part 2 Article 1 - THE CONSTITUTION

1. Purpose of The Constitution
2. Interpretation and review of the constitution
3. Inspection of the constitution

1. Purpose of the constitution

- 1.1 The constitution is made under Section 37 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.
- 1.2 Central Bedfordshire Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.3 The purpose of the constitution is to:-
 - 1.3.1 Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
 - 1.3.2 Support and encourage the active involvement of citizens in the process of local authority decision-making;
 - 1.3.3 Help councillors represent their constituents more effectively;
 - 1.3.4 Enable decisions to be taken rationally, efficiently and effectively;
 - 1.3.5 Create a powerful and effective means of holding decision-makers to public account;
 - 1.3.6 Ensure that no one will review or scrutinise a decision which they have taken or were directly involved in taking;
 - 1.3.7 Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;
 - 1.3.8 Provide a means of improving the delivery of services to the community;

- 1.3.9 Enable the Council to provide services and opportunities that are available to all and fairly allocated; and
- 1.3.10 Provide a robust framework of ethical standards that the Council, councillors and officers will observe in the conduct of the Council's business.

2. Interpretation and review of the constitution

- 2.1 Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the constitution as set out in **Part A5** (Review and revision of the constitution).

3. Inspection of the constitution

- 3.1 The constitution is published on the Council's website – www.centralbedfordshire.gov.uk and is available to councillors, officers and the public. A copy is also available for inspection at the Council's main offices, Priory House, Monks Walk, Chicksands, Shefford, Beds and High Street North, Dunstable during office hours.
- 3.2 Further information about the publication and review of the constitution may be found in **Parts A5 and A6.**

PART 2, ARTICLE 2 - MEMBERS OF THE COUNCIL

1. Composition and Eligibility

- 1.1 *Composition* – Central Bedfordshire Council comprises 59 members, called councillors. There are 31 wards. 3 members are elected for 9 of the wards, 2 members are elected for 10 of the wards and 1 member is elected for the other 12 wards.
- 1.2 *Eligibility* – Only registered voters of the Central Bedfordshire area or those living, working or occupying land as owner or tenant during the whole of the last 12 months will be eligible to hold the office of councillor. There are certain legal exclusions.

2. Election and term of office for Councillors

- 2.1 Councillors will be elected to Central Bedfordshire Council in June 2009 for an initial two year term of office expiring in May 2011.
- 2.2 Thereafter, the regular election of councillors will normally be held on the first Thursday in May every four years beginning in May 2011. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. In the event of a councillor not continuing in office, a by-election will be held at the earliest appropriate opportunity.

3. Roles and Functions of all Councillors

- 3.1 Councillors have five main roles. They perform one or more of the following duties (subject to the proviso that there is no overlap between those members who perform executive and overview and scrutiny functions):-
 - 3.1.1 Executive decision-making;
 - 3.1.2 Policy development and review;
 - 3.1.3 Overview and scrutiny;
 - 3.1.4 Quasi-judicial and regulatory; and
 - 3.1.5 Community leadership and representation.
- 3.2 Taken together these roles enable councillors to:-
 - 3.2.1 Collectively, in meetings of the Council, be the ultimate policy makers and carry out a number of strategic and corporate management functions;

- 3.2.2 Represent the communities of their ward, bring their views into the Council's decision-making process and represent the Council to those communities – i.e. become an advocate of, and for, their communities;
- 3.2.3 Respond to constituents' enquiries and representations fairly and impartially, deal with individual casework and otherwise effectively represent the interests of their ward and of individual constituents;
- 3.2.4 Balance the different interests identified within the ward, represent the ward as a whole and act as a point of mediation between the Council and the communities of their ward;
- 3.2.5 Be involved in decision-making in any of the five roles set out at 3.1 above;
- 3.2.6 Represent the Council on other bodies; and
- 3.2.7 Adopt and maintain the highest standards of conduct.

4. Rights and Duties

- 4.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- 4.2 Councillors will not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- 4.3 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in **Part G2** of the constitution.

5. Conduct

- 5.1 Councillors will at all times observe the Council's Code of Conduct for Members set out in **Part F1** of the Constitution and the Protocol on Member/Officer Relations set out in **Part F4** of the Constitution.

6. Allowances

- 6.1 Councillors are entitled to receive allowances in accordance with the Members' Allowance Scheme set out in **Part K** of the constitution.

PART 2 ARTICLE 3 CITIZENS AND THE COUNCIL

1. Citizens' rights

1.1 The Council welcomes participation by citizens in its work and has put in place procedures allowing public participation in meetings to enable citizens to influence the Council's decision making process. Citizens have the rights set out below. Their rights to information are explained in more detail in the Access to Information Procedure Rules in **Part G2** of the constitution.

2. Voting

2.1 Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.

3. Information

Citizens have the right to:-

3.1 Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

3.2 Attend meetings of the Executive when Key Decisions and other matters are being considered (except where confidential or exempt information is likely to be disclosed and part of the meeting is therefore held in private);

3.3 Find out from the forward plan what Key Decisions will be taken by the Executive and when;

3.4 See reports and background papers, and any records of decisions made by the Council and the Executive;

3.5 Inspect the Council's accounts and make their views known to the external auditor;

3.6 Receive information held by the Council subject to the Freedom of Information Act 2000; and

3.7 Inspect the Council's constitution.

4. Participation (including petitions)

Citizens have the right to:-

- 4.1 Speak at, submit petitions including e-petitions, and make deputations to meetings of the Council, its committees and the Executive in accordance with the Council's Public Participation Procedure as set out at **Appendix A to Part A4** of the constitution;
- 4.2 Participate in and contribute to investigations by overview and scrutiny committees; and
- 4.3 Contact their local councillor about any matters of concern to them.

5. Complaints

Citizens have the right to complain to:-

- 5.1 The Council itself under its complaints procedure and receive a timely response;
- 5.2 The Council's Monitoring Officer about a breach of the Councillors' Code of Conduct, and receive a timely response;
- 5.3 The Ombudsman after using the Council's own complaints procedure; and
- 5.4 Their elected ward members.

6. Citizens' responsibilities

- 6.1 Citizens must observe the law in their dealings with councillors and officers.

APPENDIX A

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PART 2, ARTICLE 4 - THE BUDGET AND POLICY FRAMEWORK

1. Policy Framework: Definition

1.1 The policy framework means the following plans, policies and strategies and such others as may be added by the Council. (Note: all other plans policies and strategies shall be the responsibility of the Executive)

1.1.1 Crime and Disorder Reduction Strategy

1.1.2 Local Transport Plan

1.1.3 Plans with Local Plan status which includes the Development Strategy and the Waste and Minerals Local Plans

1.1.4 Sustainable Community Strategy

1.1.5 Statement of Licensing Policy under Section 5 of the Licensing Act 2003

1.1.6 Statement of Licensing Authority Policy under Section 349 of the Gambling Act 2005

1.1.7 Corporate Strategic Plan / Medium Term Plan

1.1.8 Older People's Strategy

1.1.9 Housing Strategy

1.1.10 Climate Change Strategy

1.1.11 Equality and Diversity Strategy

1.1.12 Joint Economic Development Strategy for Bedfordshire

1.2 The title of the plans, policies and strategies described above may, from time to time, be varied. Notwithstanding any change in title, these plans, policies and strategies will be deemed to remain part of the policy framework until expressly removed by the Council.

2. Budget: Definition

2.1 The budget includes:-

2.1.1 the allocation of financial resources to different services and projects;

2.1.2 proposed contingency funds;

2.1.3 setting the Council Tax;

2.1.4 the Medium Term Financial Strategy;

2.1.5 the setting of virement limits;

2.1.6 formulating a plan or strategy for:

2.1.6.1 the control of the Council's borrowing (including prudential indicators);

2.1.6.2 investments (including Annual Treasury Management Strategy and Treasury Management Policy Statement (reviewed on a periodic basis));

2.1.6.3 capital expenditure; or

2.1.6.4 determining the authority's minimum revenue provision,

2.1.7 Fees and Charges (as part of the annual budget setting at full Council); and

2.1.8 The setting of virement limits.

(Amendments to either the revenue or capital budgets which are made in accordance with the provisions of the Code of Finance Governance and Code of Procurement Governance set out at **Part I** of this constitution shall be deemed to be made within the budget).

PART 2, ARTICLE 5 - CHAIRING THE COUNCIL

1. The Chairman of the Council will be elected by the Council annually. The chairman and in his/her absence the vice-chairman will have the following roles and functions:-
 - 1.1 **Chairing the Council Meeting**
 - 1.1.1 To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
 - 1.1.2 To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - 1.1.3 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive and who do not hold committee chairs are able to hold the Executive and committee chairmen to account; and
 - 1.1.4 To promote public involvement in the Council's activities.
 - 1.2 **Civic/Ceremonial**
 - 1.2.1 To attend such civic and ceremonial events as the Council and he/she determines appropriate.

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PART 2 ARTICLE 6 OVERVIEW AND SCRUTINY ARRANGEMENTS AND TERMS OF REFERENCE

1. Terms of Reference of Overview and Scrutiny Committees

1.1 The Council will appoint the overview and scrutiny committees shown in the table below. These committees will discharge, in respect of the matters shown in their terms of reference **below**, the functions conferred by Section 21 of the Local Government Act 2000 as amended by Section 7 of the Health and Social Care Act 2001; by Section 19 of the Police and Justice Act 2006; by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007; and by any subsequent legislation.

Name of Committee
Corporate Resources Overview and Scrutiny Committee
Children's Services Overview and Scrutiny Committee
Social Care, Health and Housing Overview and Scrutiny Committee
Sustainable Communities Overview and Scrutiny Committee

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PART 2. ARTICLE 7 - EXECUTIVE ARRANGEMENTS

1. Role

- 1.1 The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the constitution.

2. Form and Composition

- 2.1 The Executive will consist of the Leader together with at least two, but not more than nine, councillors including a Deputy Leader appointed to the Executive by the Leader.

3. Leader

- 3.1 The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until the day of the first post-election annual meeting which follows his/her election as Leader unless:-
- 3.1.1 he/she resigns from the office or otherwise ceases to be a councillor before the next election; or
 - 3.1.2 he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - 3.1.3 he/she is removed from office either by resolution of the Council in accordance with the Procedure Rules set out in **Part B5** of the constitution or in the event of a change in the overall political control of the Council.

4. Other Executive Members

- 4.1 Other Executive members must be members of the Council appointed to the Executive by the Leader. They hold office until the next election of all members of the Council unless:-
- 4.1.1 they resign from office; or
 - 4.1.2 they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - 4.1.3 they are no longer councillors; or

- 4.1.4 they are removed from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

5. Deputy Leader

- 5.1 The Leader will appoint a member of the Executive to the position of Deputy Leader. The Deputy Leader will hold office until the next election of all members of the Council unless:

- 5.1.1 he/she resigns from office; or

- 5.1.2 he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

- 5.1.3 he/she is no longer councillor; or

- 5.1.4 he/she is removed from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

- 5.2 The Deputy Leader shall act in place of the Leader if the Leader is absent or otherwise unable to carry out his/her duties. If the Leader no longer holds office, the Deputy Leader will carry out the role and duties of the Leader until such time as the Council elects a councillor to the position of Leader.

- 5.3 Where a vacancy exists in the office of Deputy Leader, the Leader must appoint another person in his/her place.

- 5.4 If for any reason:-

- 5.4.1 the Leader is unable to act or the office of Leader is vacant;
and

- 5.4.2 the Deputy Leader is unable to act or the office of Deputy Leader is vacant

the Executive must act in the Leader's place or must arrange for a member of the Executive to act in his/her place.

6. Portfolios

- 6.1 The Leader shall have authority to determine the portfolio structure of the Executive, and to vary that structure from time to time.

- 6.2 The Leader shall allocate portfolios to individual members of the Executive and may vary that allocation at any time. The Leader shall also designate a member of the Executive as lead member for Children's Services under Section 19(1) of the Children Act 2004.
- 6.3 Any powers delegated by the Leader to individual portfolio holders, together with the limits of those powers, shall be documented in **Part C3** of the constitution.

7. Restriction on Membership

- 7.1 Neither the Chairman nor Vice-Chairman of the Council may be appointed to the Executive.
- 7.2 Members of the Executive (including the Leader) shall not be members of an overview and scrutiny committee.
- 7.3 There may be no co-optees and no substitutes for Executive members.

8. Proceedings of the Executive

- 8.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in **Part C4**.

9. Description of Executive Arrangements

- 9.1 The following parts of the constitution constitute the executive arrangements:-

Part B1 – Functions of the full Council;

Part C - The Executive;

Part D - Overview and Scrutiny Committees;

Part G - Decision making and Access to Information Procedure Rules;

Part H3 – Scheme of Functions Delegated to Officers;

Part J – Partnership arrangements.

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PART 2, ARTICLE 8 - APPOINTMENT OF COMMITTEES

1. The Council will appoint the committees listed in **Part E2** of the constitution. The membership of those committees, the proceedings that apply to them and the functions delegated to them by the Council are set out at **Parts E2** and **E3** of the constitution.
2. With the exception of the Licensing Sub-Committee and the Health and Wellbeing Board, the provisions relating to political balance contained in sections 15 - 17 of the Local Government and Housing Act 1989 shall apply to these committees. Whilst political proportionality is not required for the Licensing Sub-Committee, where practicable the Members should be drawn from more than one political group.
3. Named substitutes may be appointed to committees in accordance with the arrangements contained in the Full Council Procedure Rules in **Part B5** of the Constitution.
4. The Committee Procedure Rules set out in **E3** below shall apply to the proceedings of these committees.
5. The Council may also establish joint committees, details of which are set out in **Part J2** of the constitution.

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PART 2 ARTICLE 9 - AREA COMMITTEES AND FORUMS

1. The Council has decided not to appoint any area committees or forums.
2. The Council or the Executive may however in the future appoint such area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

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J2 - JOINT ARRANGEMENTS

1. Arrangements to promote well being

- 1.1 The Council or the Executive, in order to promote the economic, social and environmental well being of its area, may:-
 - 1.1.1 Enter into arrangements or agreements with any person or body;
 - 1.1.2 Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - 1.1.3 Exercise on behalf of that person or body any functions of that person or body.

2. Joint Arrangements

- 2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 2.2 The Executive may establish joint arrangements with one or more local authorities to exercise functions, which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 2.3 Except as set out **below**, the Executive may only appoint Executive Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.
- 2.4 The Executive may appoint Members to a joint committee from outside the Executive if the joint committee has functions for only part of the area of the Authority, and that area is smaller than two-fifths of the Authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a Member for an electoral ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

- 2.5 Details of the joint arrangements made by the Council **are set out below, including any** delegations to joint committees, are set out **in the following table:-**

Description of Joint Arrangements
Biggleswade Joint Committee
Dunstable Joint Committee
Houghton Regis Partnership Committee
Leighton-Linslade Partnership Committee
Wixams Joint Development Control Committee (with Bedford Borough Council)
Joint Waste Disposal Project Board (Joint Officer arrangement established under Section 101(5) of the Local Government Act 1972)
South East Midlands Local Transport Board

3. Access to Information

- 3.1 The Access to Information Procedure Rules at **Part G2** of this constitution apply to joint committees established by the Council under paragraph 2.1 or by the Executive under paragraph 2.2.
- 3.2 If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- 3.3 If the joint committee contains councillors who are not members of the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply to that joint committee.

4. Delegation to and from other Local Authorities

- 4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.2 The Executive may delegate executive functions to another local authority or to the Executive of another local authority in certain circumstances.
- 4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

5. Governance Arrangements

- 5.1 Any existing or future joint arrangements entered into by Central Bedfordshire Council shall be in accordance with the Partnerships Protocol at **Part J3** of the Constitution.

6. Contracting out

- 6.1 The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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PART 2, ARTICLE 11 - OFFICERS

1. General

- 1.1 The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

2. Chief Officers

- 2.1 The Council will engage persons for the following posts, who will be designated chief officers:-
- 2.1.1 Chief Executive, who is also the Council's Head of Paid Service
 - 2.1.2 Director of Social Care, Health and Housing, who is the Council's statutory Director of Adult Social Services
 - 2.1.3 Director of Children's Services, who is also the Council's statutory Chief Education Officer and Director of Children's Services.
 - 2.1.4 Director of Community Services
 - 2.1.5 Director of Resources
 - 2.1.6 Director of Regeneration
 - 2.1.7 Director of Public Health
- 2.2 The functions and areas of responsibility of each of the Council's chief officers and delegations to other officers are set out in full in the Scheme of Functions Delegated to Officers in **Part H3** of the Constitution.

3. Statutory Officer Appointments

- 3.1 Certain legislation requires local authorities to make specific statutory appointments which carry specific responsibilities. These are outlined in the table overleaf.

	LEGISLATION	STATUTORY OFFICER	ALLOCATED TO
1.	S.6 Local Authority Social Services Act 1970 (as amended by the Children Act 2004)	Director of Adult Social Services (Adult Services Only)	Director of Social Care, Health and Housing
2.	S.151 Local Government Act 1972	Chief Finance Officer	Chief Finance Officer
3.	S.3 and S.25 of the Local Government Act 2003	Chief Finance Officer	Chief Finance Officer
4.	S.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
5.	S.28 Representation of the People Act 1983	Acting Returning Officer	Chief Executive
6.	S.35 Representation of the People Act 1983	Returning Officer	Chief Executive
7.	S.72 Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Head of Public Protection
8.	S.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
9.	S.5 Local Government and Housing Act 1989	Monitoring Officer	Monitoring Officer
10.	S.532 Education Act 1996	Chief Education Officer	Director of Children's Services
11.	S.18 Children Act 2004	Director of Children's Services	Director of Children's Services
12.	S.212A Local Government Act 2000	Scrutiny Officer	Head of Governance
13.	Section 73A National Health Service Act 2006		

3.2 Further information about the functions of some of **these statutory roles is given below.**

3.3 **Functions of the Head of Paid Service**

3.3.1 **Structure:** The Head of Paid Service will determine and publicise a description of the overall detailed structure of the Council showing the management structure and deployment of officers.

3.3.2 **Discharge of functions by the Council:** The Head of Paid Service will report to full Council, where he/she considers it appropriate, any proposals relating to the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

3.4 **Functions of the Monitoring Officer**

3.4.1 **Maintaining the Constitution:** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

3.4.2 **Ensuring lawfulness and fairness of decision making:** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to a meeting of Council (or to the Executive in relation to an executive function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- 3.4.3 **Ethical Standards:** The Monitoring Officer will advise and support the Council in the exercise of its responsibilities for Standards under chapter 7 of the Localism Act including:
- contributing to the promotion and maintenance of high standards of conduct by Members and officers of the Council
 - commissioning and conducting investigations into allegations submitted under section 29 of the Localism Act 2011
 - establishing and maintaining a register of interests of members and co-opted members of the Council
 - exercising such responsibilities for Standards in relation to Parish Councils as are prescribed by the Localism Act 2011.
- 3.4.4 **Proper officer for access to information:** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 3.4.5 **Advising whether Executive decisions are within the budget and policy framework:** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- 3.4.6 **Providing advice:** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- 3.4.7 **Procurement of external legal advice:** The Monitoring Officer will advise on the procurement of external legal advice.

3.5 **Functions of the Chief Finance Officer**

- 3.5.1 **Ensuring lawfulness and financial prudence of decision making:** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to a meeting of Council (or to the Executive in relation to an executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
 - 3.5.2 **Sustainable financial position:** Sections 3 and 25 of the Local Government Act 2003 require the Chief Finance Officer to report to the Council at the time that the budget is considered and the Council Tax set on the robustness of the budget estimates and the adequacy of financial reserves. He/she must ensure that the guidelines and ratios set down for the purposes of the Prudential Capital regime are adhered to, once fixed, and report to the Council if they are going to be infringed.
 - 3.5.3 **Administration of financial affairs:** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
 - 3.5.4 **Contributing to corporate management:** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
 - 3.5.5 **Providing advice:** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
 - 3.5.6 **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- 3.6 **Restrictions on functions**

The Head of Paid Service may not also be the Monitoring Officer but may hold the post of Chief Finance Officer, if a qualified accountant. The Monitoring Officer may not be the Chief Finance Officer or the Head of Paid Service. The Scrutiny Officer may not also be the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

3.7 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

3.8 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in **Part F** of this Constitution.

3.9 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in **Part H4** of this Constitution.

4. Proper Officer Appointments

4.1 The Local Government Act 1972 makes provision for certain officers of a local authority to be designated as the "Proper Officer" to carry out particular functions under various Acts of Parliament. These are outlined in the table below.

4.2 In the event of any officers mentioned above being for any reason unable to act or of any of their posts being vacant, the Chief Executive will appoint an officer to act in their place.

4.3 The Chief Executive is appointed as the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has yet been made by the Council and is reflected in the Constitution.

4.4 Statutory provisions and regulations are from time to time amended, replaced or re-enacted. Every appointment outlined in the table below that is amended, replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
1.	Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
2.	Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
3.	Any reference in any public or local statutory provision to the Proper Officer of the Council, except as provided in this table.			Chief Executive
4.	Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer which, by virtue of any provision to the said Act, is to be construed as a reference to the Chief Financial Officer of the Council.			Chief Finance Officer
5.	Building Act 1984	Section 61	Receive notification of, and having free access to, repairs of drains.	Assistant Director Planning
6.	The Flood and Water Management Act 2010	Section 21	To maintain a register of structures and features which are likely to have a significant effect on flood risk in the area	Assistant Director Planning
7.	Environmental Protection Act 1990	Section 149	Seizure of stray dogs	Head of Public Protection
8.	Highways Act 1980	Section 37(5)	Receive and make available for inspection certificates approving dedication of highways to be maintainable at public expense	Head of Highways

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
9.		Section 205(3) and (5)	Preparation of specification estimate and provisional appointment for private street works, and receipt and making available for inspection those documents	Assistant Director Highways & Transport
10.		Section 210(2)	Certification of document giving details of estimate and consequential amendment or provisional appointment for private street works	Assistant Director Highways & Transport
11.		Section 211(1)	Making final apportionment of expenses for private street works	Assistant Director Highways & Transport
12.		Section 216(2) and (3)	Settlement of proportion of amount where certain railway or canal undertakers are exempt	Assistant Director Highways & Transport
13.	Housing Act 1985	Section 606	Submitting reports on, or conducting inspections of, houses unfit for human habitation or in clearance areas	Assistant Director Housing Services
14.	Housing Act 2004	Section 4	Receipt and inspection of complaints of category 1 or 2 hazards on residential premises	Assistant Director Housing Services
15.	Local Authorities Cemeteries Order 1977 and Cremation Regulations	All	Officer of the burial authority and Registrar for various matters relating to cremation and to nominate a Medical Referee and Deputy Referee under the regulations	Head of Community Services
16.	Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1	Giving notice of appointments and dismissals at Director or Assistant Director level	Monitoring Officer

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
17.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Regs 3 and 4	Recording of collective executive decisions	Monitoring Officer
18.		Regs 5, 6, 9 and 11	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions	Monitoring Officer
19.		Regs 12 and 15	Publicity in connection with the forward plan and giving notice etc. in cases of urgency	Monitoring Officer
20.		Reg 17	Rights of access to documents for councillors	Monitoring Officer
21.	Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000	Various Regulations	Verification etc. of Mayoral petitions	Monitoring Officer
22.	Local Elections (Principal Areas) Rules 2006	Rules 52-55	Inspection, production, retention and destruction of electoral documents	Chief Executive
23.	Local Elections (Parishes and Communities) Rules 2006	Rules 52-55	Inspection, production, retention and destruction of electoral documents	Chief Executive
24.	Local Government Act 1972	Section 13 (3)	Parish Trustee, where parish has no separate parish council	Chief Executive
25.		Section 83(1) to (4)	Witnessing and receiving declarations of acceptance of office	Chief Executive
26.		Section 84(1)	Receiving a councillor's resignation	Chief Executive
27.		Section 88(2)	Calling a full Council meeting to elect a chairman if there is a casual vacancy	Chief Executive
28.		Section 89(1)(b)	Giving notice of a casual vacancy	Chief Executive

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
29.		Section 96(2)	Receipt and recording of disclosure of Members' interests under Section 94 and 96(1)	Monitoring Officer
30.		Section 100 and 100A to 100K	Access to meetings and documents	Monitoring Officer
31.		Section 115(2)	Receiving money due from officers	Chief Finance Officer
32.		Section 146(1)(a) & (b)	Making declarations and certificates about transferring securities	Monitoring Officer
33.		Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Monitoring Officer
34.		Section 204(3)	Receipt of application for licence under Licensing Act 1964 and Justices licence.	Head of Public Protection
35.		Section 210(6) and (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities – or if there is no such office, to the Proper Officer	Monitoring Officer
36.		Section 225	Depositing documents	Monitoring Officer
37.		Section 228(3)	Making accounts available for councillors to look at	Chief Finance Officer
38.		Section 229(5)	Certifying photocopies of documents	Monitoring Officer
39.		Section 234(1)	Authenticating documents	Monitoring Officer
40.		Section 234(2)	Statutory Notices under various Public Health and associated legislation	Head of Public Protection and Assistant Director Housing Services

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
41.		Section 234(2)	Notices in respect of Council dwellings relating to the right to buy, or proceedings for the termination of a secure tenancy	Assistant Director Housing Services
42.		Section 236(9) & (10)	Sending copies of byelaws to parish councils, parish meetings and the county council	Monitoring Officer
43.		Section 238	Certifying byelaws	Monitoring Officer
44.		Schedule 12, Para 4(2)(b)	Signing the summons to Full Council	Chief Executive
45.		Schedule 12 Para 4(3)	Being told where to send summonses to Full Council meetings	Monitoring Officer
46.		Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Monitoring Officer
47.		Schedule 16 Para 28	Keeping lists of buildings of special architectural or historic interest	Assistant Director Planning
48.	Local Government Act 1974	Section 30(5)	Giving notice that copies of an ombudsman's report are available	Chief Executive
49.	Local Government (Miscellaneous Provisions) Act 1976	Section 41(1)	Certifying copies of resolutions and minutes	Monitoring Officer
50.	Local Government (Finance) Act 1988	Section 116(1)	Notifying the external auditor of arrangements for a meeting to consider a report of the Chief Finance Officer	Chief Executive
51.	Local Government and Housing Act 1989	Section 2(4)	Receipt of list of politically restricted posts	Monitoring Officer
52.		Section 15	Receipt of Notice relating to political groups	Monitoring Officer
53.		Section 19	Receipt of general notice of members personal interests	Monitoring Officer

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
54.	Local Government (Committees and Political Groups) Regulations 1990		Dealing with political balance on committees	Monitoring Officer
55.	Local Government Act 2000		Acting as proper officer for all the responsibilities in the Local Government Act 2000	Monitoring Officer
56.	Milk and Dairies (General) Regulations 1959	Part VII (Regs 18-20)	Provisions with regard to infection of milk	Head of Public Protection
57.	Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Chief Finance Officer
58.	Proceeds of Crime Act 2002	Part 7	Nominated officer to receive disclosures on suspected money laundering	Chief Finance Officer
59.	Terrorism Act 2009	Part 3	Nominated officer to receive disclosures on suspected terrorist property	Chief Finance Officer
60.	National Assistance Act 1948	All	Public Health (misc.)	Head of Public Protection
61.	National Assistance (Amendment) Act 1951	All	Public Health (misc.)	Head of Public Protection in consultation with Director of Social Care, Health and Housing and Director of Public Health where appropriate
62.	Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Head of Public Protection in consultation with Assistant Director Housing
63.	Public Health Act 1961	Section 37	Controlling the sale of verminous things	Head of Public Protection

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
64.	Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Head of Public Protection
65.		Section 18	Getting information about cases of notifiable disease or food poisoning	Head of Public Protection
66.		Section 20	Stopping of work to prevent disease spreading	Head of Public Protection
67.		Section 21	Excluding children from school if they are likely to carry a notifiable disease	Head of Public Protection
68.		Section 22	Asking for the names and addresses of pupils at a school or department of a school	Head of Public Protection
69.		Section 24	Approving satisfactory disinfection or washing of articles known to have been exposed to infection from a notifiable disease.	Head of Public Protection
70.		Section 29	Approval of proper disinfection before allowing letting of house or room after recent case of notifiable disease	Head of Public Protection
71.		Section 30	Approval of proper disinfection of house upon ceasing occupation	Head of Public Protection
72.		Section 31	Certifying the need to disinfect premises	Head of Public Protection
73.		Section 32	Certifying the need to remove someone from an infected house	Head of Public Protection
74.		Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Head of Public Protection
75.		Section 40	Getting a warrant to examine residents of a common lodging house	Head of Public Protection

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
76.		Section 42	Certifying a common lodging house to be free from infection	Head of Public Protection
77.		Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Head of Public Protection
78.		Section 48	Certifying that it would be a health risk to keep a body in a building	Head of Public Protection
79.		Section 59	Authenticating documents about things they are responsible for under the Act.	Head of Public Protection
80.	Public Health (Infectious Diseases) Regulations 1988	All	Infectious diseases, food poisoning and food borne infections.	Head of Public Protection
81.	Rates Act 1984	Section 7	Certification of compliance with maximum rates under the Local Government Finance Act 1987	Chief Finance Officer
82.	Rent Act 1977	Section 63	Appointment of rent officers under a scheme	Director of Social Care, Health and Housing
83.		Schedule 15 Part IV	Certificates of provision of suitable alternative accommodation	Director of Social Care, Health and Housing
84.	Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Chief Executive
85.	Registration Services Act 1953	Sections 9(1) and (2)	Appointment of interim superintendent registrar(s)	Head of Governance
86.		Sections 13(2)(h) and 13(3)(b)	Exercise of powers under the local scheme of organisation	Head of Governance

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
87.		Section 20	The proper officer to be subject to regulations made by the Registrar General	Head of Governance
88.	Registration of Births, Deaths and Marriages Regulations 1968 – 1994		Registration of Births, Deaths and Marriages	Head of Governance

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PART 2 – ARTICLE 12 - DECISION MAKING

1. Key Decisions

1.1 A Key Decision means an executive decision which is likely:-

1.

1.1.1 To result in the Council incurring expenditure which is, or the making of savings, which are significant as defined in 1.2 below, having regard to the Council's budget for the service or function to which the decision relates; or

1.1.2 To be significant in terms of its effect on communities living or working in an area comprising one or more wards in the area of the Council.

1.2 For the purposes of 1.1.1 above, savings or expenditure are significant if they exceed £200,000 per annum (revenue) or £500,000 whole life cost (capital),.

1.3 Savings and expenditure in 1.2 above, does not include:-

1.3.1 The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Policy Statement approved separately by the Council.

1.3.2 Expenditure which is identified in the approved Revenue Budget or Service Plan for the service concerned;

1.3.3 Implementation of a capital project identified in the approved Capital Programme and in respect of which the detailed business case (or equivalent) has been approved;

1.3.4 Implementation of an explicit policy within the approved Budget and Policy Framework or fulfilment of the policy intention of a key decision previously approved by the Executive;

1.3.5 The invitation of tenders or awarding of contracts where necessary to provide for the continuation of an established policy or service standard.

1.3.6 The procurement of placements for children and of care packages, including residential care, for children and adults with disabilities or other conditions warranting the provision of such placements or packages subject to such decisions being reported to the Executive Member for Corporate Resources and the Executive Member for the relevant service area.

1.4 For the purpose of 1.1.2 above, a decision will be regarded as

“significant” if the outcome of the decision will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a substantial number of people living or working in the wards affected.

- 1.5 A decision maker may only take a Key Decision in accordance with the requirements of the Access to Information Procedure Rules set out in **Part G2** of the constitution.

2. Forward Plan

- 2.1 Each month the Monitoring Officer will publish a plan (known as “the Forward Plan”). The Forward Plan will be published at least 14 days before the start of the period covered.
- 2.2 The Forward Plan will contain details of all matters likely to be the subject of Key Decisions during the twelve month period commencing on the first day of the month following its publication.
- 2.3 Further details regarding the contents of and arrangements for publishing the Forward Plan are set out in the Access to Information Procedure Rules in **Part G2** of the constitution.

Responsibility for Decision Making

- 1.1 Section 13 of the Local Government Act 2000 (“the 2000 Act”) provides that all the functions of the Council shall be functions of the Executive except in so far as they are reserved to the Council by the 2000 Act, by other or subsequent legislation or by regulations made under the 2000 Act.
- 1.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Regulations”) define those functions:
 - 1.2.1 which must not be discharged by the Executive;
 - 1.2.2 which may be the responsibility of the Executive (known as “local choice functions”); and
 - 1.2.3 which may not be the sole responsibility of the Executive; and
 - 1.2.4 circumstances in which functions which would otherwise be functions of the Executive fall to be discharged other than by the Executive.
- 1.3 The Council therefore only has discretion to define the split of functions between the Council (“council functions”) and the Executive (“executive functions”) in respect of those which fall within categories 1.2.2 and 1.2.3 above.

- 1.4 “Council Functions” shall therefore comprise
 - 1.4.1 those functions which are reserved as council functions by the 2000 Act and by other and subsequent legislation;
 - 1.4.2 those functions which are reserved as council functions by Regulation 2 and Schedule 1 of the Regulations and subsequent regulations made under the 2000 Act;
 - 1.4.3 those functions set out in Regulation 3 and Schedule 2 of the Regulations which the Council decides should be discharged by itself (the “local choice functions” as set out in **Part B5** of the constitution);
 - 1.4.4 the plans and strategies the adoption or approval of which shall be a council function (the “Policy Framework”) shall be those plans and strategies set out in Schedule 3 of the Regulations and subsequent regulations made under the 2000 Act, together with such other plans and strategies as the Council shall identify from time to time for this purpose (as set out in **Part B2** of the constitution).
- 1.5 The Council may make arrangements under Section 101 of the Local Government Act 1972 for the discharge of any of its functions by:-
 - 1.5.1 A committee;
 - 1.5.2 A sub-committee;
 - 1.5.3 A joint committee;
 - 1.5.4 Another local authority; and
 - 1.5.5 An officer.
- 1.6 The arrangements for the discharge of the Council’s functions are set out in **Part B (The Council), Part E (Regulation & Other Committees), Part H3 (Scheme of Delegation to Officers)** and **Part J (Joint Arrangements)** of this Constitution.
- 1.7 The arrangements for discharge of executive functions are set out in **Part C and Part J** of this constitution.

2. Principles of Decision Making

- 2.1 All decisions of the Council, its committees, the Executive and those taken under delegated powers will be made in accordance with the following principles:-
 - 2.1.1 Clarity of aims and desired outcomes;
 - 2.1.2 Proportionality (i.e. the action must be proportionate to the desired outcome);

- 2.1.3 Consideration of all options available;
- 2.1.4 Professional advice is taken from officers;
- 2.1.5 Consideration of the outcome of any consultation;
- 2.1.6 Respect for human rights;
- 2.1.7 A presumption in favour of openness and an expectation that Committee reports will be drafted so that, wherever practicable, any exempt information is extracted and placed in a separate appendix in order that the remainder of the report may be considered in open session;
- 2.1.8 Only relevant matters to be taken into account;
- 2.1.9 Due weight to be given to all material considerations;
- 2.1.10 Lawfulness and financial propriety, and
- 2.1.11 All decisions should be evidence-based.

3. Types of Decision

- 3.1 Decisions reserved to full Council: decisions relating to the functions listed in **Part B1** will be made by the full Council and not delegated.
- 3.2 Decisions made by committees appointed by the Council: power to make such decisions is delegated by the Council in accordance with the terms of reference contained in **Part E (Regulatory and Other Committees)** of this constitution, except where that power derives directly from legislation.
- 3.3 Executive Decisions: most decisions are taken by the Executive or by officers acting under delegated powers on the Executive's behalf. These are either Key Decisions or other decisions.
- 3.4 Key Decisions: A definition of Key Decisions is provided at **Part C2** of this constitution.

4. Decision making by the Full Council

- 4.1 Subject to paragraph 7.1, the council meeting will follow the Council Procedure Rules set out in **Part B4** of this constitution when considering any matter.

5. Decision making by the Executive

- 5.1 Subject to paragraph 7.1, the Executive will follow the Executive Procedures Rules set out in **Part C4** of this constitution when considering any matter.

6. Decision making by other Committees and Sub-Committees established by the Council

6.1 Subject to paragraph 7.1, other council committees and sub-committees will follow the Committee Procedures Rules set out in **Part E3** of this constitution when considering any matter.

7. Decision making by Council bodies acting as Tribunals

7.1 The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial as provided in Article 6 of the European Convention on Human Rights.

8. Scrutiny of Decisions

8.1 Overview and scrutiny committees have been appointed by the Council to scrutinise decisions taken by the Executive. The responsibilities and terms of reference of these committees are described in **Part D** of the constitution. The overview and scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in **Part D2** of the constitution when considering any matter.

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PART 2, ARTICLE 13 - FINANCE, CONTRACTS AND LEGAL MATTERS

1. Financial Management

- 1.1 The management of the Council's financial affairs will be conducted in accordance with the Code of Financial Governance set out in **Part 12** and the detailed operational procedure rules supporting the Code.

2. Contracts

- 2.1 Every contract made by the Council will comply with the Code of Procurement Governance set out in **Part 13** and the detailed operational procedure rules supporting the Code.

3. General Emergency Powers

- 3.1 The Head of Paid Service shall, in the event of civil disasters or other issues of extreme emergency, have power to make decisions for the protection of the area and its inhabitants and which cannot be dealt with in accordance with the normal decision making processes of the Council.

4. Legal Proceedings

- 4.1 Except as provided in paragraph 4.2 below, the Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.
- 4.2 Where it is intended to apply for judicial review of a decision taken by Central Government which affects Central Bedfordshire as a whole, the matter shall be referred for Full Council approval.

5. Authentication of Documents

- 5.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council have given requisite authority to some other person.
- 5.2 The authorisation procedures in respect of contracts and the form in which a contract shall be made shall be as specified in **Part 13**, Code of Procurement Governance.

6. Common Seal of the Council

- 6.1 The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the reasonable opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by him/her.

PART 2, ARTICLE 14 - REVIEW AND REVISION OF THE CONSTITUTION

1. Duty to Monitor and Review the Constitution

- 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.
- 1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in **Part A2**. In undertaking this task the Monitoring Officer may:-
 - 1.2.1 observe any meetings relating to Council business;
 - 1.2.2 undertake an audit trail of a sample of decisions;
 - 1.2.3 record and analyse issues raised with him/her by members/officers/the public and other relevant stakeholders; and
 - 1.2.4 compare practices in this authority with those of other comparable authorities, or national examples of best practice.

2. Changes to the Constitution

- 2.1 Subject to paragraph 2.3, changes to the constitution will only be approved by the full Council, after consideration of the proposal by the General Purposes Committee (or another appropriate member body appointed for similar purpose), which will recommend changes to the Council.
- 2.2 The General Purposes Committee will have regard to advice from the Monitoring Officer on any proposals relating to the constitution. The Monitoring Officer may submit a report direct to the Council in any case where his/her advice is not accepted by the Committee.
- 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.

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PART 2, ARTICLE 15 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1. Suspension of the constitution

1.1 Limit to suspension.

The rules specified below may be suspended by the full Council to the extent permitted within those rules and the law.

1.2 Procedure to suspend.

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved; taking account of the purposes of the constitution set out in **Part A2**.

1.3 Rules Capable of Suspension.

The following rules may be suspended in accordance with paragraph 1.1:-

- **Part B5** – Full Council Procedure Rules
- **Part C4** – Executive Procedure Rules
- **Part D2** – Overview and Scrutiny Procedure Rules
- **Part E3** – Committee Procedure Rules
- **Part I2** – Code of Financial Governance
- **Part I3** – Code of Procurement Governance

2. Interpretation

2.1 The ruling of the Chairman of the Council as to the construction or application of the constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of the constitution set out in **Part A2**. Before making a ruling, the chairman shall have regard to the advice of the Monitoring Officer.

3. Publication and Updating

3.1 The Monitoring Officer will ensure that the constitution is published on the Council's website – www.centralbedfordshire.gov.uk - and is available to councillors, officers and the public.

3.2 The Monitoring Officer will give a printed copy of the constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

- 3.3 The Monitoring Officer will provide each member of the Council with any updates to the constitution on a quarterly basis and will arrange for the copy published on the website to be updated on the same frequency.
- 3.4 The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- 3.5 The Monitoring Officer will ensure that the summary of the constitution is made widely available within the area of Central Bedfordshire and is updated as necessary.

PART 3A - EXECUTIVE FUNCTIONS

1. The arrangements for the discharge of Executive functions are set out in the Executive arrangements as determined by the Leader and reported to the Council, and contained in the tables at 2 and 3 below.
2. **Functions of the Executive and Committees of the Executive**

Responsibility	Membership	Functions
The Executive	The Leader, Deputy Leader and Executive Members	1. To exercise all the functions of the Council except in so far as reserved to the Council by legislation or the Constitution (including functions defined as Council Functions as set out in B1 and E2 or Local Choice functions which are not allocated to the Executive as set out in B6).
		2. To formulate plans or strategies for the approval of the Council which are part of the budget and policy framework.
		3. To consider matters referred by the overview and scrutiny committees.
Committees of the Executive		To be determined by the Leader.

3. **Functions delegated to all Executive Members and individual Executive Members**

Responsibility	Functions	Qualifications (if any)
All Executive Members	To be determined by the Leader	
Leader	To authorise settlement of litigation or claims against the Council above £500,000	In consultation with the Executive Member for Corporate Resources, the relevant Executive Member and the Monitoring Officer.

		Decision to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.
The relevant Executive Member	To authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum, capital gross expenditure or total contract value)	In consultation with the relevant Director, the Executive Member for Corporate Resources and the Chief Finance Officer and subject to compliance with Paragraph 19 of the Access to Information Procedure Rules.
The Executive Member for Corporate Resources	To authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum or capital gross expenditure or total contract value)	In consultation with the relevant Executive Member and the Monitoring Officer.
The Executive Member – Community Services	To carry out the functions of the Council as Traffic Authority under the Road Traffic Regulation Acts, traffic management under the Traffic Management Act 2004 and also its functions relating to road safety and on-street and off-street parking, including implementation of arrangements for civil parking enforcement, where significant objections to the application, proposal or matter concerned arise. ¹	(a) In reaching decisions, the Executive Member shall have regard to the views of ward members who will be invited to attend any meeting at which a decision is to be made. (b) Decisions to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.

¹ A significant objection is defined as an objection from a parish council, ward member or local landowner.

		<p>(c) The public participation provisions in Appendix A to Part A4 of the Constitution shall apply to meetings at which a decision is to be made.</p> <p>(d) In the event of the Executive Member having a conflict of interest, this shall be dealt with as set out in paragraph 4.3 of the Executive Procedure Rules.</p>
<p>The Executive Member for Health in consultation with the Executive Member for Corporate Resources, the Director of Social Care, Health and Housing and the Chief Finance Officer</p>	<p>To approve individual projects, without financial limitation, under the NHS Campus Closure Capital Grant Programme, in accordance with the criteria set out in paragraph 4 of the report to Executive on 15 September 2009 (i.e. projects signed off by the Learning Disabilities Leadership Group).</p>	<p>Subject to:-</p> <p>(a) consideration of the detailed business cases for each project; and</p> <p>(b) compliance with Paragraph 19 of the Access to Information Procedure Rules in respect of any key decision.</p>
<p>The Executive Member for Regeneration</p>	<p>(i) To agree updates to existing conservation area reviews</p> <p>(ii) To consider representations received during public consultation in respect of conservation area reviews and to determine the Council's response thereto</p>	<p>The following qualifications shall apply to the exercise of the functions at (i) to (iii) in the opposite column:-</p> <p>(a) In reaching decisions, the Executive Member shall have regard to the views of the ward Member(s) who will be invited to attend any meeting at which a decision is to be made.</p>

	<p>(iii) To adopt conservation area reviews as Technical Guidance for the purposes of informing development management decisions</p>	<p>(b) In the event of any objection being received from a ward Member, which the Executive Member is unable to resolve, the matter shall be referred to the Executive for determination.</p> <p>(c) Decisions to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.</p> <p>(d) The public participation provisions in Appendix A to Part A4 of the Constitution shall apply to meetings at which a decision is to be made.</p> <p>(e) In the event of the Executive Member having a conflict of interest, this shall be dealt with as set out in paragraph 4.3 of the Executive Procedure Rules.</p>
<p>The Executive Member for Education and Skills</p>	<p>To exercise the Council's duty to determine proposals to alter the upper and lower age range of pupils in schools as prescribed by School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.</p>	<p>(a) to take particular account of:</p> <ul style="list-style-type: none"> • Statutory and non-statutory guidance and the key factors for decision makers • The Admissions Code • Full consideration of the budget implications

		<p>(b) In reaching decisions, the Executive Member shall have regard to the views of the ward Member(s) who will be invited to attend any meeting at which a decision is to be made.</p> <p>(c) Decisions should be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.</p>
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4 Delegation and exercise of shareholder rights in LGSS Law Ltd

4.1 LGSS Law Ltd is a company jointly owned by the Council, Northamptonshire County Council (NCC) and Cambridgeshire County Council (CCC) which was established by NCC and CCC to provide legal services to the owner councils and to other organisations within the public and not for profit sectors. The Council, NCC and CCC each owns one third of the shares in LGSS Law Ltd.

4.2 This Council nominates as its shareholder representative the Executive Member for Corporate Resources. The Council delegates to the Executive Member all and any rights associated with the ownership of the shares and authorises the Executive Member to exercise those rights subject to the following conditions and reservations:

1. The Executive Member shall at all times exercise the delegated rights in accordance with the ten Solicitors Regulation Authority (SRA) Principles and Code of Conduct. If in doubt as to the requirements of the SRA Principles and Code of Conduct, the Executive Member shall take appropriate independent legal advice before exercising the delegated authority.
2. The Executive Member shall exercise the delegated authority under this provision in accordance with the Code of Conduct for Officers and Elected Members of the owner Councils and with all other relevant policies to the extent that those do not conflict with the SRA Code of Conduct and in circumstances where a conflict between the SRA Code of Conduct and any other Code shall arise, the SRA Code of Conduct shall take precedence.

5. **Functions delegated to Officers**

- 5.1 Executive functions delegated to officers of the Council are set out in **Part H3** of the Constitution.

B1 FUNCTIONS OF THE FULL COUNCIL

1. Only the Council will exercise the following functions:-
 - 1.1 Adopting and changing the Constitution (save that the Monitoring Officer may make urgent amendments, amendments to give effect to any decision of the Council or changes in the law, minor amendments such as to correct errors and to ensure that the Constitution is up-to-date as detailed in **Part A5**);
 - 1.2 Approving or adopting the policy framework and the budget;
 - 1.3 Subject to the urgency procedures contained in the Access to Information Procedure Rules in **Part G2** of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/not in accordance with the budget;
 - 1.4 Electing and dismissing the Leader;
 - 1.5 Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
 - 1.6 Adopting a Members' Allowances Scheme under **Part A3** and contained in **Part K** of the Constitution;
 - 1.7 All matters relating to the name and status of the area including:-
 - 1.7.1 The approval of any proposal to change the name of the Council;
 - 1.7.2 The approval of any proposal to change the name of a Parish; and
 - 1.7.3 The approval of any recommendations arising from the conduct of a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007.
 - 1.8 Confirming, or otherwise, the appointment of the Head of Paid Service;
 - 1.9 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
 - 1.10 All local choice functions which the Council has decided should be undertaken by itself rather than the Executive and which are set out in **Part B6**; and
 - 1.11 All other matters which, by law, must be reserved to the Council.
2. Meetings will be conducted in accordance with the Council Procedure Rules in **Part B5** of the Constitution.

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B6 LOCAL CHOICE FUNCTIONS

The Council has determined that the functions listed in the first column of the table below will be carried out by the bodies listed in the second column and delegated further as detailed in the third column.

	FUNCTION	RESPONSIBILITY FOR FUNCTION	DELEGATION OF FUNCTION
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended.	Council	None
2.	The determination of an appeal against any decision made by or on behalf of the authority.	Council	Appeals Committee, unless otherwise delegated to officer under Part H3 (Scheme of Functions delegated to Officers)
3.	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Executive	Assistant Director, Customers & Systems
4.	The making of arrangements to review any decisions to permanently exclude pupils from maintained schools.	Executive	Monitoring Officer
5.	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals).	Executive	Monitoring Officer
6.	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive	Monitoring Officer

	FUNCTION	RESPONSIBILITY FOR FUNCTION	DELEGATION OF FUNCTION
7.	The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council	None
8.	The making of appointments to the Police and Crime Panel under schedule 6 of the Police Reform and Social Responsibility Act.	Council	None
9.	Any function relating to contaminated land.	Executive	Director of Sustainable Communities
10.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Director of Sustainable Communities
11.	The service of an abatement notice in respect of a statutory nuisance.	Executive	Director of Sustainable Communities
12.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Director of Sustainable Communities
13.	The inspection of the authority's area to detect any statutory nuisance.	Executive	Director of Sustainable Communities
14.	The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Director of Sustainable Communities
15.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Allocated to each of the Executive and Council (and delegated where appropriate to the relevant committees and officers) so far as required for carrying out functions allocated to these bodies.	Director of Sustainable Communities

	FUNCTION	RESPONSIBILITY FOR FUNCTION	DELEGATION OF FUNCTION
16.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Allocated to each of the Executive and Council (and delegated where appropriate to the relevant committees and officers) so far as required for carrying out functions allocated to these bodies.	All Directors
17.	The making of agreements for the execution of highways works.	Council	Development Management Committee, and delegated to the Director of Sustainable Communities
18.	<p>The appointment of any individual -</p> <p>(a) to any office other than an office in which he/she is employed by the authority;</p> <p>(b) to any body other than -</p> <p style="padding-left: 40px;">(i) the authority;</p> <p style="padding-left: 40px;">(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p>	<p>Council</p> <p>Initial appointments after a new Council is elected to be made by the Council, except an appointment to a joint health overview and scrutiny committee, arrangements for which are set out in Paragraph 5 of Part D1 of the constitution.</p>	<p>General Purposes Committee (for appointments in relation to Directors and Chief Executive) and Chief Executive (for appointments in relation to officers below Director level).</p> <p>Thereafter the Monitoring Officer is authorised, in consultation with Group Leaders, to make new appointments, fill vacancies, approve variations to existing appointments and delete organisations from the approved list.</p>

	FUNCTION	RESPONSIBILITY FOR FUNCTION	DELEGATION OF FUNCTION
19.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive (for decisions on staff at Assistant Director Service level and above).	All Directors (for decisions on staff below Assistant Director level).
20.	Functions under the Local Government and Public Involvement in Health Act 2007 relating to local area agreements: - Section 106 (Duty to prepare and submit draft of Local Area Agreement) Section 110 (Revision and addition of targets) Section 111 (Designated targets: revision proposals†) Section 113 (Duty to publish information about Local Area Agreement)	Council Council Council Executive	None None None Chief Executive

† Designated targets are those targets that are designated as priorities by the Secretary of State, relating to Public Service Agreements.

PART 3B COMMITTEE TERMS OF REFERENCE (2)

1. The Development Management Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
Number of Members:	13 (with effect from 1 May 2014)
Chairman and Vice-Chairman appointed by:	The Council
Quorum:	At least 50% of the membership of the Committee
Frequency:	Four weekly or as otherwise determined by the Monitoring Officer in consultation with the Chairman
Venue:	Priory House or as otherwise determined by the Monitoring Officer in consultation with the Chairman
Co-opted Members:	None
Code:	The Planning Code of Good Practice

1.1 Terms of Reference

To exercise the following functions of the Council (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex A below), which are not delegated to officers in **Part H3** of the Constitution:-

1.1.1 Planning and Conservation

To exercise all powers relating to town and country planning and development control functions.

1.1.2 Commons Registration

The registration of common land or town and village greens and of the variation of rights of common and powers of enforcement, protecting unclaimed registered common land, and to institute proceedings for offences in respect of unclaimed common land.

1.1.3 Highways Use and Regulation and Public Rights of Way

The exercise of powers relating to the regulation of the use of highways and relating to public rights of way.

1.1.4 Trees and Hedgerows and other miscellaneous functions

The exercise of powers relating to the preservation of trees and the protection of important hedgerows and other miscellaneous functions.

1.2 Limitation of Powers

1.2.1 The Committee has full delegated powers on behalf of the Council.

2. The Licensing Committee

Appointed by:	The Council under Section 6 of the Licensing Act 1972 and Section 101 of the Local Government Act 2972
No of Members:	12
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Quarterly
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	Licensing Code of Good Practice.

2.1 Terms of Reference

- 2.1.1 To exercise all licensing functions of the Council under the Licensing Act 2003 (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex B and C below) which are not delegated to a sub-committee or officers;

- 2.1.2 To exercise all functions of the Council, under Part 8 of the Gambling Act 2005, as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex B below) and in relation to the Health and Safety at Work Act 1974, except where those functions are discharged in the Authority's capacity as an employer, which are not delegated to a sub-committee or officers.

2.2 Limitation of Powers

The Committee has full delegated powers subject to the following exclusions which shall be recommended for approval by the Council:-

- 2.2.1 approving the Authority's Licensing Statement under Section 5 of the Licensing Act 2003;
- 2.2.2 approving the Authority's Gambling Licensing Policy under Section 349 of the Gambling Act 2005;
- 2.2.3 deciding not to issue casino licences under Section 166 of the Gambling Act 2005; and
- 2.2.4 the making of Designation Orders in accordance with the provisions of Section 13 of the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001.

3. The Licensing Sub-Committee

Appointed by:	The Licensing Committee under Section 9 of the Licensing Act 2003
No of Members:	3 Councillors appointed by the Monitoring Officer as and when necessary from a panel comprising all members of the Licensing Committee
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum	2
Frequency	As and when required
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	The Licensing Code of Good Practice. Licensing Hearings Procedure .

3.1 Terms of Reference

To undertake hearings under the Licensing Act 2003 in respect of the functions set out in Annex C below.

3.2 Limitation of Powers

None.

4. The Audit Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	7. No Member of the Executive, no Deputy Executive Member and no member of the Corporate Resources Overview and Scrutiny Committee may sit on the Audit Committee
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Quarterly
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted members	None

4.1 Terms of Reference

Statement of Purpose

The purpose of the Audit Committee is to provide independent assurance on the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process. Where the Authority risk is extended into partnerships with other Authorities and contracts with suppliers, then the Committee will be empowered to request the attendance of the third parties to provide an entire picture of both audit and risk.

The Audit Committee has the following specific responsibilities:-

Audit Activity

- 4.1.1 To consider and approve the internal Audit strategy and receive periodic reports on its operation;
- 4.1.2 To approve, amend and monitor progress against the internal Audit Strategy and Plan;
- 4.1.3 To consider the Internal Audit annual report, including a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's control environment;
- 4.1.4 To consider summaries of specific internal audit reports, as requested;
- 4.1.5 To consider whether internal audit services provided are effective, monitoring any areas identified for improvement;
- 4.1.6 To consider periodic reports on internal audit, including whether agreed internal audit recommendations have been suitably addressed within a reasonable timescale;
- 4.1.7 To consider and note the external auditor's annual management letter and opinion and progress reports in accordance with their annual work programme;
- 4.1.8 To consider specific reports from the external auditor and determine whether suitable responses/actions have been taken;
- 4.1.9 To comment on the scope and depth of external audit's work and to help ensure it provides value for money;
- 4.1.10 To liaise with the Audit Commission over the appointment of the Council's external auditor;
- 4.1.11 To commission work from both internal and external audit.

Regulatory Framework

- 4.1.12 To review any issue referred to it by the Chief Executive or a Director or Assistant Chief Executive or any Council body;
- 4.1.13 To approve the Risk Management Policy Statement and monitor the operation thereof;
- 4.1.14 To approve the Anti-Fraud and Corruption Policy and monitor the operation thereof;
- 4.1.15 To maintain an overview of the Council's Confidential Reporting Code and to recommend the Council on any amendments required thereto;
- 4.1.16 To approve the Local Code of Governance and monitor the operation thereof;
- 4.1.17 To oversee the production of the Annual Governance Statement and to approve its adoption when satisfied it properly reflects the governance arrangements and the management of risk and any significant actions required to improve it.

Accounts

- 4.1.19 To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial settlements or from the audit that need to be brought to the attention of the Council.
- 4.1.20 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

4.2 Limitation of Powers

- 4.2.1 The Committee has full delegated powers, except in so far as the limitations provided in 4.1.17 above;
- 4.2.2 The Council will receive a report from the Chairman of the Audit Committee on the Committee's activities once each year.

5. The General Purposes Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	12 including at least 3 members of the Executive
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Provision to be made for a meeting in each committee cycle, if needed
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted members	None

5.1 Terms of Reference

- 5.1.1 To make arrangements for the appointment of the Head of Paid Service, Directors, Chief Finance Officer and Monitoring Officer and the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, via the Appointments Sub-Committee;
- 5.1.2 To determine strategic employee policies;
- 5.1.3 To determine terms and conditions of employment for employees;

- 5.1.4 To consider and determine any matter relating to HR policies or terms or conditions of employment referred from the Education Employee Relations Steering Group in circumstances where it has not been possible to reach agreement between staff and management sides on such matters;

Note: The Education Employee Relations Steering Group is an informal group comprising the Director of Children's Services or their nominee and representatives of 7 professional associations for primary and secondary education.

- 5.1.5 To exercise the Council's functions under Chapter 7 (sections 26 to 37) of the Localism Act relating to Ethical Standards either itself or through a Standards Sub-Committee;
- 5.1.6 To carry out all functions relating to elections, electoral registration, changing governance arrangements and community governance reviews (specified in column 1 of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as may be amended from time to time);
- 5.1.7 To deal with matters relating to the civic and ceremonial activities of the Council;
- 5.1.8 To consider all matters relating to the name and status of the area and individuals;
- 5.1.9 Oversight of the Council's constitution, including approving any changes that may be required on the advice of the Monitoring Officer;
- 5.1.10 To receive for information reports advising of compensation payments or other benefits provided arising from complaints under the Corporate Complaints Procedure;
- 5.1.11 To receive for information reports advising of the making of payments in respect of the settlement of any Ombudsman complaint;
- 5.1.12 To deal with all other non-Executive functions which are not reserved to the full Council or are not otherwise delegated.

5.2 Limitation of Powers

The Committee will have full delegated powers subject to the following exceptions which shall be recommended for full Council approval:-

- 5.2.1 The approval of any proposal to change the name of the Council or a Parish;
- 5.2.2 The approval of any recommendations arising from the conduct of a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007;
- 5.2.3 The power to petition for a charter to confer borough status;
- 5.2.4 Proposals for submission to the Boundary Committee for England in respect of:-
 - 5.2.4.1 Electoral arrangements for the District and those Parishes within Central Bedfordshire; and
 - 5.2.4.2 Parliamentary Constituencies within Bedfordshire.

6. The Standards Sub-Committee

Appointed by:	The General Purposes Committee
No of Members:	3 - 5 Councillors appointed by the Monitoring Officer as required from the membership of the General Purposes Committee including substitutes.
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum:	3
Frequency:	As and when required
Venue:	To be determined by the Monitoring Officer
Co-opted members:	None

6.1 Terms of Reference

To consider any matters relating to ethical standards referred to it by the Monitoring Officer, including the conduct of hearings set out at **Part F2 below.**

7. The Appointments Sub-Committee

Appointed by:	The General Purposes Committee under Section 101 of the Local Government Act 1972
No of Members:	3 - 5 Councillors appointed by the Monitoring Officer as and when necessary, (from a panel of Members appointed by the General Purposes Committee for this purpose) including at least one member of the Executive
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum	3
Frequency	As and when required
Venue	To be determined by the Monitoring Officer
Co-opted members	None

7.1 Terms of Reference

- 7.1.1 To appoint or recommend the appointment of officers to whom the Officer Employment Procedure Rules apply, including the Head of Paid Service, Directors, the Chief Finance Officer and the Monitoring Officer;
- 7.1.2 To recommend the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, as provided in the Officer Employment Procedure Rules in Part H4 of the Constitution.

7.2 Limitations of Power

The Committee has full delegated power, other than the appointment and dismissal of the Head of Paid Service and as otherwise provided in the Officer Employment Procedure Rules in **Part H4** of the Constitution.

8. The Appeals Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	3 – 5 Councillors appointed by the Monitoring Officer as and when necessary, (from a panel of Members appointed by the Council for this purpose)
Chairman and Vice-Chairman appointed by:	The Committee at each meeting.
Quorum	3
Frequency	As and when required
Venue	To be determined by the Monitoring Officer
Co-opted members	None

8.1 Terms of Reference

To exercise the powers and duties of the Council where there is a right to make representations about, or appeal against, decisions made by or on behalf of the Council in relation to any of its functions, not delegated elsewhere within this constitution, including but not limited to:

- 8.1.1 Appeals by employees under their conditions of service or otherwise;
- 8.1.2 Appeals by people pursuant to any statutory provision;
- 8.1.3 appeals in connection with the provision of school or college transport;
- 8.1.4 representations made in connection with a decision to remove a governor from a governing body to which he/she was appointed by the Council.

9. The Health and Wellbeing Board

Appointed by:	The Council under Section 194 of the Health and Social Care Act 2012
No of Members:	At least 1 member of the Council and others prescribed in Section 194 of the Act.
Chairman and Vice-Chairman appointed by:	The Council
Quorum:	At least 50% of the membership of the Board
Frequency	Quarterly or as determined necessary by the Board
Venue	Priory House or as otherwise agreed by the Board
Co-opted Members:	The Board may co-opt additional persons to be members of the Board as it thinks appropriate.
Code:	Health and Social Care Act 2012

9.1 Terms of Reference

Statement of Purpose

- 9.1.1 The Health and Wellbeing Board exists to provide strategic leadership and to promote integration across health, adult social care, children's services, safeguarding and the wider local authority to secure high quality and equitable health and wellbeing outcomes for the population of Central Bedfordshire.

The Board has the following functions:

- 9.1.2 The Board must provide such advice, assistance or other support as it thinks appropriate for the business of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006;

- 9.1.3 The Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Board;
- 9.1.4 The Board may encourage persons who arrange for the provision of any health or social services in its area and persons who arrange for the provision of any health-related services in its area to work together;
- 9.1.5 The Board shall exercise the functions of the Council and its partner commissioning groups under sections 116 (the preparation of a joint strategic needs assessment of relevant needs) and 116A (the preparation of a joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007;
- 9.1.6 The Board shall ensure a joint strategic approach to commissioning and that commissioning decisions reflect local priorities and targets and deliver national and locally agreed outcomes;
- 9.1.7 The Board will seek to improve democratic accountability for the delivery of health care and health improvement outcomes for Central Bedfordshire residents;
- 9.1.8 The Board will seek to secure a strengthened patient voice through greater patient involvement and will ensure that health and social services are responsive to the needs of the local population;
- 9.1.9 The Board will maintain an overview of major service redesign impacting on Central Bedfordshire residents and make recommendations to enable improved and integrated care delivery;
- 9.1.10 The Board will have oversight of the health and care economy in Central Bedfordshire.

9.2 Membership

Core Statutory membership

- 9.2.1 The Health and Social Care Act 2012 prescribes the core statutory membership of the Board as follows:
- The Leader of the Council/and or at least one member of the Council nominated by the Leader;
 - The Council's Director of Adult Social Services;

- The Council's Director of Children's Services;
- The Council's Director of Public Health;
- A representative of the Local Healthwatch organisation for the area;
- A representative of each relevant clinical commissioning group.

Other Members

9.2.2 The Council and the Health and Wellbeing Board may each appoint such additional persons to be members of the Board as they think appropriate.

9.2.3 On the advice of the Health and Wellbeing Board the Council has made the following arrangements

- 3 representatives to be appointed from the Bedfordshire Clinical Commissioning Group (voting members)
- 1 representative from the Commissioning Board Area for Hertfordshire and South Midlands (voting member)
- The Community Services Director, Central Bedfordshire Council (non-voting observer).

Offices of the Chairman and Vice-Chairman

9.2.4 The Chairman shall be a member of Central Bedfordshire Council.

9.2.5 The Vice-Chairman shall be from the health sector.

Limitation of Powers

9.3 Save as provided by statute or in respect of functions specifically reserved to the Council, the Board has full delegated power to exercise the functions listed in sections 9.1 and 9.2 above on behalf of the Council.

Annex A

Development Management Committee

Delegated Functions

The Development Management Committee is authorised to undertake the following functions on the Council's behalf:

A Functions relating to town and country planning and development control

1. Power to determine applications for planning permission
2. Power to determine applications to develop land without compliance with conditions previously attached
3. Power to grant planning permission for development already carried out
4. Power to decline to determine applications for planning permission
5. Duties relating to the making of determinations of planning applications
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
8. Power to enter into agreements regulating the development or use of land
9. Power to issue a certificate of existing or proposed lawful use or development
10. Power to serve a completion notice
11. Power to grant consent for display of advertisements
12. Power to authorise entry onto land
13. Power to require the discontinuance of the use of land
14. Power to serve a planning contravention notice, breach of condition notice or stop notice

15. Power to issue a temporary stop notice
16. Power to issue an enforcement notice
17. Power to apply for an injunction restraining a breach of planning control
18. Power to determine applications for hazardous substances consent, and related powers
19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject
20. Power to require proper maintenance of land
21. Power to determine applications for listed building consent and related powers
22. Power to determine applications for conservation area consent
23. Duties relating to applications for listed building consent and conservation area consent
24. Power to serve a building preservation notice and related powers
25. Power to issue enforcement notice in relation to demolition of listed building in conservation area
26. Powers to acquire a listed building in need of repair and serve a repairs notice
27. Power to apply for an injunction in relation to a listed building
28. Power to execute urgent works

B Functions in relation to the registration of commons, town and village greens

1. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to
 - (a) an exchange of lands affected by an order under s.19 (3 of, or paragraph 6 (4) of Schedule 3 to the Acquisition of Land Act 1981.

(b) an order under s.147 of the Inclosure Act 1845.

2. Power to register variation of rights of common
3. Power to apply for an enforcement order against unlawful works on registered common land
4. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference
5. Power to institute proceedings for offences in respect of unclaimed land

C Functions in relation to highways and public rights of way

1. Power to create footpath or bridleway by agreement
2. Power to create footpaths and bridleways
3. Duty to keep a register of information with respect to maps, statements and declarations
4. Power to stop up footpaths and bridleways
5. Power to determine applications for public path extinguishment order
6. Power to make a rail crossing extinguishment order
7. Power to make a special extinguishment order
8. Power to divert footpaths and bridleways
9. Power to make a public path diversion order
10. Power to make a rail crossing diversion order
11. Power to make a special diversion order
12. Power to require applicant for order to enter into agreement
13. Power to make a Site of Special Scientific Interest (SSSI) diversion order
14. Duty to keep a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980
15. Power to decline to determine certain applications

16. Duty to assert and protect the rights of the public to use and enjoyment of highways
17. Duty to serve notice of proposed action in relation to obstruction
18. Power to apply for variation of order under section 130B of the Highways Act 1980
19. Power to authorise temporary disturbance of surface of footpath or bridleway
20. Power to temporarily divert footpath or bridleway
21. Functions relating to the making good of damage and the removal of obstructions
22. Powers relating to the removal of things so deposited on highways as to be a nuisance
23. Power to extinguish certain public rights of way
24. Duty to keep definitive map and statement under review
25. Power to include modifications in other orders
26. Duty to keep a register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981
27. Duty to reclassify roads used as public paths
28. Power to prepare map and statement by way of consolidation of definitive map and statement
29. Power to designate footpath as cycle tracks
30. Power to extinguish public right of way over land acquired for clearance
31. Power to authorise stopping up or diversion of highway
32. Power to authorise stopping-up or diversion of footpath or bridleway
33. Power to extinguish public rights of way over land held for planning purposes

34. Power to enter into agreements with respect to means of access
35. Power to provide access in absence of agreement
36. Power to permit deposit of builder's skip on highway
37. Power to license planting, retention and maintenance of trees etc in part of highway
38. Power to authorise erection of stiles etc on footpaths or bridleways
39. Power to license works in relation to buildings etc which obstruct the highway
40. Power to consent to temporary deposits or excavations in streets
41. Power to dispense with obligation to erect hoarding or fence
42. Power to restrict the placing of rails, beams etc over highways
43. Power to consent to construction of cellars etc under street
44. Power to consent to the making of openings into cellars etc under streets and pavement lights and ventilators
45. Power to grant permission for provision, etc of services, amenities, recreation facilities on highway and related powers
46. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980

D Functions in relation to trees and hedgerows and other miscellaneous functions

1. Power to make limestone pavement order
2. Powers relating to the protection of important hedgerows
3. Powers relating to the preservation of trees
4. Powers relating to complaints about high hedges

Annex B

Licensing Committee

Delegated Functions

The Licensing Committee is authorised to undertake the following functions on the Council's behalf:

A Licensing Act 2003

1. Functions relating to licensing under Sections 5 to 8 of the Licensing Act 2003

B Gambling Act 2005

1. Duty to comply with requirement to provide information to Gambling Commission
2. Functions relating to the exchange of information
3. Functions relating to occasional use notices
4. Power to designation officer of the Licensing Authority as an authorised person for a purpose relating to premises
5. Power to make an order disapplying Section 279 or 282 (1) of the 2005 Act in relation to specified premises
6. Power to institute criminal proceedings
7. Power to exchange information
8. To make recommendations to Council on functions relating to the determination of fees for premises licences, within the parameters set out in The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479), as part of the annual budget-setting process
9. Functions relating to the registration and regulation of small society lotteries

C Regulations Matters

1. Power to issue licences authorising the use of land as a caravan site ("site licences")
2. Power to license the use of moveable dwellings and camping sites

3. Power to license hackney carriages and private hire vehicles
4. Power to license drivers of hackney carriages and private hire vehicles
5. Power to license operators of hackney carriages and private hire vehicles
6. Power to license sex shops and sex cinemas
7. Power to license sexual entertainment venues
8. Power to license performances of hypnotism
9. Power to license premises and persons for acupuncture, tattooing, ear piercing and electrolysis
10. Power to license pleasure boats and pleasure vessels
11. Power to license market and street trading
12. Duty to keep list of persons entitled to sell non-medicinal poisons
13. Power to register and license premises for the preparation of food
14. Power to license scrap yards
15. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds
16. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds
17. Power to issue fire certificates
18. Power to license premises for the breeding of dogs
19. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
20. Power to register animal trainers and exhibitors
21. Power to license zoos
22. Power to license keepers of dangerous wild animals

23. Power to licence the employment of children
24. Power to approve premises for the solemnisation of marriages
25. Power to license persons to collect for charitable and other causes
26. Power to grant consent for the operation of a loudspeaker
27. Power to license agencies for the supply of nurses.
28. Power to issue licences for the movement of pigs.
29. Power to license the sale of pigs.
30. Power to license collecting centres for the movement of pigs.
31. Power to issue a licence to move cattle from a market.
32. Power to sanction use of parts of buildings for storage of celluloid
33. Power to approve meat product premises
34. Power to approve premises for the production of minced meat or meat preparations
35. Power to approve dairy establishments
36. Power to approve egg product establishments
37. Power to issue licences to retain butchers' shops carrying out commercial operations in relation to commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
38. Power to approve fish products premises.
39. Power to approve dispatch or purification centres.
40. Power to register auction and wholesale markets
41. Duty to keep register of food business premises
42. Power to register food business premises
43. Power to register motor salvage operators
44. Power to enforce offences relating to the display of no-smoking signs.

45. Power to enforce offences relating to smoking in smoke-free places and functions relating to fixed penalty notices.
46. Power to enforce offence of failing to prevent smoking in smoke-free places
47. Power to transfer enforcement functions to another enforcement authority

Annex C

Licensing Sub-Committee

Delegated Functions

The Licensing Sub-Committee is authorised to undertake the following functions on the Council's behalf:

1. Determination of application for personal licence where objection notice submitted by Police
2. Determination of applications for renewal of personal licence where objection notice submitted by Police
3. Revocation of a personal licence
4. Determination of applications for premises licence where relevant representations received
5. Determination of application for provisional statement where relevant representations received
6. Determination of application to vary premises licence where relevant representations received
7. Determination of application to vary premises licence in relation to premises supervisor where relevant representations received
8. Determination of application to transfer premises licence where relevant representations received
9. Cancellation of interim authority notice where objection submitted by Police
10. Determination of application for review of premises licence
11. Determination of review of premises licence following closure order where relevant representations received
12. Determination of application for club premises certificate where relevant representations received
13. Determination of application to vary club premises certificate where relevant representations received
14. Determination of application for review of club premises certificate
15. Withdrawal of club premises certificate

16. Issue of counter notice to temporary events notice where objection notice submitted by Police
17. Decision to object when Licensing Authority is not the relevant Authority considering the application
18. Determination of any application falling within the terms of reference of this Sub-Committee, as set out above, submitted by the Authority itself.

PART 3B COMMITTEE TERMS OF REFERENCE (1)

OVERVIEW AND SCRUTINY ARRANGEMENTS AND TERMS OF REFERENCE

1. Terms of Reference of Overview and Scrutiny Committees

1.1 The Council will appoint the overview and scrutiny committees shown in the table below. These committees will discharge, in respect of the matters shown in their terms of reference below, the functions conferred by Section 21 of the Local Government Act 2000 as amended by Section 7 of the Health and Social Care Act 2001; by Section 19 of the Police and Justice Act 2006; by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007; and by any subsequent legislation.

Name of Committee	Terms of Reference
Corporate Resources Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation; communications; customer service, corporate complaints and community engagement; policy, partnerships and performance including the Local Strategic Partnership, Local Area Agreement, Community Strategy and corporate planning; corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal and democratic services; property and asset management; and any other matters that fall within the remit of the Directorate.
Children's Services Overview and Scrutiny Committee	Policy development and review and scrutiny of children's services including children's specialist services; learning and school support; development and commissioning; integrated services (Children's Trust, youth support and extended schools); and any other matters that fall within the remit of the Directorate.
Social Care, Health and Housing Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters that fall within the remit of the Directorate.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>

<p>Sustainable Communities Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of sustainable communities issues including strategic planning, neighbourhood planning, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the relevant directorates.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>
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2. General Role

- 2.1 Within their terms of reference the overview and scrutiny committees, which all have equal status, will:-
- 2.1.1 Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - 2.1.2 Make reports and recommendations to the Executive and/or full Council and/or any committee in connection with the discharge of any functions;
 - 2.1.3 Consider any matter affecting the area of Central Bedfordshire or its inhabitants and make reports and recommendations;
 - 2.1.4 In accordance with the procedures for call-in, exercise the right to call-in for reconsideration decisions falling within their remit which have been made but not yet implemented by the Executive or on behalf of the Executive; and
 - 2.1.5 Undertake reviews aiming to improve the efficient and effective delivery of services to local people.

3. Specific Functions

Policy development and review

- 3.1 Within their terms of reference the overview and scrutiny committees will:-
- 3.1.1 Assist the Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues or proposed projects;

- 3.1.2 Conduct research, community and other consultation in the analysis of policy issues or proposed projects and possible options;
- 3.1.3 Consider and implement mechanisms to encourage and enhance community participation in the development of policy or project options;
- 3.1.4 Question members of the Executive, committees and senior officers of the Council, and representatives of other public, business or voluntary/community sector bodies, about their views on issues and proposals affecting the area; and
- 3.1.5 Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny

- 3.2 Within their terms of reference the overview and scrutiny committees will:-
 - 3.2.1 Review and scrutinise the decisions made by, and the performance of, the Executive, committees, and council officers, both in relation to individual decisions and over time;
 - 3.2.2 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - 3.2.3 Question members of the Executive, committees, chief officers and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - 3.2.4 Make reports and recommendations to the full Council and/or the Executive and/or any committee arising from the outcome of the scrutiny process;
 - 3.2.5 Review and scrutinise the performance of other public bodies in the area, including performance against Local Area Agreement targets, in pursuance of the powers outlined in the Local Government and Public Involvement in Health Act 2007, having regard to any government regulations and guidance that may be issued;
 - 3.2.6 Question, call for and gather evidence from any person or organisation (with their consent); and

3.2.7 Review and scrutinise the adequacy of the response of the Council, or Executive, or committee to a petition following a request for such a review by the lead petitioner (under the provisions of the Council's Petition Scheme at **Annex 2 to Part A4** of the Constitution).

Councillor Call for Action

3.3 Within their terms of reference the overview and scrutiny committees will also consider Councillor Calls for Action, in accordance with the relevant best practice guidance jointly issued by the Centre for Public Scrutiny and the Improvement & Development Agency.

4. Membership, Substitutes and Quorum

4.1 The membership and quorum of the overview and scrutiny committees shall be:

4.1.1 **Corporate Resources:** 9 councillors with 5 substitutes (quorum is 3);

4.1.2 **Children's Services:** 10 councillors with 5 substitutes, plus 5 co-opted members composed of 3 parent governors and 2 diocesan representatives (1 from the Church of England and 1 from the Roman Catholic church).

4.1.3 The quorum shall be 4 councillors and 2 co-opted members (either parent governors or diocesan representatives) whenever considering education matters, and 3 councillors at all other times.

4.1.4 The co-opted members shall have a vote on education matters but not on other matters, although they may stay in the meeting and speak on any matter.

4.1.5 A parent governor co-opted member shall:

- serve a 4-year term of office starting from June 2011 and thereafter from May 2015 (unless he/she ceases to be a parent governor co-opted member in which case a replacement parent governor shall be elected to serve out the remainder of the term of office)
- be able to serve on the Committee for more than one consecutive 4-year period subject to re-election
- cease to be qualified to hold office as a parent governor co-opted member if he/she fails to attend meetings of the Committee for a continuous period of 6 months, starting with the date of a meeting.

- 4.1.6 **Social Care, Health and Housing:** 9 councillors with 5 substitutes (quorum is 3);
- 4.1.7 Representatives of the Local Involvement Network (LINK) will be invited to attend meetings of the Committee as observers.
- 4.1.8 **Sustainable Communities:** 9 councillors with 5 substitutes (quorum is 3).
- 4.2 Subject to paragraph 4.3 below, all councillors except members of the Executive may be members of an overview and scrutiny committee. However no Member may be involved in scrutinising a decision in which he/she has been directly involved (see also the Council's Code of Conduct for Members in **Part F1** of the constitution).
- 4.3 Any Member who is appointed to assist an Executive Member in the management of their portfolio (known as "Deputy Executive Member") may not be a member of an overview and scrutiny committee if its terms of reference cover any portfolio(s) which the Deputy Executive Member supports.
- 4.4 An overview and scrutiny committee may at any time recommend to Council the appointment of non-voting co-optees. The decision to appoint will rest with Council.
- 4.5 The chairmen and vice-chairmen of the overview and scrutiny committees shall be appointed at the annual Council meeting.

5. Joint Health Overview and Scrutiny Committees

- 5.1 Members of the Social Care, Health and Housing Overview and Scrutiny Committee may be appointed from time to time to serve on any joint overview and scrutiny committee that may be established with neighbouring authorities to scrutinise health matters under the provisions of Sections 7 and 8 of the Health and Social Care Act 2001 and subsequent regulations.
- 5.2 Such appointments will normally be made by the Monitoring Officer, in consultation with the Social Care, Health and Housing Overview and Scrutiny Committee Chairman and Vice-Chairman, subject to the proportionality rules.
- 5.3 The Member(s) so appointed shall report on the joint committee's proceedings at suitable intervals to the Social Care, Health and Housing Overview and Scrutiny Committee.

6. Overview and Scrutiny Co-ordination Panel

- 6.1 The Overview and Scrutiny Co-ordination Panel will comprise the chairman and vice-chairman of each of the overview and scrutiny committees. It is not a formal committee and will not exercise any of the functions described in paragraphs 2 and 3 above, but will:
- 6.1.1 Coordinate the work of the overview and scrutiny committees, particularly where topics for scrutiny or review cut across the terms of reference of two or more committees, including health matters that affect adults and children;
 - 6.1.2 Report annually to full Council on the workings of the overview and scrutiny function and make recommendations for future work programmes and amended working methods if appropriate;
 - 6.1.3 Exercise overall responsibility for the work programme of the officers who are employed to support the work of the overview and scrutiny function.

7. Task Forces and Other Informal Working

- 7.1 An overview and scrutiny committee may at any time appoint a task force (either a standing task force or a time-limited task and finish group) to conduct an in-depth investigation into any matter within its terms of reference. It may also appoint members at any time to a joint task force with other committees of the council, other local authorities or other public bodies.
- 7.2 Task forces need not be proportionate and their membership shall be appointed from any non-executive councillors who express a general interest in the matter to be reviewed.
- 7.3 As task forces operate on an informal basis and are not formal committees, they will have no powers other than to investigate and report on their findings to the parent committee.
- 7.4 An overview and scrutiny committee may appoint any of its members to work informally with other bodies or authorities, particularly in relation to external or cross-authority scrutiny matters, where this will contribute to the committee's functions.

8. Proceedings of Overview and Scrutiny Committees

- 8.1 Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in **Part D2** of the Constitution.

PART 3C – DELEGATIONS TO JOINT COMMITTEES

Description of Joint Arrangements	Delegations
<p>Biggleswade Joint Committee</p>	<ol style="list-style-type: none"> 1. Purpose <ol style="list-style-type: none"> 1.1 To serve as a forum for all those involved in initiatives impacting on Biggleswade town and parish to consult with each other and co-ordinate their activities so as to realise their aspirations for the Parish and the town centre. 1.2 To guide the broad direction of the town centre taking into account the needs of the town centre’s customers, employees, residents, visitors, traders, property owners and developers. 1.3 Advise the principal decision makers as to the impact of decisions that affect the two wards of Biggleswade. 2. Objectives <ol style="list-style-type: none"> 2.1 Work towards improving the economic, social, environmental and cultural vitality of Biggleswade. 2.2 Ensure the implementation of the Town Centre Masterplan to help and encourage appropriate town centre and town development. 2.3 Work in partnership with relevant bodies to achieve the delivery of new infrastructure. 2.4 Identify appropriate funding opportunities for the furtherance of town initiatives.

	<p>2.5 As appropriate, consider transport issues, where these are not covered by existing transport strategies including the Local Transport Plan and the Local Area Transport Plan.</p>
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	<p>3. Membership:</p> <p>3.1 4 named councillors from Central Bedfordshire Council. Councillors must be elected representatives of wards in Biggleswade or hold Executive responsibility.</p> <p>3.2 4 Biggleswade Town Council appointed councillors.</p> <p>3.3 2 named substitutes from each Council will be permitted to attend meetings as full Committee representatives; the Central Bedfordshire named substitutes will hold Executive responsibility.</p> <p>3.4 Members should serve up to the period of the next local election.</p> <p>3.5 All councillors should have the interests of the Biggleswade area as a priority, not their own wards.</p> <p>4. Meetings and Quorum:</p> <p>4.1 At least 3 Members from each Council must be in attendance for the meeting to be quorate.</p> <p>4.2 Meetings will take place at least quarterly or as otherwise directed by the Chairman.</p> <p>5. Notes:</p> <p>5.1 This group has the power to co-opt up to 10 representatives of local interest groups to attend its meetings.</p>
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	<p>5.2 A councillor appointed by Central Bedfordshire Council will take on the role of Chairman and a councillor appointed by the Town Council will take on the role of Vice-Chairman.</p>
	<p>5.3 Biggleswade Town Council administers the Committee which is governed by the Town Council's Standing Orders except that where the Standing Orders are in conflict with the Joint Committee's Terms of Reference, the Joint Committee's Terms of Reference shall prevail.</p> <p>5.4 Only members of the Committee can vote.</p> <p>5.5 The Committee is not a replacement for any decision making structures regarding planning applications and will not duplicate the work of the Planning Authority.</p> <p>5.6 In an attempt to engage with local town centre stakeholders, the Biggleswade Joint Committee may co-opt up to ten additional Committee Members from local town centre representative groups.</p> <p>Representative groups could be from the retail, banking, property, transport or any other relevant sectors. However, any co-opted Member must be able to demonstrate how they can add value to the work of the Committee. Each co-opted Member will be able to engage fully in all discussions but will not have any voting rights. Co-opted Members will serve a term on the Committee equivalent to the electoral term of elected Council Members.</p>

Dunstable Joint Committee	<ol style="list-style-type: none">1. To serve as a partnership forum for all those involved in town centre initiatives to consult with each other and co-ordinate their activities so as to realise their aspirations for the town centre. 2. To set the broad direction of the partnership, taking into account the needs of the town centre's customers, employees, residents, visitors, traders, property owners and developers. This to include devising and updating a recommended Joint Committee Action Plan. The Committee will consider issues relating to:<ul style="list-style-type: none">• the economic, social and environmental well being of the town• transport issues• community safety issues• leisure and recreational issues• the development and implementation of the Dunstable Town Centre Master Plan<p>All such issues will be considered in the context of the development and ongoing review of the Joint Committee Action Plan.</p> 3. Membership:<ul style="list-style-type: none">• 5 named councillors from Central Bedfordshire Council. All named councillors must be elected representatives of wards in Dunstable.• 5 Dunstable Town Council appointed councillors• Named substitutes from each Council will be permitted to attend meetings as full Committee representatives.
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	<p>4. Quorum:</p> <p>At least 3 Members from each Council will have to be in attendance for the meeting to be quorate.</p>
	<p>5. Notes:</p> <p>5.1 This group has the power to invite representatives of local interest groups to attend its meetings.</p> <p>5.2 A Councillor appointed by Central Bedfordshire Council will take on the role of Chairman and a Councillor appointed by the Town Council will take on the role of Vice-Chairman.</p> <p>5.3 Dunstable Town Council administers the committee which is governed by the Town Council's Standing Orders.</p> <p>5.4 Only members of the Committee can vote.</p> <p>5.5. The Committee is not a replacement for any decision making structures regarding planning applications and will not duplicate the work of the Planning Authority.</p> <p>5.6 In an attempt to engage with local town centre stakeholders, the Committee will co-opt up to fifteen additional Committee Members from local town centre representative groups. Representative groups could be from the retail, banking, property, transport or any other relevant sectors. However, any co-opted Member must be able to demonstrate how they can add value to the work of the Committee. Each co-opted Member will be able to engage fully in all discussions but will not have any voting rights. Co-opted Members will serve a term on the Committee equivalent to the electoral term of elected Council Members.</p>

<p>Houghton Regis Partnership Committee</p>	<p>1 Purpose</p> <p>1.1 To serve as a partnership committee that sets the broad direction for all those involved in initiatives impacting on the town (e.g. the town centre’s customers, employees, residents, visitors, traders, property owners and developers) and to co-ordinate their activities so as to realise our aspirations for the town and town centre.</p> <p>1.2 To inform and advise the relevant committees of the local authorities on all aspects of their responsibilities for the town centre and its environs.</p> <p>2. Objectives</p> <p>2.1 Work towards improving the economic, social, environmental and cultural vitality of Houghton Regis.</p> <p>2.2 Encourage appropriate town centre and town development for approval by the Town Council and Central Bedfordshire Council.</p> <p>2.3 Recognise and deliver the context of the Local Development Framework and related planning processes including:</p> <ul style="list-style-type: none"> • informing and advising the relevant committees of the local authorities on all aspects of their responsibilities for the town centre and its environs • consulting, co-ordinating and communicating the infrastructure needs of Houghton Regis to the relevant local authorities; and • working in partnership with relevant bodies to achieve the delivery of new infrastructure. <p>2.4 Co-ordinate the activities of the various town centre service providers and those responsible for meeting the needs of the Town Centre, including:</p> <ul style="list-style-type: none"> • identifying appropriate funding opportunities for the furtherance of town initiatives; and • undertaking and co-ordinating marketing and promotional work for the town centre.
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	<p>2.5 Establish task and finish groups to progress/deliver specific proposals in town development strategies where applicable.</p> <p>2.6 Encourage the regeneration of deprived areas of Houghton Regis through effective neighbourhood improvement strategies.</p>
	<p>3. Membership:</p> <p>3.1 The core membership to comprise:</p> <ul style="list-style-type: none">• 4 Central Bedfordshire Council appointed Councillors• 4 Houghton Regis Town Council appointed Councillors <p>3.2 Representatives of the local community, local interest groups etc will be invited to attend its meetings as non-voting members when applicable.</p> <p>3.3 Central Bedfordshire Councillors should be from wards within Houghton Regis.</p> <p>3.4 All councillors should have the interests of the town as a priority, not their own wards.</p> <p>4. Chairman</p> <p>4.1 The Chairman (a CBC councillor) and Vice-Chairman (a HRTC councillor) shall be elected from and by the Partnership Committee's core membership.</p> <p>4.2 The elected Chairman and Vice-Chairman will hold their post for a period of one year, after which they may stand for re-election.</p> <p>5. Secretariat</p> <p>5.1 Houghton Regis Town Council administers the Partnership Committee, which is governed by the Town Council's Standing Orders. These can be viewed at Houghton Regis Town Council offices at Council Offices, Peel Street, Houghton Regis, Beds LU5 5EY tel: (01582 708540). They are also available online at www.houghtonregis.org.uk/infopage.asp?infoid=1182</p> <p>6. Decision-making Arrangements</p>

	<p>6.1 The Partnership Committee will make decisions at its meetings. Decisions will be made by consensus whenever possible. However, if no consensus can be reached, a majority vote, based on one vote per core member, will carry the decision, with the Chair having a casting vote if the vote is equal.</p> <p>6.2 The Partnership Committee will delegate operational decision-making to smaller working groups as necessary and appropriate.</p>
	<p>7. Frequency of meetings</p> <p>7.1 The Partnership Committee will meet a minimum of four times a year.</p> <p>8. Quorum</p> <p>8.1 In order for the Partnership Committee to operate, a quorum of 50% of the membership of the Committee must be present.</p>

Leighton-Linslade Partnership Committee	<ol style="list-style-type: none">1. Purpose<ol style="list-style-type: none">1.2 To serve as a partnership forum for all those involved in initiatives impacting on the Parish to consult with each other and co-ordinate their activities so as to realise their aspirations for the Parish and the town centres.1.3 To set the broad direction of the partnership, taking into account the needs of the town centre's customers, employees, residents, visitors, traders, property owners and developers.2. Objectives<ol style="list-style-type: none">2.1 Work towards improving the economic, social, environmental and cultural vitality of Leighton Buzzard and Linslade.2.2 Prepare and maintain a Town Centre Strategy and Action Plan to help and encourage appropriate town centre and town development, for approval by the Town Council and Central Bedfordshire Council (CBC).2.3 to deliver the Big Plan recognising the context of the Local Development Framework and related planning proposals including:<ul style="list-style-type: none">• informing and advising the relevant committees of the local authorities on all aspects of their responsibilities for the town centre and its environs;• Consulting, co-ordinating and communicating the infrastructure needs of Leighton Buzzard and Linslade to the relevant local authorities; and• working in partnership with relevant bodies to achieve the delivery of new infrastructure.2.4 Co-ordinate the activities of the various town centre service providers and those responsible for meeting the needs of the town centre including:
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	<ul style="list-style-type: none">• identifying appropriate funding opportunities for the furtherance of town initiatives• undertaking and co-ordinating marketing and promotional work for the town centre; and• leading on all matters relating to the physical environment of the Town e.g. Christmas lights, floral displays, hanging baskets etc. <p>2.5 Establish sub-committees and task groups to progress/deliver specific proposals in town development strategies.</p> <p>3. Membership:</p> <p>3.1 The core membership to comprise:</p> <ul style="list-style-type: none">• 5 Central Bedfordshire Council appointed Councillors• 5 Leighton-Linslade Town Council appointed Councillors <p>3.2 Representatives of local interests groups will be invited to attend its meetings as non-voting members.</p> <p>3.3 CBC Councillors should be from wards within Leighton-Linslade, or immediately adjacent to.</p> <p>3.4 All Councillors should have the interests of the town as a priority, not their own wards.</p> <p>4. Chairman</p> <p>4.1 The Chairman and Vice-Chairman shall be elected from and by the Committee's core membership.</p> <p>4.2 The elected Chairman and Vice-Chairman will hold the post for a period of one year, after which they will stand for re-election.</p> <p>5. Secretariat</p> <p>5.1 Leighton-Linslade Town Council administers the Committee, which is governed by the Town Council's Standing Orders.</p>
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	<p>6. Decision-making arrangements</p> <p>6.1 The annual budget shall be developed by the Committee and recommended to the Town Council and Central Bedfordshire Council for approval only where Central Bedfordshire Council makes funding available in any financial year.</p> <p>6.2 Thereafter, the Committee will make decisions at its meetings. Decisions will be made by consensus wherever possible. However, if no consensus can be reached, a majority vote, based on one vote per core member, will carry the decision, with the Chairman having the casting vote if the vote is equal.</p> <p>6.3 The Committee will delegate operational decision-making to smaller working groups as necessary and appropriate.</p>
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Wixams Joint Development Control Committee (with Bedford Borough Council)	<ol style="list-style-type: none">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: -<ol style="list-style-type: none">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. <i>*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.</i>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 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:<ul style="list-style-type: none">• 9 Central Bedfordshire councillors• 9 Bedford Borough councillors• See Standing Orders 2 and 12 below in respect of composition of the joint committee and substitutes7. Full terms of reference are set out below.
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Standing Orders of the Wixams Joint Development Control Committee

NB: These were not previously (prior to January 2017) included in the Constitution but for the sake of transparency and ease of reference, 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 frequency as the 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.

Rotation 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 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 with at least one member from each authority. 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 interests

- i. If any Member has any financial interest, direct or indirect, within the meaning of Section 95 of the Local Government Act 1972 in any matter, h/she will withdraw from the meeting while the matter is under consideration unless:-
 - i. The disability to discuss that matter has been removed by the Secretary of State; or
 - ii. The Joint Committee invite him or her to remain.

Non-financial interests

- 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 Sub-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.

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.
<p>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.</p>	

**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
	<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"> • Any other councillor (not being a member of the 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.

<p>Joint Waste Disposal Project Board (Joint Officer arrangement established under Section 101(5) of the Local Government Act 1972)</p>	<ol style="list-style-type: none">1. To facilitate the joint procurement of, and the subsequent operation and management of, facilities for the treatment and (subject to the agreement of the partner authorities) the disposal of residual waste in pursuance of the current and future waste disposal functions arising under Section 51 of the Environmental Protection Act and to secure the continuing improvement in the effective discharge of those functions by the authorities.2. Membership:<ol style="list-style-type: none">2.1 An officer appointed by each of the authorities as the Authority Lead Officer for that Authority. One such officer to be appointed by each of Bedford Borough Council, Central Bedfordshire Council and Luton Borough Council. Unless there are over-riding reasons to the contrary each authority shall appoint the officer with responsibility for waste functions as the Authority Lead Officer (voting members);2.2 The Project Director, if he/she is an employee of one of the authorities (non-voting);2.3 The Project Manager, if he/she is an employee of one of the authorities (non-voting);2.4 An officer of one of the authorities agreed by the authority officers to be the Financial Adviser to the Project Board (non-voting);2.5 An officer of one of the authorities agreed by the Authority Lead Officers to be the Legal Advisor to the Project Board (non-voting);2.6 The Executive Member of each authority with responsibility for waste functions as an observer; and2.7 The appropriate officer of the Department for Environment, Food and Rural Affairs as an observer.
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	<p>3. A copy of the Joint Working Agreement and the constitution for the Project Board approved by the Shadow Executive at its meeting on 30 September 2008, is available on request from the Monitoring Officer.</p>
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South East Midlands Local Transport Board	1.	Purpose: To serve as a Joint Committee of the Executives of Central Bedfordshire Council, Milton Keynes Council, Luton Borough Council and Bedford Borough Council, as set out in the Assurance Framework
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H3 **SCHEME OF DELEGATION BY THE COUNCIL AND BY THE EXECUTIVE
TO DIRECTORS AND OTHER OFFICERS**

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1. INTRODUCTION

- 1.1 Central Bedfordshire Council has chosen a "Leader and Cabinet" style of governance and consequently its functions are to be discharged by its Executive, unless they are "council functions" as defined in the Council's Constitution.
- 1.2 The Leader may delegate executive functions to an individual Executive Member or to an officer.
- 1.3 This document sets out how functions are to be discharged, and forms part of the Constitution. It does not distinguish between executive functions and council functions, as officers will exercise both types of function.
- All executive decisions and Key Decisions, even those taken by an individual Executive Member or by an officer, are subject to the access to information provisions.
- 1.5 In the event of the Constitution providing for an officer to make a Key Decision, a report shall be prepared setting out the alternative options considered and rejected together with reasons. A copy of this report shall:-
- 1.5.1 Be given to the Chairman of the relevant overview and scrutiny committee at least 5 clear days before the decision is taken; and
- 1.5.2 At the same time be made available to the press and public.
- 1.6 Details of forthcoming Key Decisions by officers must be included in the Council's Forward Plan for the following twelve month period containing:-
- 1.6.1 Details of organisations and individuals to be consulted;
- 1.6.2 How and to whom representations may be made; and
- 1.6.3 A proposed date within that period for the taking of the decision.
- 1.7 Advice on the procedures set out in 1.5 and 1.6 above can be obtained from the Monitoring Officer.
- 1.8 The functions delegated to officers are set out below:-
- **Section 2** prescribes the general conditions and limitations.
 - **Section 3** deals with the general delegations to all Directors.
 - **Section 4** sets out specific delegations to individual Directors and other officers.
- 1.9 This scheme deals only with standing delegations by the Council, the Executive and committees and does not cover temporary delegations for particular purposes made by the Executive or a committee. Section 2, however, applies to all delegations irrespective of the delegating authority and the duration of the delegation.

2. GENERAL CONDITIONS AND LIMITATIONS

- 2.1 In accordance with section 111 of the Local Government Act 1972, the functions, powers and duties delegated to officers include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of those functions.
- 2.2 The Chief Executive and Directors, acting as the Corporate Management Team (CMT), may take collective decisions and are responsible for ensuring that the Council's policies, practices and procedures are carried out in a consistent and co-ordinated manner.
- 2.3 All officers are to act in accordance with the Council's Constitution, Procedure Rules, codes and any protocols or other arrangements approved by the Executive.
- 2.4 Expenditure can only be authorised in accordance with approved provision in the Revenue Budget or Capital Programme or to such extent as may be permitted by the Procedure Rules, Code of Financial Governance and other codes of practice. In particular, any virement must be exercised within the financial limits set out in the Code of Financial Governance and in accordance with guidance given in other codes of practice.
- 2.5 For the avoidance of doubt the following functions are not delegated to any officer:-
- 2.5.1 Any matters reserved to the Council, the Executive or any other committee or a Member body having decision making powers;
 - 2.5.2 Any function which by law may not be delegated to an officer;
 - 2.5.3 Any matter constituting a Key Decision unless specifically approved by the Council or Leader of the Council or included in this Scheme of Delegation;
 - 2.5.4 The adoption of a new policy or significant variations to existing policies or any matter which is contrary to the budget and policy framework of the Council;
 - 2.5.5 Any matter outside the approved budget or virement and capital expenditure limits set out in the Code of Financial Governance; and
 - 2.5.6 The appointment and terms and conditions of the Chief Executive, Directors, the Chief Finance Officer and the Monitoring Officer, and the dismissal of the Chief Executive.
- 2.6 Where functions are delegated to an officer under this Scheme of Delegation, the body with responsibility for a function (the Council, Executive, committee or other Member body) may nevertheless decide to exercise the power itself or may specify that a particular decision shall be reserved or referred to the Council, Executive, committee or other Member body as the case may be.

- 2.7 An officer may decide not to exercise any function in relation to a particular matter and to invite the Council, the Executive, or other committee or relevant Member body having decision making powers, as appropriate, to do so instead. It is open to an officer to consult with appropriate Councillors (such as the Leader of the Council, Group Leaders, Executive Member with responsibility, Chairman of any other relevant committee or panel, as the case may be) on the exercise of delegated powers or in deciding whether or not to exercise such powers.
- 2.8 In exercising delegated powers an officer:-
- 2.8.1 Should consult with such other officers as appropriate, and in particular seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified, and have regard to any advice received;
 - 2.8.2 Has a duty to consider very carefully whether to exercise any delegated powers where a matter is likely to be controversial or contentious and to consider whether, in his/her reasonable opinion, the matter is of such significance that it should be submitted for decision by the relevant Member body;
 - 2.8.3 Should maintain close liaison with the relevant Executive Member and local councillors on any issues which they reasonably consider may be sensitive or contentious;
 - 2.8.4 Should keep the local councillors informed as appropriate including matters affecting the councillors' ward.
- 2.9 Day to day decisions on technical, professional or routine issues will normally be taken without consultation with councillors. The extent to which officers carry out such consultations is ultimately a matter for them but in exercising this judgement they should have regard to the following general principles:-
- 2.9.1 The need to consult with the relevant Executive Member when an issue arises where there is some uncertainty in the application of existing policy;
 - 2.9.2 If a decision is likely to have a significant impact on the Council's relationship with external bodies and partners, an officer will be expected to consult with the relevant Executive Member;
 - 2.9.3 If a decision is required in relation to a matter which has a clear impact on or significantly affects a particular ward an officer will be required to consult with the relevant local Members;
 - 2.9.4 The need or desirability to consult with representatives of the political group(s) not forming part of the administration;

- 2.9.5 An officer may find it desirable to consult with a Council member or group of Members who have been identified as possessing expertise in relation to a specific matter.
- 2.10 An officer will be expected to comply with any protocols agreed from time to time in relation to the exercise of specific functions.

3. DELEGATIONS TO ALL DIRECTORS

- 3.1 Subject to the conditions and limitations set out in Section 2, the Chief Executive and each Director shall have the following general responsibilities, powers and duties.

Generally:

- 3.1.1 Subject to all specific delegations contained in this Scheme, to take action on behalf of the Council where the proposed action complies with any policy, strategy or development plan approved by the Council, the Executive or one of its committees and there is budget provision;
- 3.1.2 To delegate further, in writing, all or any of their delegated functions to other officers to exercise in their own name. Notice of such delegations shall be given to the Monitoring Officer who will put in place arrangements to enable inspection of the records by members of the Council;
- 3.1.3 Where the Chief Executive is unable to act or is absent, the powers delegated to him/her under this Scheme may be exercised by the any Director or other officer nominated by him/her;
- 3.1.4 When any Director to whom specific responsibilities are delegated under Section 4 of this Scheme is unable to act or is absent, the powers delegated to that Director may be exercised by any other officer nominated by him/her or by the Chief Executive. In all cases the Chief Executive and are authorised to take decisions upon any matter delegated to a Director.
- 3.1.5 To act as Proper Officer where designated under **aboveH1** of this constitution, or where so designated by the Chief Executive from time to time;
- 3.1.6 To manage any physical assets, including land and buildings, information technology, vehicles and equipment generally, allocated to the service for which he/she is responsible;
- 3.1.7 In accordance with the Code of Procurement Governance, the Code of Financial Governance, the Partnerships Protocol and any codes of practice approved by the Executive, to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of the Council or the other body;
- 3.1.8 To prepare draft responses to external consultation papers subject to draft response being published on the Council's intranet for Member comment for a seven working day period, with all Members to be notified of publication by email;

3.1.9 To finalise responses to external consultation papers, in consultation with the relevant Executive Member in the light of any comment received following publication of the draft response provided that:-

3.1.9.1 The information is published for information;

3.1.9.2 Where the relevant Director or the Leader or relevant Executive Member considers the consultation to be of major significance, the item shall be referred to the Executive; and

3.1.9.3 Where the relevant Director deems the consultation to be of an operational nature, he/she will be authorised to respond directly without preparing a draft response or consulting with Members.

3.2 Staffing Issues

3.2.1 Subject to the Officer Employment Procedure Rules at **Part H4** and staffing policies and terms and conditions adopted by the Council:-

3.2.1.1 To carry out all employment functions and to deal with any staffing establishment issue in relation to staff employed in the delivery of services for which he/she is responsible, including any temporary or agency staff who may from time to time be employed;

3.2.1.2 To be responsible for the performance of those employees carrying out the functions for which he/she is responsible;

3.2.1.3 To appoint employees below the status of Director, with the exception of the Chief Finance Officer and the Monitoring Officer;

3.2.1.4 To dismiss employees.

3.3 Contracts for work, goods and services

3.3.1 In accordance with Code of Procurement Governance, the Code of Financial Governance and any codes of practice approved by the Executive:-

3.3.1.1 To issue orders for work, goods and services;

3.3.1.2 To accept tenders;

3.3.1.3 To sign agreements in a form approved by the Monitoring Officer;

3.3.1.4 To authorise the affixing of the Council's Seal to any agreement;

- 3.3.1.5 Within the framework of an approved service or business plan to submit tenders, and make contractual arrangements for carrying out work and/or services for other parties.

3.4 Legal Proceedings

- 3.4.1 To institute, defend, appeal (or make any application or representation within) any criminal or civil legal proceedings (including exercising works in default under any legislation empowering the Council to do so) before any court, tribunal or inquiry, provided that the Monitoring Officer or such other legally qualified person nominated by him/her agrees that it is appropriate to take such action;
- 3.4.2 Where it is intended to apply for judicial review of a decision taken by central government which affects the whole Council, a report should be submitted to the Council for approval;
- 3.4.3 With the concurrence of the Monitoring Officer or such other suitably qualified person nominated by him/her to write off outstanding debts not exceeding £10,000 in each case.

3.5 Urgent Action

- 3.5.1 In accordance with the procedures approved by the Council (involving in particular, consultation with Members) to take any decisions which could be taken by the Executive or a committee or sub-committee and which on grounds of urgency need to be taken before the next scheduled meeting of the Executive or such committee or sub-committee. The procedures approved by the Council are set out in a Code of Practice attached as **Appendix A**. It is confirmed that such a power includes any urgent decision which involves expenditure and/or reduced income for which no provision is included in the current approved Revenue Budget or Capital Programme, or any decision required in the event of a civil emergency.

4. DELEGATIONS TO INDIVIDUAL DIRECTORS AND OTHER OFFICERS

4.1	Chief Executive	Qualifications (if any)
4.1.1	To be Head of Paid Service under section 4 of the Local Government and Housing Act 1989. The functions of this role are set out in Part H1 of the constitution.	None
4.1.2	To be responsible for the overall organisational structure and management of the Council.	None
4.1.3	To be responsible for the effective leadership, management and performance of the Corporate Management Team.	None
4.1.4	In response to an emergency, to exercise the Council's powers under the Civil Contingencies Act 2004 and to take all necessary action on behalf of the Council, including taking a Key Decision where required on grounds of urgency.	None
4.1.5	To be the Council's Returning Officer and Electoral Registration Officer.	None
4.1.6	To review the scale of fees for local authority elections annually in accordance with the mechanism approved by the General Purposes Committee.	None
4.1.7	In accordance with the Council's policies and procedures and the Officer Employment Procedure Rules, to dismiss employees at Director level and below.	None
Communications		
4.1.8	To be responsible for corporate communications and marketing (including media and public relations).	None
Policy and Performance		
4.1.9	To be responsible for the development of corporate strategy and for performance/programme managements and improvement.	None
4.1.10	To be responsible for overseeing the Council's approach to equality and diversity.	None

Information and Communication Technology

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| 4.1.11 | To have overall responsibility for the Council's information management systems, including any systems relating to functions under the Freedom of Information Act, Data Protection Act and other Regulations. | None |
| 4.1.12 | To determine and issue to officers general standards and guidelines in the management and use of information technology and systems across the Council. | None |

Data Protection and Freedom of Information

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| 4.1.13 | To be responsible for carrying out the Council's responsibilities under the Data Protection Act 1998, Freedom of Information Act 2000, the Environmental Information Regulations 1992 and the Re-use of Public Sector Information Regulations 2005, including:- | None |
| 4.1.14 | Maintaining Data Protection Act registrations | None |
| 4.1.15 | Updating and maintaining the Publication Scheme under Section 19 of the Freedom of Information Act 2000 | None |
| 4.1.16 | Dealing with requests for information under the Freedom of Information Act 2000. | Subject to compliance with the framework for dealing with Freedom of Information requests approved by the Monitoring Officer |
| 4.1.17 | Dealing with requests for re-use of information under the Re-use of Public Sector Information Regulations 2005 and specifically determining:- | None |
| 4.1.18 | <ul style="list-style-type: none"> • whether to authorise re-use of information • whether and what conditions should be attached to such re-use; • whether a charge should be applied, and the level of such charge; and • the development of standard licences for re-use. | None |

4.2 Director of Resources

Tax and VAT Matters

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| 4.2.1 | To manage all tax and VAT matters including arrangements made with HM Revenue and Customs | None |
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Revenues and Benefits

Council Tax and National Non-Domestic Rates

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| 4.2.2 | To operate a Collection Fund for Council Tax and Non-Domestic Rates in accordance with section 89 of the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992) and the regulations, specifications and directions made under the Acts. | None |
| 4.2.3 | To bill and collect the Council Tax and National Non-Domestic Rate, including instituting and carrying on enforcement proceedings. | None |
| 4.2.4 | To institute proceedings under Section 97 of the General Rate Act 1967. | None |
| 4.2.5 | To issue all necessary notices and statements and to sign any documents on behalf of the Council as rating and billing authority. | None |
| 4.2.6 | To take decisions on applications under Section 44A of the Local Government Finance Act 1988 for adjustments to rates payable. | None |
| 4.2.7 | To serve on the Valuation Officer notice of objection to any proposals for alterations of the valuation list; | None |
| 4.2.8 | To make proposals for the alteration of the valuation list or for the inclusion of particular properties in the valuation list; | None |
| 4.2.9. | To sign valuation agreements. | None |

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| 4.2.10 | To authorise any relevant postholders to act for the Council in accordance with Section 223 of the Local Government Finance Act 1972 (i.e. to represent the Council at Valuation Tribunals and at the Magistrates' Court in connection with recovery of Council Tax, Non Domestic Rates and Community Charge). | None |
| 4.2.11 | To determine applications from charitable and non-profit making organisations and Community Amateur Sports Clubs for mandatory and discretionary relief in respect of liability for National Non-Domestic Rates. | |
| 4.2.12 | To determine applications for discretionary rate relief from businesses in rural settlements (village shop relief). | None |
| 4.2.13 | To determine applications for discretionary relief from businesses sustaining hardship. | |
| 4.2.14 | To determine the Council Tax base in accordance with the Local Authority (Calculation of Council Tax Base) (England) Regulations 2012. | In consultation with the relevant Executive Member |
| Recovery | | |
| 4.2.15 | To distrain for rent, council tax, community charge, national non-domestic rates and general rates owing to the Council and recover costs to which the Council are entitled. | None |
| Benefits | | |
| 4.2.16 | To take all necessary action, to determine and grant applications for Housing Benefit and Council Tax Benefit in accordance with current legislation. | None |
| 4.2.17 | To determine applications for discretionary housing payments and any similar discretionary payment scheme. | None |
| 4.2.18 | To undertake fraud investigations and implement sanctions. | None |
| Finance | | |
| 4.2.19 | To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2011, including making and issuing financial regulations. | None |

- 4.2.20 To be the Chief Finance Officer for the Council. None
The functions of this role are set out in **Part H1** of the Constitution.
- 4.2.21 To ensure that the financial management of the Council is adequate and effective and that the following arrangements are in place:- None
- 4.2.21.1 a sound system of internal control;
- 4.2.21.2 arrangements for the management of risk.
- 4.2.22 To secure such arrangements as are appropriate to mitigate the potential financial impact on the Council of assessed risks. None
- 4.2.23 To conduct a review at least once a year of the effectiveness of the Council's system of internal control and issue a statement on internal control in accordance with proper practices on. None
- 4.2.23.1 a sound system of internal control;
- 4.2.23.2 arrangements for the management of risk; and
- 4.2.23.3 arrangements for business continuity within the Council.
- 4.2.24 To commission investigations and reports, where appropriate, in support of the Council's Anti-Fraud Policy and governance arrangements. None
- 4.2.25 To ensure that an adequate and effective system of internal audit, and of its accounting records and system of internal control, in accordance with proper internal audit practices, is maintained. None
- 4.2.26 To determine and issue guidelines and codes of practice in respect of finance. None
- 4.2.27 To be responsible for ensuring that proper accounts and records are maintained in line with relevant legislation, accounting standards and the CIPFA / LASAAC Code of Practice on Local Authority Accounting in the United Kingdom and that completed, certified accounts are published by 30 June and approved accounts are published by 30 September each year. None
- 4.2.28 To ensure that the Council has sufficient reserves and operating capital to effectively discharge its responsibilities and meet its objectives. None

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| 4.2.29 | To ensure that the Council pays its creditors and recovers its debts in line with agreed policies. | None |
| 4.2.30 | To maintain an effective working relationship with Bedford Borough Council in relation to its responsibility for operating the Local Government Pension Scheme Regulations 1997, and any subsequent amending regulations, including the exercise of discretions and to make arrangements for the managements of the Pension Fund Investments. | None |
| 4.2.31 | To make all lease arrangements. | None |
| 4.2.32 | To manage the deployment of the Council's revenue and capital resources including any resources allocated for joint working. | None |
| 4.2.33 | To determine and implement arrangements for Treasury Management in accordance with the (CIPFA) Treasury Management in the Public Services Code of Practice, the Council's approved Treasury Management Policy Statement and Treasury Management and Investment Strategy and any other arrangements approved by the Council, including appointment of the Council's investment advisors. | None |
| 4.2.34 | To represent and act on behalf of the Council in connection with bankruptcies including meetings of creditors. | None |
| 4.2.35 | To manage any car loan or car leasing schemes operated by the Council in accordance with the relevant policies. | None |
| 4.2.36 | To deal with all insurance cover and the settlement of claims. | |
| 4.2.37 | To declare the Local Average Rate of Interest for the half years commencing 1 April and 1 October, in accordance with Schedule 16, paragraph 3 to the Housing Act 1985. | None |

People		Qualifications (if any)
4.2.38	To implement national and local pay awards and increase payments under the Pension Increase Acts.	None
4.2.39	In consultation with the Chief Executive, to settle employee and industrial relations matters including issues involving the application of rates of pay, conditions of service, or other staffing benefits etc.	None
4.2.40	To approve, after consultation with the relevant Director, the early retirement of staff who are subject to the Local Government Superannuation Regulations.	None
4.2.41	To prepare human resources procedures in line with policies and strategies agreed by the Council and to determine and issue to officers general guidelines for the management of human resources (including recruitment and retention, equality of opportunity in employment matters, training, conditions of service, employment regulations, rewards and discipline).	None
4.2.42	To determine whether any post should be subject to Criminal Record Bureau checks.	None
Complaints		
4.2.43	To make compensation payments or provide other benefits arising from a complaint under the Corporate Complaints Procedure.	Report for information to General Purposes Committee
4.2.44	To authorise the making of payments in respect of the settlement of an Ombudsman Complaint.	Report for information to General Purposes Committee.
Elections and Land Charges		
4.2.45	To assume all duties of the Council in connection with Local Land Charges and any associated inquiries.	None
Education Appeals		
4.2.46	To make arrangements for education appeals on behalf of the Local Authority	None

Governance

- 4.2.47 To approve expenditure from the budget for Member attendance at annual conferences, external seminars and courses and to approve Member attendance according to individual needs. After consultation with the lead Member for elected Member development, the Leader of the Council and the relevant Group Leader. Regular monitoring statements in respect of expenditure to be submitted to the Champions for elected Member development.
- 4.2.48 To agree arrangements for the Annual Member Training and Development Programme and the periodic Induction Programme. After consultation with the Champions for elected Member development and subject to seeking the views of the Group Leaders and wider Council membership, as appropriate.
- 4.2.49 To appoint “Champions” for elected Member Development and to appoint one of the Champions to act in the capacity of “Lead Champion”. After consultation with the Group Leaders
- 4.2.50 To take all necessary steps to ensure that the Council reaches and maintains the required level of skills, competencies and practices to achieve East of England Regional Association Member Development Charter status. (1) After consultation with the Champions for elected Member development and subject to seeking the views of the Group Leaders and wider Council membership, as appropriate.
- (2) Any matter relating to a policy or strategy or involving expenditure outside the existing budget, shall be referred to the Executive.

- 4.2.51 To make arrangements for the conduct of personal development reviews for elected Members. After consultation with the Champions for elected Member Development.

Registration and Coroner's Service

- 4.2.52 To carry out the functions of the Council in relation to the Registration of Births, Deaths and Marriages. None
- 4.2.53 To carry out the functions of the Council in relation to the Coroner's Service None

Monitoring Officer

- 4.2.54 To act as solicitor to the Council. None
- 4.2.55 To be the Monitoring Officer for the purpose of Section 5 of the Local Government and Housing Act 1989. The functions of this role are set out in **Part H1** of the constitution. None
- 4.2.56 To settle on appropriate terms any litigation or claim made by or against the Council. Settlements between £200,000 and £500,000 shall be determined by the Executive Member responsible for Corporate Resources in consultation with the relevant Executive Member and Monitoring Officer
(**Part C3** of the Constitution refers)
Settlements of £500,000 and above shall be determined by the Leader of the Council in consultation with the Executive Member for Corporate Resources and the Monitoring Officer.
(**Part C3** of the Constitution refers)
- 4.2.57 To authorise the insurance, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal. None

4.2.58	To authorise officers of the Council to appear before the Magistrates' Court or the County Court.	None
4.2.59	To issue or serve statutory or legal notices on behalf of the Council for any of its functions.	None
4.2.60	To institute legal proceedings in respect of contravention of legislation.	None
4.2.61	To instruct Counsel or other external legal advisors as required.	Subject to compliance with Code of Procurement Governance
4.2.62	To determine and issue general guidelines to officers on legal, procedural and proprietary issues.	None
4.2.63	To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, the Executive or any other committee or sub-committee; certifying copies of minutes for legal proceedings and/or any decision taken by an officer acting under delegated powers and to sign all deeds and documents.	None
4.2.64	To attest the affixing of the Council's Seal.	None
4.2.65	To authorise persons to enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply and to apply for a warrant of entry where appropriate.	None
4.2.66	To release part mortgaged property where the mortgagor proposes to sell part of his property, providing sufficient security remains for the principal monies outstanding.	In consultation with the Director of Social Care, Health and Housing
4.2.67	To agree the temporary letting of mortgaged property for a period not exceeding two years whilst the mortgagor is temporarily abroad.	In consultation with the Director of Social Care, Health and Housing Subject to right of appeal to the Executive.
4.2.68	To approve a Deed of Release of husband or wife from the terms of a mortgage.	In consultation with the Director of Social Care, Health and Housing.

4.2.69	To serve Notices to Quit under the provisions of the Mobile Homes Act 1983.	In consultation with the Director of Social Care, Health and Housing.
4.2.70	To initiate proceedings under Section 112(1)(a) of the Social Security Administration Act 1992 against any person where it appears that an offence under that Act may have been committed.	Upon the instruction of the Director of Social Care, Health and Housing the relevant Executive Member and ward councillor(s) shall be notified accordingly.
4.2.71	To apply for the disqualification of a Director of a limited company.	None
4.2.72	To review/revise on an annual basis the charge rate for the preparation and negotiation of Agreements by Legal Services under Section 106 of the Town and Country Planning Act 1990.	None
4.2.73	With respect to the Regulation of Investigatory Powers Act 2000 (RIPA):-	None
	4.2.73.1 To amend and update the Policy and Procedures for RIPA.	
	4.2.73.2 To add to or amend the list of Authorised Officers for the purpose of Directed Surveillance and Covert Human Intelligence sources.	
	4.2.73.3 To maintain a central record of authorisations.	
4.2.74	To oversee the ethical conduct of the Council and the production of codes, conventions and protocols.	None
4.2.75	To determine, advise or issue general guidance to officers and members of the Council in relation to proprietary, constitutional, electoral and legislative matters.	None
4.2.76	To draw up, monitor and review the Council's Constitution and its components and, subject to consultation with the General Purposes Committee, make any changes or additions to give effect to any decisions of the Council or changes in the law and to make minor amendments to correct any errors and to ensure that the constitution is maintained and up to date.	None

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| 4.2.77 | To carry out any functions in connection with the production of the scheme of Members' Allowances, the review and operation of the scheme and any other allowances payable to members of the Council. | None |
| 4.2.78 | To carry out and manage the functions of the Council in relation to electoral and boundary issues. | None |
| 4.2.79 | After consultation with appropriate members of the Council, and where required in accordance with their wishes, to make appointments, removals or replacements to any Member body in the Council's Constitution and to outside bodies (including school governing bodies); and to fill casual vacancies on any such bodies in accordance, where required, with Sections 15-17 of the Local Government and Housing Act 1989. | None |
| 4.2.80 | To call in decisions of the Executive or an Executive Member taken in accordance with a delegation in Part C of the Constitution or an officer on a Key Decision in Part H of the Constitution following receipt of a call-in request in accordance with the Council's call-in scheme. | In the absence of the Monitoring Officer, any Deputy Monitoring Officer may act in this capacity. |
| 4.2.81 | To arrange civic visits to businesses or other organisations either within, or outside, the District. | <p>(1) In consultation with the Chairman of the Council.</p> <p>(2) Where an opportunity arises for several Members to take part in such visits, the Chairman of the Council and Leader will be consulted with a view to the appropriate Executive Member/Chairman taking part in the visit and, where appropriate, the ward member(s).</p> |

4.3 Director of Community Services

**Qualifications
(if any)**

Community Safety and Public Protection

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| 4.3.1 | To carry out the functions of the Council in relation to Community Safety. | None |
| 4.3.2 | To authorise persons to enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply and to apply for a warrant of entry where appropriate. | None |
| 4.3.3 | To carry out the functions of the Council in relation to Civil Contingencies. | In response to an emergency, the Chief Executive is responsible for exercising the Council's powers under the Civil Contingencies Act 2004 (Delegation No 4.1.4) |
| 4.3.4 | To be responsible for ensuring the authority complies with obligations under section 17 of the Crime and Disorder Act 1998 and any subsequent legislation, to have due regard to the likely effect of the exercise of the Authority's functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. | None |

Licensing and Regulation

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|---------|---|------|
| 4.3.5 | To grant and sign licences and permits as follows:- | None |
| 4.3.5.1 | house to house and street collections | |
| 4.3.5.2 | amusements with prizes by means of machine | |
| 4.3.5.3 | small lotteries | |

4.3.6	To license and regulate Hackney Carriages and Private Hire Vehicles, their drivers and operators (including powers to suspend or revoke licenses).	Subject to such powers being exercised in accordance with the principles regarding disclosure of criminal records and relevant criminal convictions outlined in the Home Office Circular 13/92 and Department of Transport Circular 2/92
4.3.7	To grant and sign licences for hackney carriage and private hire vehicles.	None
4.3.8	To suspend or revoke any vehicle, driver or operator licence issued under the Town Police Clauses Act 1847 and/or the Local Government (Miscellaneous Provisions) Act 1976.	None
4.3.9	To exercise the following functions under the Licensing Act 2003:-	This delegation shall not apply where the Authority is the applicant. All such applications shall be referred to the Licensing Sub-Committee for determination
4.3.9.1	Determination of application for personal licence (Section 120)	Where no objection received
4.3.9.2	Determination of application for renewal of personal licence (Section 121)	Where no objection from Police
4.3.9.3	Determination of application for premises licence (Section 18)	Where no relevant representations received

4.3.9.4	Determination of application for provisional statement (Section 31)	Where no relevant representations received
4.3.9.5	Determination of application to vary premises licence (Section 35)	Where no relevant representations received
4.3.9.6	Determination of application to vary premises licence in relation to designated premises supervisor (Section 39)	Where no relevant representations received
4.3.9.7	Determination of application to transfer premises licence (Section 44)	Where no relevant representations received
4.3.9.8	Determination of application for club premises certificate (Section 72)	Where no relevant representations received
4.3.9.9	Determination of application to vary club premises certificate (Section 85)	Where no relevant representations received
4.3.9.10	Agreement that a hearing is unnecessary where representations received	None
4.3.9.11	Decision as to whether representation is frivolous or vexatious	None
4.3.9.12	Instigation of proceedings for contraventions of the provisions of the Act	None
4.3.9.13	Determination of application to remove as a designated premises supervisor	None
4.3.9.14	Determination of application for interim authorities	Where no objections from Police
4.3.9.15	Signing of Personal, Premises Licence and Club Premises Certificates	None
4.3.9.16	Determination of whether or not representations are relevant representations	None

4.3.9.17	Compliance with the duties imposed on the Council as a Licensing Authority in dealing with Temporary Event Notices and the issue of Counter Notices	Where no objections from Police
4.3.9.18	Determination of application to licence premises for the provision of food and drink under Schedule 2 of the Act	Where no relevant representations received
4.3.9.19	Determination of whether an application is deemed to be a minor variation	None
4.3.9.20	Determination of applications for a minor variation to a premises licence	None
4.3.9.21	Determination of application for a minor variation for a club premises certificate	None
4.3.10	To grant, vary or transfer licences for Sex Establishments and Sex Cinemas issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.	Subject to no objections being received from the Police and other parties within the requisite notice period. Where objections are received, applications shall be determined by the Licensing Committee
4.3.11	To take such actions as are necessary to comply with the duty imposed on the Council by the Vehicle (Crime) Act 2001.	None
4.3.12	To exercise the following functions under the Gambling Act 2005:-	None
4.3.12.1	Application for premises licence	Where no representations received or representations have been withdrawn

4.3.12.2	Application for variation of a licence	Where no representations received or representations have been withdrawn
4.3.12.3	Application for transfer of a licence	Where no representations received from the Commission
4.3.12.4	Application for a provisional statement	Where no representations received or representations have been withdrawn
4.3.12.5	Application for club gaming/club machine permits	Where no objections made/objections have been withdrawn
4.3.12.6	Application for other permits	None
4.3.12.7	Cancellation of licensed premises gaming machine permits	None
4.3.12.8	Consideration of temporary use notice	None
4.3.12.9	Representations on applications – determination whether or not admissible and relevant	None
4.3.13	To determine the selection and appointment of garages as compliance testing stations for licensed vehicles.	None
<i>Environmental Health and Licensing</i>		
4.3.14	To license premises and persons for acupuncture, tattooing, ear piercing and electrolysis under Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	None
4.3.15	To register and license premises for the preparation of food under the EU Directive 852/2004 Article 6(2) Food Hygiene Regulations 2006.	None

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| 4.3.16 | To license premises for the breeding of dogs under Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999. | None |
| 4.3.17 | To license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999. | None |
| 4.3.18 | To license zoos under Section 1 of the Zoo Licensing Act 1981. | None |
| 4.3.19 | To license keepers of dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976. | None |
| 4.3.20 | To register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925. | None |
| 4.3.21 | To approve meat product premises under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013. | None |
| 4.3.22 | To approve premises for the production of minced meat or meat preparations under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013. | None |
| 4.3.23 | To approve dairy establishments under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013. | None |
| 4.3.24 | To approve egg product establishments under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013. | None |
| 4.3.25 | To approve fish products premises under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013. | None |
| 4.3.26 | To keep a register of food business premises under the EU Directive 852/2004 Article 6(2) Food Safety and Hygiene (England) Regulations 2013. | None |

4.3.27	To register food business premises under the EU Directive 852/2004 Article 6(2) Food Safety and Hygiene (England) Regulations 2013.	None
4.3.28	Functions relating to health and safety at work under any of the relevant statutory provisions within the meaning of Part I of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged, otherwise than in the authority's capacity as an employer.	None
4.3.29	Legal proceedings for breaches of Regulations and statutory instruments made under the Health and Safety at Work Act etc 1974 and to prosecute before magistrates in England and Wales – Section 39.	None
4.3.30	Legal proceedings for breaches of Byelaws.	None
4.3.31	To license scrap metal dealers and collectors under the Scrap Metal Dealers Act 2013.	None
4.3.32	To suspend or revoke licences issued under the Scrap Metal Dealers Act 2013.	None
4.3.33	To authorise persons to enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply and to apply for a warrant of entry where appropriate.	None
4.3.34	<p>Authority to exercise powers and enforce requirements in relation to powers provided by the following statutes:-</p> <ul style="list-style-type: none"> • Anti Social Behaviour, Crime and Policing Act 2014 • Anti Social Behaviour Act 2003 • Building Act 1984 • Clean Air Act 1993 • Clean Neighbourhoods and Environment Act 2005 • Control of Pollution Act 1974 • Environment Act 1995 • Environmental Protection Act 1990 • Food Safety Act 1990 • Guard Dogs Act 1975 • Housing Act 1985 • Housing Act 2004 • Housing Grants, Construction and Regeneration Act 1996 • Local Government and Housing Act 1989 	<p>To the extent that the Council is the relevant Authority for those Statutes and Regulations and in consultation with Assistant Director Housing Services where appropriate.</p>

- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Legal Aid, Sentencing and Punishment of Offenders Act 2012
 - Noise and Statutory Nuisance Act 1993
 - Noise Act 1996
 - Prevention of Damage by Pests Act 1949
 - Prevention of Social Housing Fraud Act 2013
 - Public Health Acts 1936 and 1961
 - The Pollution Prevention and Control Act 1999
 - Food Safety and Hygiene (England) Regulations 2013
 - Official Feed and Food Control (England) Regulations 2009
 - The Deer Act 1991
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| 4.3.35 | To take necessary action in the event of an outbreak of rabies under Section 3 of the Dogs Act 1906. | None |
| 4.3.36 | To take steps to control stray dogs under Sections 149 – 151 of the Environmental Protection Act 1990. | None |
| 4.3.37 | To control dangerous dogs under Section 5 of the Dangerous Dogs Act 1991. | None |
| 4.3.38 | To control dog fouling under Dogs (Fouling of Land) Act 1996. | None |
| 4.3.39 | To receive notice of a shop trading and maintain registers in accordance with the Sunday Trading Act 1994. | None |
| 4.3.40 | To exercise powers and enforce requirements in relation to powers provided by the Public Health (Control of Disease) Act 1984, Health Protection (Local Authority Powers) Regulations 2010 and Health Protection (Part 2A Orders) Regulations 2010 to the extent that the Council is the relevant authority. | None |
| 4.3.41 | To take measures to control pesticides under Part III of the Food and Environment Protection Act 1985. | None |
| 4.3.42 | To require the remediation of land, property or sites determined as detrimental to the amenity of the neighbourhood in accordance with Section 215 of the Town and Country Planning Act 1990. | None |
| 4.3.43 | To implement the provisions of Part I of the Environmental Protection Act 1990 in respect of Prescribed Processes. | None |
| 4.3.44 | To implement Sections 77 – 85 of the Water Industry Act 1991 relating to water quality. | None |

4.3.45	To implement the provisions of the Pollution Prevention and Control Act 1999 and Pollution Prevention and Control Regulations 2000 in respect of Permitted Installations.	None
4.3.46	To act in accordance with Section 1 of the Breeding of Dogs Act 1991.	None
4.3.47	To enforce any “relevant regulations or orders” made under the European Communities Act 1972.	<p>“Relevant regulations or orders” are those in respect of which:-</p> <ul style="list-style-type: none"> (a) The Council has enforcement responsibility; (b) Relate to food control or other functions where the Community Services Director already has delegated authority
4.3.48	To declare any Air Quality Management Areas under Part IV of the Environment Act 1995 and to vary the same in the light of any changes of air quality.	In consultation with the relevant Executive Member
4.3.49	To amend any enforcement policy relating to Community Safety and Public Protection as deemed necessary.	In consultation with the Assistant Director Housing Services where appropriate and after consultation with the relevant Executive Member

Trading Standards

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| 4.3.50 | To exercise the functions of the Council under legislation concerning, food, weights and measures, trade descriptions, animal health, performing animals, explosives licensing, safety of sports grounds and other fair trading and consumer protection matters. | None |
| 4.3.51 | To institute any legal proceedings available to the Council where to do so would further the protection of consumer rights and general business interests. | None |
| 4.3.52 | To appoint the Council's Chief Inspector of Weights and Measures. | None |

Enforcement of smoking prohibitions

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| 4.3.53 | To enforce offences relating to the display of no-smoking signs (Section 6(5) of the Health Act 2006). | None |
| 4.3.54 | To enforce offences relating to smoking in smoke-free places (Section 7(4) of the Health Act 2006). | None |
| 4.3.55 | To enforce the offence of failing to prevent smoking in smoke-free places (Section 8(4) of the Health Act 2006). | None |
| 4.3.56 | To transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)). | None |

Waste

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| 4.3.57 | <p>To carry out all functions of the Council in respect of waste management, collection and disposal under:-</p> <ul style="list-style-type: none"> • Part II Environmental Protection Act 1990 • Part IIA Environmental Protection Act 1990 • Part 1 of the Waste and Emissions Trading Act 2003 • The Refuse Disposal (Amenity Act) 1978 • The Control of Pollution Act 1989 • The Control of Pollution (Amendment) Act 1989 • The Clean Neighbourhoods and Environment Act 2005 <p>and all other enabling powers in relation to the collection, transportation, regulation and disposal of waste and maintaining any public registers.</p> | None |
| 4.3.58 | To exercise powers of entry, serve statutory notices, execute works in default and recover or apportion expenses in relation to the above powers. | None |

4.3.59	To issue fixed penalty notices for graffiti and fly posting under Section 43 of the Anti-Social Behaviour Act 2003.	None
4.3.60	To serve graffiti removal notices under Section 43 of the Anti-Social Behaviour Act 2003.	None
4.3.61	To stop and search any vehicle transporting controlled waste in contravention of the Control of Pollution (Amendment) Act 1989.	None
4.3.62	Upon the issue of a warrant, to seize a vehicle used for illegal waste disposal and to dispose of the vehicle in accordance with the provisions of the Control of Pollution Act 1989.	None
4.3.63	To issue fixed penalty notices for leaving litter (under Section 88 of the Environmental Protection Act 1990).	None
4.3.64	To remove and dispose of abandoned vehicles and recover the connected expenses under Section 3 – 5 of the Refuse disposal (Amenity) Act 1978.	None
4.3.65	To remove and dispose of refuse on land under Section 6 of the Refuse Disposal (Amenity) Act 1978.	None
4.3.66	To implement Part II of the Environmental Protection Act 1990 in relation to waste collection.	None
4.3.67	To apply exceptions as set out in the waste collection policies.	None
4.3.68	To determine whether a particular unadopted road shall be included in the contract for street cleansing.	None

Highways

4.3.69	To carry out the functions of the Council as Highway Authority, (including cycleways) and to be Proper Officer under the Highways Act 1980 including:-	None
4.3.69.1	Proposals affecting the local highway authority made under the Town and Country Planning Acts for the stopping up of public rights of way;	None
4.3.69.2	Agreements as to the execution of works under section 278 of the Highways Act 1980;	None
4.3.69.3	The exercise of the Council's functions under the private street works and advance payments codes;	None

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| 4.3.69.4 | Agreements for the adoption of highways under section 38 of the Highways Act 1980 | None |
| 4.3.70 | To carry out the functions of the Council as Traffic Authority under the Road Traffic Regulation Acts, traffic management under the Traffic Management Act 2004 including the implementation and management of the Central Bedfordshire Permit Scheme (CBPS) and also its functions relating to road safety and on-street and off-street parking, including implementation of arrangements for civil parking enforcement. | Subject to there being no significant objections to the application, proposal or matter concerned |
| 4.3.71 | To oversee and co-ordinate public/integrated transport issues as they affect the County and carry out the Council's functions in respect of public passenger transport services and passenger transport services for education and social services | None |
| 4.3.72 | To determine applications for temporary road closure orders in accordance with Section 21 of the Town Police Clauses Act 1847. | Subject to consultation with the local ward Member(s) and Town/Parish Council if contactable in the case of any objection from Bedfordshire Police |

Leisure, Sports and Recreation

Rights of Way

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| 4.3.73 | To carry out the functions of the Council in respect of public rights of way, including the exercise of the Council's powers and duties under the Wildlife and Countryside Act 1981, the Highways Act 1980, Sections 257, 258 and 261 of the Town and County Planning Act 1990 (including the maintenance, protection, enforcement, extinguishments, creation, diversion and modification of public rights of way) and the making of road traffic regulation orders in respect of public rights of way. | Subject to consultation with the relevant ward Member, and subject to the Head of Highways' power to authorise the making of orders in respect of public rights of way applying only in so far as no significant objection has been made to the application, |
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proposal or
matter
concerned.

Commons, Town and Village Greens and Play & Open Spaces

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| 4.3.74 | To manage the Council's play areas and open spaces and take any action which is deemed necessary to maintain a safe and usable environment. | None |
| 4.3.75 | To carry out the functions of the Council in respect of commons, town and village greens, and the countryside. | Subject to prior consultation with the Monitoring Officer in so far as the functions relate to enforcement action and instituting legal proceedings. |

Leisure and Recreation

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| 4.3.76 | To manage and regulate the Council's leisure and recreational facilities. | None |
| 4.3.77 | To approve expenditure up to the sum of £25,000 from the Profit Share Account for Council Leisure Centres. | In consultation with the relevant Executive Member |

Grants

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| 4.3.78 | To approve grant applications under the Council's grant aid schemes up to a maximum of £15,000, subject to the application being in accordance with the approved Council criteria relating to the relevant grant fund and to any grant being "one-off" with no recurring liability. | Subject to consultation with the relevant Executive Member. Those applications meeting the criteria and recommended for refusal to be submitted to the Executive. |
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Adult and Community Learning

Libraries and Museums

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| 4.3.79 | To carry out the functions of the Council as Library and Museum authority, and generally act in relation to Libraries, Museums and associated cultural services. | None |
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Archives and Records

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| 4.3.80 | To carry out the Council's functions in relation to archives and records on accordance with the statutory framework provided by the Public Records Act 1958 s5. The Manorial Documents and Tithe Rules, Local Government (Records) Act 1962, Local Government Act 1972 s224-229, the Parochial Registers and Record Measure 1978 (amended 1992) and related statutes imposing record keeping and information access duties and obligations. | None |
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Property and Asset Management

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| 4.3.81 | To undertake routine maintenance and updating of the "Market Conditions and Consent to Trade" document within agreed Council policies and budgets. | None |
| 4.3.82 | To take operational decisions within agreed Council policies, budgets and the "Market Conditions and Consent to Trade" document. | None |
| 4.3.83 | To have overall responsibility for the management and maintenance of any land or buildings, including agricultural landholdings, held for Council purposes having regard to service objectives and in the interests of the Council as a whole. | None |
| 4.3.84 | To manage any land and buildings not currently required for any of the Council's statutory functions. | None |
| 4.3.85 | To accept, renew and vary contracts for maintenance and repair of all equipment and services within the annual estimates. | None |
| 4.3.86 | To dispose of worn or obsolete plant or equipment in accordance with the Code of Procurement Governance and/or current inventory procedures, as appropriate. | None |
| 4.3.87 | To undertake maintenance, repairs and alterations in respect of the Council's operational property. | None |
| 4.3.88 | To let Council owned rooms and, where appropriate, waive or reduce charges in respect of Council bookings. | None |
| 4.3.89 | To authorise development and appropriation of land and buildings, subject to a maximum value in any case of £200,000 per annum (revenue) or £500,000 (capital). | Subject to consultation with the relevant Executive Member and the ward Member(s) |

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| 4.3.90 | To authorise the acquisition, disposal or variation of any estate or interest (together with licences and wayleaves) in any land and buildings subject to a maximum value in any case of £200,000 per annum or £500,000 (capital). | Subject to consultation with the relevant Executive Member and the ward Members(s) |
| 4.3.91 | In accordance with the Corporate Property Assets Disposal and the delegated powers outlined in 4.2.54-81, to sell land surplus to requirements. | Subject to approval of the relevant Executive member and after consultation with the ward Member(s) |
| 4.3.92 | To establish and maintain a corporate database of the Council's land and buildings, including details of liabilities, and to perform any responsibilities placed on the Council under the Local Government Planning and Land Act 1980. | None |
| 4.3.93 | To take appropriate action on behalf of the Council with regard to rating issues, including the conduct of appeals. | In consultation where appropriate with the Monitoring Officer. |
| 4.3.94 | To determine and issue general guidelines to officers for the management of land resources and the maintenance of buildings. | None |
| 4.3.95 | To certify or make arrangements for the certification of authorisation and identity cards and passes for officers and Members. | None |
| 4.3.96 | To let land and premises for not more than fifteen years in accordance with the approved Asset Management Plan. | None |
| 4.3.97 | To licence land and premises for not more than 364 days. | None |
| 4.3.98 | To deal with all matters in connection with the management and leasing/licensing of the Council's industrial land and premises in accordance with the Council's current Asset Management Plan. | None |
| 4.3.99 | To deal with all matters in connection with the management and leasing of the Council's Managed Workspace in accordance with the Council's current Asset Management Plan. | None |

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| 4.3.100 | To deal with all matters in connection with the management and leasing of the Council's retail premises in accordance with the Council's current Asset Management Plan. | None |
| 4.3.101 | To enter into leases of land where the Council is to construct a public amenity or provide or reacquire the freehold of land. | In consultation with the Monitoring Officer and relevant Executive Member. |
| 4.3.104 | To take decisions on applications by electricity, gas, water, telephone, broadcasting or cable companies to place any apparatus in, on, over or under any land or buildings owned by the Council. | In consultation with the Monitoring Officer and ward members. |
| 4.3.105 | To: | |
| | 4.3.105.1 assess each application for release from restrictive covenants on its own merits; | |
| | 4.3.105.2 negotiate compensation payable to the Council where such release is requested in order to facilitate speculative development or some other profit making exercise. | |
| 4.3.106 | To exercise, at his/her discretion, the provisions of any authorised guarantee agreement, such provisions to always be enforced except where there are commercial or operational reasons not to do so. | None |
| 4.3.107 | To serve, at his/her discretion, the required legal notice (Section 17 Notice) on original tenants where the tenant (Assignee) is in arrears in order to protect the Council's rights to pursue original tenants for the debt if it is considered viable. | None |
| 4.3.108 | To negotiate the grant of wayleaves for the purposes of Town Centre Enhancement Schemes or Closed Circuit Television Schemes. | None |
| 4.3.109 | To undertake maintenance, repairs and alterations in respect of the Council's non-operational property. | None |
| 4.3.110 | To determine licences to erect and site public notice boards on Central Bedfordshire Council land throughout Central Bedfordshire. | None |

Business Continuity

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| 4.3.111 | Arrangements for business continuity within the Council. | |
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4.4	Director of Regeneration and Business	Qualifications if any
<i>Economic Growth and Regeneration</i>		
4.4.1	To carry out the functions of the Council in relation to economic development and regeneration including tourism.	None
<i>Economic Growth</i>		
4.4.2	To carry out the functions of the Council concerning Regional, European and International issues and relationships and specifically the South East Midlands Local Enterprise Partnership.	None
<i>Planning and Development Strategy</i>		
4.4.3	To conduct surveys under Section 13 of the Planning and Compulsory Purchase Act 2004.	In consultation with the relevant Executive Member
4.4.4	To prepare and approve development planning documents (including local plans, technical documents, background papers, Local Development Orders, and the Sustainability Appraisal/Strategic Environmental Assessment) for the purposes of public consultation and to vary such documents in the light of the outcome of public consultation.	In consultation with the relevant Executive Member
4.4.5	To vary development planning documents in the light of technical advice.	In consultation with the relevant Executive Member
4.4.6	To make minor inconsequential changes to all development planning documents which do not affect the substance or meaning of those documents.	In consultation with the relevant Executive Member
4.4.7	To carry out the strategic functions of the Council as Planning Authority.	None
4.4.8	To respond to the local development documents of local planning authorities outside the Authority.	None

4.4.9	To agree the text of draft supplementary planning documents, and technical guidance, including planning and development briefs and frameworks, and Local Development Orders for the purpose of public consultation.	Following consultation with the relevant Executive Member and relevant ward Members (where site specific briefs produced).
	4.4.9.1 To prepare the draft Local Development Framework Annual Monitoring Report for the purposes of publication;	In consultation with the relevant Executive Member
	4.4.9.2 To designate Neighbourhood Planning Areas for the preparation of Neighbourhood Plans and Orders	In consultation with the relevant Executive Member
4.4.10	To prepare the Local Transport Plan and transport strategy documents for the purposes of public consultation.	In consultation with the relevant Executive Member
4.4.11	To prepare the Housing Strategy and associated strategy documents for the purposes of public consultation.	In consultation with the relevant Executive Member
4.4.12	To advise the Housing Corporation or the Government on the relative priorities of different client groups with housing needs and on priorities for bids from individual registered social landlords.	None
4.4.13	To negotiate with the Housing Corporation or the Government on the level of grants or other resources offered in bids from registered social landlords to the Housing Corporation or the Government for the purpose of attracting additional grants or other resources.	None
4.4.14	To prioritise bids for monies submitted by registered social landlords and determine the amount of grants or other resources available to support such bids.	subject to consultation with the relevant Executive Member and any Key Decision being taken in accordance with the requirements of the Access to Information Procedure Rules

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| 4.4.15 | Where a development scheme (through the enabling role) has been approved by the Executive, to take any necessary detailed action to enable the scheme to proceed, in circumstances where time is critical or a further report to the Executive would not be possible. | after consultation with the relevant Executive Member(s) |
| 4.4.16 | To certify claims for Housing Corporation funded schemes. | None |
| 4.4.17 | To carry out the functions of the Council with regard to environmental policy and sustainability. | None |
| 4.4.18 | To approve grants for town and parish plans up to £2,000 subject to the application being in accordance with the approved criteria and any grant being a one-off with no recurring liability. | after consultation with the relevant Executive Member |

Development Management

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| 4.4.19 | To carry out the functions of the Council as the Waste and Minerals Planning Authority. | None |
| 4.4.20 | To enforce provisions under Town and Country Planning Regulations in respect of minerals and waste management matters. | None |
| 4.4.21 | To determine applications required under the Planning Acts and Statutory Instruments; and other planning matters (including applications for planning permission made under Regulation 3 of the Town and Country Planning General Regulations 1992), except where:- | As shown in 4.4.21.1 to 4.4.21.5 |
| 4.4.21.1 | A ward member of the Council requests in writing, on an agreed pro-forma and supported by the planning reason(s), within 3 weeks of the application being registered, for it to be referred to a meeting of the Development Management Committee. The Member making a call-in is required to set out the planning reasons for the call-in on the proforma and speak about the reasons for the call-in at the Committee where the application may be considered ¹ ; | None |
| | ¹ A Member may withdraw a request by notifying the Assistant Director, Planning no later than six clear working days before the date of the Committee meeting. | |

- 4.4.21.2 It is proposed to grant planning permission for a **major development**² and:- None
- 4.4.21.2.1 a material planning representation(s) has been received in writing from Town and Parish Councils which has not been resolved by the Local Planning Authority through negotiation with the applicant and/or through the imposition of conditions; or None
- 4.4.21.2.2 the application or matter is considered to be a departure from the Development Plan; or None
- 4.4.21.3 The application (or matter) is made by or on behalf of, or involves in any capacity, any Member or senior officer of the Council (i.e. Head of Service, Assistant Director, Director or the Chief Executive) or officer in the Development Management Team; None
- 4.4.21.4 The Assistant Director, Planning considers it prudent to refer the application or matter to the Development Management Committee; or None
- 4.4.21.5 the application is made under Regulation 3 of the Town and Country Planning (General) Regulations 1992 or is for development on the Council's own land and in either case a material planning representation(s) has been received in writing that is contrary to the Officer delegated decision otherwise to be made and in the case of objections these cannot be resolved through the imposition of conditions.
- 4.4.21.6 The application is made under Regulation 4 of the Town and Country Planning (General) Regulations 1992.
- ² The definition of "major development" shall be that used by the Department for Communities and Local Government in the General Development Control Return

4.4.22	To determine (both approval and refusal of) applications or notices for:-	As shown in 4.4.22.1 to 4.4.22.10, where appropriate
4.4.22.1	advertisement consent;	None
4.4.22.2	listed building consent, except that consent to demolish shall not be given until the Secretary of State has decided not to determine the application himself;	None
4.4.22.3	consent to cut down, uproot, top or lop trees protected by a Tree Preservation Order including the imposition of replanting conditions where appropriate;	None
4.4.22.4	notice for the felling of trees within a Conservation Area;	None
4.4.22.5	determinations as to whether prior approval is required for agricultural or forestry development under Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations;	None
4.4.22.6	determination as to whether prior approval is required of certain developments by telecommunications code system operators under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations;	None
4.4.22.7	determinations as to whether prior approval is required for the demolition of a building under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations;	None

4.4.22.8	prior approval of development under Part II of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such development;	None
4.4.22.9	determinations as to whether prior approval is required for toll road facilities on article 1(5) land under Part 30 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations;	None
4.4.22.10	approval of reserved matters following an outline planning permission provided that they are in conformity with the outline permissions.	None
4.4.23	To determine non-material and minor amendments to permissions and other consents.	None
4.4.24	To determine applications by electricity, gas, water, telephone, broadcasting, cable and pipeline companies and agencies in respect of works.	Subject to consultation with the Chairman of Development Management Committee and the local ward Member(s), where appropriate.
4.4.25	To sign and serve building preservation notices.	None
4.4.26	To make or re-make Tree Preservation Orders and to sign relevant documents relating thereto.	Any action under this delegation to be reported to Members for information.

4.4.27	To revoke, vary, modify and confirm Tree Preservation Orders and to sign relevant documents relating thereto.	Where duly made objections are received and are not resolved, these will be referred to the Development Management Committee for determination. Any action under this delegation to be reported to Members for information.
4.4.28	To remove or obliterate unauthorised posters or placards and to serve any notice or make such enquiries as are specified in the relevant planning legislation.	None
4.4.29	To make determinations as to whether to authorise the removal of any important hedgerow, to serve Hedgerow Retention Notices and Hedgerow Replacement Notices under Article 5 and 8 of the Hedgerow Regulations 1997.	None
4.4.30	To institute proceedings in the appropriate court in respect of the following:-	Subject to the agreement of the Monitoring Officer.
4.4.30.1	the display of an unauthorised advertisement;	None
4.4.30.2	unauthorised works to a listed building;	None
4.4.30.3	non-compliance with an enforcement notice;	None
4.4.30.4	non-compliance with a breach of condition notice;	None
4.4.30.5	non-compliance with a Section 215 notice;	None
4.4.30.6	not responding appropriately to a requisition for information under Section 330 of the Town and Country Planning Act 1990 or Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;	None

4.4.30.7	not responding appropriately to a Planning Contravention Notice;	None
4.4.30.8	unauthorised works to a tree protected by a tree preservation order;	None
4.4.30.9	wilful obstruction of a person acting in the exercise of powers of entry onto land;	None
4.4.30.10	unauthorised works to a tree(s) in a conservation area;	None
4.4.30.11	unauthorised works to a hedgerow;	None
4.4.30.12	non compliance with a stop notice;	None
4.4.30.13	non compliance with a listed building enforcement notice;	None
4.4.30.14	non compliance with a hedgerow retention or removal notice;	None
4.4.30.15	non compliance with hazardous substances contravention notice.	None
4.4.31	To obtain a warrant for entry onto land, where admission to that land has been refused, contrary to powers of entry which apply, or where such a refusal is reasonably apprehended, or in the case of urgency.	None
4.4.32	To investigate all breaches of control as defined in the relevant legislation and regulations relating to planning, listed buildings, conservation areas, tree preservation orders, hedgerows, advertisements and hazardous substances and to determine to take no further action on cases where the Assistant Director Development Management considers it not expedient to take action.	(i) Subject to the development in question not being clearly contrary to the policies of the Development Plan; or (ii) Except where a Member has requested the breach of planning control to be referred to the Development Management Committee for decision

4.4.33	To institute legal proceedings seeking an injunction in respect of any breach of planning control.	Subject to consultation with the Monitoring Officer
4.4.34	To determine applications for certificates of Lawfulness of Existing Use or Development Certificates of Lawfulness of Proposed Use of Development.	Subject to consultation with the Monitoring Officer
4.4.35	To make any decision on ongoing actions or cases relating to any breach of control or serve a regulatory notice or initiate prosecution or legal proceedings seeking injunctions where prior consultation time does not permit.	None
4.4.36	To issue, serve or withdraw the following notices:-	None
4.4.36.1	a Planning Contravention Notice under Section 171C of the Town and Country Planning Act 1990. (Such delegation also is exercisable by all Development Management and Enforcement Planning Officers.)	None
4.4.36.2	a Notice under Section 330 of the Town and Country Planning Act 1990. (Such delegation also is exercisable by all Enforcement Officers and those Planning Officers affiliated to the Enforcement Section.)	None
4.4.36.3	a Notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. (Such delegation also is exercisable by all Enforcement Officers and those Planning Officers affiliated to the Enforcement Section.)	None
4.4.36.4	Enforcement notice under Section 172 of the Town and Country Planning Act 1990.	Subject to prior consultation with the Monitoring Officer
4.4.36.5	Breach of Condition Notice under Section 187A of the Town and County Planning Act 1990.	
4.4.36.6	Stop Notice under Section 172 of the Town and Country Planning Act 1990.	

4.4.36.7	A Notice under Section 215 of the Town and Country Planning Act 1990.	
4.4.36.8	Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	
4.4.36.9	An Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	
4.4.36.10	A Tree Replacement Notice under Section 207 of the Town and Country Planning Act 1990.	
4.4.36.11	A Hazardous Substance Contravention Notice under Section 24 of the Planning (Hazardous Substances) Act 1990.	
4.4.37	To formulate and notify views on behalf of the Council in relation to:-	None
4.4.37.1	notices of proposed development by the Crown and Government Departments under Department of the Environment Circular No.18/84;	None
4.4.37.2	proposals by other organisations which benefit from deemed approval where comments/views are sought;	None
4.4.37.3	applications to the Traffic Commissioners in relation to the licensing of heavy goods vehicles operating centres;	In consultation with the elected ward Member(s) whenever possible
4.4.37.4	consultations by adjoining Councils for planning and other applications on land adjoining this district.	None
4.4.37.5	consultations by the Planning Inspectorate for Development Consent Orders.	After consultation with the relevant Executive Member
4.4.38	To determine 'screening opinions' as to the need for the submission of Environmental Impact Assessments under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and subsequent 'scoping opinions'.	None

4.4.39	To determine the appropriate fee due in respect of applications made in accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations.	None
4.4.40	To decide whether or not to advertise applications (subject to statutory requirements).	None
4.4.41	To determine the extent of consultations and neighbour notifications necessary and reasonable (subject to statutory requirements).	None
4.4.42	To prepare for consultation and subsequently approve the Local Validation Checklist.	After consultation with the relevant Executive Member
4.4.43	To decide whether or not representations received constitute valid planning objection or support.	None
4.4.44	To decline to determine repetitive planning applications in accordance with Sections 70A, 70B and 70C of the Town and Country Planning Act 1990.	None
4.4.45	To treat applications as having been disposed of under the provisions of Article 25 (11) (a-d) of the Town and Country Planning (General Development Procedure) Order 1995, where appropriate under the Order and notwithstanding the requirements of the Scheme of Delegation as to the description of application (or previous resolution of the Development Management Committee) to determine such application where a period of six months have elapsed without constructive written communication from the applicant following such Committee determination.	None
4.4.46	To determine all applications for Hazardous Substances Consent submitted in accordance with Section 7 of the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 1992.	None
4.4.47	To make application to the appropriate court of jurisdiction.	In consultation with the appropriate ward Member (if available) and by instructing the Monitoring Officer

4.4.48	To take action under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 to deal with dangerous trees.	None
4.4.49	To authorise persons:-	None
	<p>4.4.49.1 to enter land and/or premises in the discharge by the Authority of its functions under the Town and Country Planning legislation (being the consolidating Acts as defined by the Planning (Consequential Amendments) Act 1990 and any subordinate legislation thereunder);</p> <p>4.4.49.2 and in the course of such entry carry out investigation or examination and to take such documents, copies of records, samples, measurements, photographs, recordings or other observations and to require records kept by means of a computer to be produced in a form in which they can be taken away as are relevant and which the Authority has the power to take.</p>	
4.4.50	To issue temporary Stop Notices under the provisions of Section 171E to 171H of the Town and Country Planning Act 1990.	Following prior consultation with the Monitoring Officer
4.4.51	To determine complaints which arise under the High Hedges legislation (Part 8 of the Anti Social Behaviour Act 2003).	Complaints which, in the opinion of the Assistant Director, Planning raise wider neighbourhood issues or are locally sensitive, shall be referred to the Development Management Committee
4.4.52	To prepare and present evidence in relation to any appeal to the Secretary of State against the refusal or non-determination of an application required under the Planning Acts and Statutory Instruments, or, against the imposition of conditions in relation to the grant of a planning permission for any such application and in connection with any appeal against enforcement proceedings.	The non-determination of a 'major' application to be reported to the Development Management Committee

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| 4.4.53 | To institute legal proceedings in respect of contravention of any of the legislation referred to in the delegations above. | After consultation with the Monitoring Officer |
| 4.4.54 | To approve any matters reserved for the subsequent approval of the Council in planning permissions previously granted by the Council with or without conditions in any case. | None |
| 4.4.55 | To negotiate and enter into agreements or obligations under Section 106 of the Town and Country Planning Act 1990 and to implement the provisions of such agreements, including the disposal and management of land and monies. | In consultation with the Monitoring Officer except as may be otherwise indicated by the Development Management Committee |
| 4.4.56 | To issue any notice, in consultation with the Monitoring Officer, necessary to give effect to any resolution of the Development Management Committee or the above delegations. | None |

Building Control

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| 4.4.57 | To institute proceedings in relation to routine contraventions of Building Regulations. | None |
| 4.4.58 | To take decisions on applications for approval under building regulations and serving notices under Section 16 and all other relevant sections of the Building Act 1984 (including enforcement) and the supervision of plans and work by approved inspectors under Sections 47 to 53 of the Building Act 1984. | None |
| 4.4.59 | To take decisions on all applications for the relaxation of Building Regulations. | None |
| 4.4.60 | To take all necessary action, including the serving of notices, under Sections 77, 78, 79, 80 and 81 of the Building Act 1984 in relation to dangerous structures and demolitions. | None |
| 4.4.61 | To authorise persons to:- | None |
| 4.4.61.1 | enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply; and | None |
| 4.4.61.2 | enter land and/or premises under Section 95 of the Building Act 1984; | None |
| | and to apply for a warrant of entry where appropriate. | |

Street Naming and Numbering

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| 4.4.62 | To name new roads. | Subject to consultation with the relevant Executive Member where agreement cannot be reached between the developers and the appropriate Parish/Town Council |
| 4.4.63 | To number and re-number houses as and when necessary. | None |

Drainage

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| 4.4.64 | To undertake maintenance or minor improvements to any drains and watercourses in respect of which the Authority has power or functions. | None |
| 4.4.65 | To exercise functions of the Authority in relation to the requirements of the Flood and Water Management Act 2010. | None |
| 4.4.66 | To exercise the functions of the Authority in relation to watercourses, culverts and ditches under Section 259 to 265 of the Public Health Act 1936. | None |

Historic Building Grants

- | | | |
|--------|--|------|
| 4.4.67 | To approve the making of an offer of grant towards the cost of repairs to an historic building, where the application is in full compliance with the operating criteria of the relevant Grant Aid Scheme and where the Council's Conservation Officer supports the application | None |
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Highways

- | | | |
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| 4.3.68 | To determine applications for temporary road closure orders in accordance with Section 21 of the Town Police Clauses Act 1847. | Subject to consultation with the local ward Member(s) and Town/Parish Council if contactable in the case of any objection from Bedfordshire Police |
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Adult Learning

4.3.69 To carry out the functions of the Council as a local education authority in relation to adult learning and further education including the functions set out in:- None

- 4.3.70
- Section 120 (3) of the Education Reform Act 1988 (functions of LEAs with respect to higher and further education);
 - Sections 85 (2) and (3) of the Further and Higher Education Act 1992 (finance and government of locally funded further and higher education)
 - Section 15B of the Education Act 1996 or section 23 of the Learning and Skills Act 2000 (education for persons who have attained the age of 19)
 - Section 22 of the Teaching and Higher Education Act 2006 (financial support to students).

4.5	Director of Children's Services	Qualifications (if any)
4.5.1	To be the Council's statutory director of Children's Services under section 18(1) of the Children Act 2004.	None
4.5.2	To carry out the functions of the Council as a Children's Services Authority including those functions referred to in Section 18 of the Children Act 2004 (as amended from time to time).	None
4.5.3	To carry out the functions of the Council which are social services functions under the Local Authority Social Services Act 1970 (as amended from time to time) so far as they relate to children.	None
4.5.4	To carry out the functions of the Council under section 31 of the Health Act 1999 (as amended from time to time) so far as those functions relate to children.	None
4.5.5	To carry out the functions of the Council under sections 10 to 12 and 17 of the Children Act 2004 (as amended from time to time). (Arrangements to safeguard and promote the welfare of children; and Children and Young People's Plans.)	None
4.5.6	To carry out the functions of the Council as an Adoption Agency.	None
4.5.7	To carry out the functions of the Council under sections 23C to 24D of the Children Act 1989 (as amended from time to time). (After care arrangements, etc.)	None
4.5.8	To carry out the functions of the Council in relation to Early Years/Surestart.	None
4.5.9	To carry out the functions of the Council in relation to the Youth Offending Services.	None
4.5.10	To carry out the functions of the Council as the Local Education Authority including the functions of the Council relating to child employment and the youth service, and functions relating to adult learning and further education, set out in the Section 18(3) of the Children Act 2004 (as amended from time to time).	None

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| 4.5.11 | To be responsible for the administration and planning of the review of organisation of schools within the area. | None |
| 4.5.12 | To exercise the Council's functions relating to the publication of statutory notices for prescribed alterations to schools maintained by the Council in accordance with the relevant provisions of the Education and Inspections Act 2006, the School Standards and Framework Act 1998 and Regulations made under those Acts. | <p>Subject to consultation with the Executive Member for Education and Skills</p> <p>To take particular account of:</p> <ul style="list-style-type: none"> • statutory and non-statutory guidance and the key factors for decision makers • the Admissions Code • full consideration of the budget implications. |
| 4.5.13 | To be responsible for the administration and planning of the 14-19 Commissioning process including the administration and allocation of funding to commissioned post 16 Education and Skills providers in accordance with the functions transferred from the Learning and Skills Councils to the Local Authority. | In consultation with the relevant Executive Member |
| 4.5.14 | To respond to consultation from the Department of Education in relation to setting up Free Schools. | Subject to consultation with the relevant Executive Member and the local ward Member/s |
| 4.5.15 | To exercise the Council's functions relating to the modification of previously determined statutory proposals for prescribed alterations and/or for the establishment and discontinuance of schools maintained by the Council in accordance with the relevant provisions of the Education and Inspections Act 2006, the School Standards and Framework Act 1998 and Regulations made under those Acts. | <p>Subject to consultation with the relevant Executive Member and the Monitoring Officer, to take particular account of:</p> <ul style="list-style-type: none"> • statutory and non-statutory guidance • the Admissions Code • full consideration of the budget implications. |

4.6	Director of Social Care, Health and Housing	Qualifications (if any)
4.6.1	To be the Council's Statutory Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004.	None
	<i>Commissioning</i>	
4.6.2	To carry out the functions of the Council in relation to Adult Social Services and Social Care including all social services functions under the Local Authority Social Services Act 1970 (as amended from time to time) so far as they relate to adults.	None
4.6.3	To be the principal point of contact for the conduct of business with the health service sector and carry out the functions of the Council under the Health Act 1999 and any other health legislation (as amended from time to time) so far as these functions relate to adults.	None
	<i>Procurement</i>	
4.6.4	To manage the Council's procurement function, including the implementation of the Corporate Procurement Strategy, once adopted.	None
4.6.5	To review and approve detailed operational procurement procedures and ensure these implement the Council's Code of Procurement Governance as set out in Part 13 of the Constitution.	Subject to consultation with the relevant Executive Member
	<i>Adult Social Care</i>	
4.6.6	To exercise the functions of the Authority under the Housing Grants, Construction and Regeneration Act 1996, including any regulations made under it, and all other enabling powers, in relation to ensuring access and adaptations for those with disabilities.	None
	<i>Housing Services</i>	
4.6.7	To operate the Council's Mortgage Rescue Scheme.	In consultation with the Chief Finance Officer

Local Authority Housing

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|----------|---|--|
| 4.6.8 | To exercise the functions of the Authority as a Local Housing Authority under Parts II and XVIII of the Housing Act 1985, Part VI of the Local Government and Housing Act 1989 and Parts V and VI of the Housing Act 1996, any regulations made under them and all other enabling Powers, in relation to Authority owned dwellings and estates. | None |
| 4.6.9 | To exercise the functions of the Authority in relation to dwellings owned by the Authority but not held under Part III of the Housing Act 1985. | None |
| 4.6.10 | To implement future rent increases in respect of Council properties in line with the Government's national rent setting framework. | In consultation with the relevant Executive Member |
| 4.6.11 | To exercise the following functions of the Authority:- | |
| 4.6.11.1 | Authorising the granting and allocation of tenancies and leases in accordance with the Council's current policies; | None |
| 4.6.11.2 | Approving rents in specific cases; | None |
| 4.6.11.3 | Serving notice to quit or seeking possession; | None |
| 4.6.11.4 | Maintaining properties and estates; | None |
| 4.6.11.5 | Consenting to the assignment of a tenancy; | None |
| 4.6.11.6 | Agreeing mutual exchanges; | None |
| 4.6.11.7 | Permitting any works or other thing in respect of which a tenant requires the approval of the Authority under the terms of a tenancy or lease; | None |
| 4.6.11.8 | Making payments for removal expenses or for compensation for improvements of disrepair; | None |

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| 4.6.11.9 | Taking action under Sections 1 and 115 of the Crime and Disorder Act 1998 and Part V, Chapter III of the Housing Act 1996 and Anti-Social Behaviour Act 2003 (anti-social behaviour) in so far as such action relates to council housing; | In consultation with the Assistant Director Environmental Services. |
| 4.6.11.10 | Taking action to secure the eviction of trespassers; and | None |
| 4.6.11.11 | Undertaking such consultation with tenants as he/she considers necessary. | None |
| 4.6.12 | To amend the Council's Housing Allocation Scheme from time to time, in accordance with Part VI of the Housing Act 1996, to allow appropriate allocations to specialised developments such as Key Worker Schemes. | None |
| 4.6.13 | To implement measures which will increase the energy efficiency of the housing stock under the Home Energy Conservation Act 1995. | None |
| | <i>Right to Buy</i> | |
| 4.6.14 | To determine the eligibility of prospective purchasers as to their right to buy. | None |
| 4.6.15 | To exercise all functions of the Authority as landlord in respect of leases that have been sold under the Right to Buy including:- | None |
| 4.6.15.1 | Agreeing variations to the terms of the lease; | |
| 4.6.15.2 | Permitting any works or other thing in respect of which a lessee requires the approval of the Authority under the terms of a lease. | |
| 4.6.16 | To determine requests from the owners and lessees of Right to Buy properties to let dwellings. | None |

- 4.6.17 To agree the imposition, variation and release of restrictive covenants relating to future and past sales of Council dwelling houses, having regard to any relevant policy. None

Registered Social Landlords

- 4.6.18 To exercise the functions of the Authority under Part 1 of the Housing Act 1996 in relation to registered social landlords. None
- 4.6.19 To approve the purchase of properties from private owners and the re-sale of those properties onto willing Registered Social Landlords. Subject to consultation with the relevant Executive Member and local ward Members, where appropriate. Such expenditure to be in accordance with the approved Capital Programme provision, and any criteria relating thereto, for such purchases

Caravan Sites and Control of Development Act 1960

- 4.6.20 To issue licences and exercise powers and enforce requirements in relation to powers provided by the Caravan Sites and Control of Development Act 1960 to the extent that the Council is the relevant authority. None
- 4.6.21 To license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936. None
- 4.6.22 To exercise the functions of the Authority in relation to management of the Authority's sites for travellers. None

Unauthorised Campers

- 4.6.23 To direct unauthorised campers to leave land in accordance with Section 77 of the Criminal Justice and Public Order Act 1994. None

- 4.6.24 To investigate and institute proceedings for offences of harassment and illegal eviction under the Protection from Eviction Act 1977. None

Housing Welfare and Support

- 4.6.25 To carry out the functions under the Chronically Sick and Disabled Persons Act 1970 so far as they relate to adults. None
- 4.6.26 To carry out the functions of the Council in relation to Supporting People. None

Homelessness

- 4.6.27 To exercise the Authority's responsibilities for homeless people, including the Authority's functions under Part VII of the Housing Act 1996 and the Homelessness Act 2002 and determining applications for assistance. None
- 4.6.28 To determine appeals under Part VII of the Housing Act 1996 in accordance with the prescribed review procedures. None

Private Sector Housing

- 4.6.29 To exercise the functions of the Authority under Chapters 1, Part I of the Housing Act 2004 to review housing conditions in the area. None
- 4.6.30 To exercise the functions of the Authority under the Housing Act 2004, Chapters 2 and 5 of Part I and Part VII and all other enabling powers, in relation to improvement notices, prohibition orders and hazard awareness notices. None
- 4.6.31 To exercise the functions of the Authority under the Housing Act 2004, Chapters 1 and 5 of Part I and Part VII and all other enabling powers in relation to the taking of emergency measures in relation to housing conditions. None
- 4.6.32 To authorise the making and varying of Demolition Orders under Sections 270 to 274 of the Housing Act 1985 and all other enabling powers and securing compliance with them. None

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| 4.6.33 | To exercise the functions of the Authority under Part X of the Housing Act 1985 and Part IV, Chapter 3 of the Housing Act 2004 in relation to overcrowding. | None |
| 4.6.34 | To exercise the functions of the Authority in relation to houses in multiple occupation under the Housing Act 2004, Part II, Chapter 3 of Part IV and Part VII and any other enabling powers including:- | None |
| 4.6.34.1 | operating a Licensing Scheme for houses in multiple occupation in accordance with Part 2 of the Housing Act 2004; and | None |
| 4.6.34.2 | approving an additional licensing scheme for houses in multiple occupation not subject to mandatory licensing in accordance with Part 2 of the Housing Act 2004. | After consultation with stakeholders ⁽¹⁾ and the relevant Executive Member. Approval of appropriate national body ⁽²⁾ |
- (1) Sections 56 (3) (a) & (b), Part 2 of the Housing Act 2004 requires that the Council take reasonable steps to consult persons who are likely to be affected by the additional licensing and consider their representations.
- (2) Section 58 (1), Part 2 of the Housing Act 2004 requires the approval of the appropriate national authority.

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| 4.6.35 | To exercise the functions of the Authority in relation to interim and final management orders under the Housing Act 2004, Chapter 1 of Part IV and Part VII and any other enabling powers. | None |
| 4.6.36 | To exercise the functions of the Authority in relation to interim and final managements orders in relation to empty homes under the Housing Act 2004, Chapter 2 of Parts IV and VII and any other enabling powers. | After consultation with the relevant Executive Member |
| 4.6.37 | To exercise the functions of the Authority under Parts XIV to XVI of the Housing Act 1985 and the Housing Grants, Construction and Regeneration Act 1996 including any regulations made under them and all other enabling powers in respect of grants and loans for the renewal of private sector housing. | None |
| 4.6.38 | To exercise the functions of the Authority under the Protection from Eviction Act 1977, the Protection from Harassment Act 1997 and all other enabling powers. | None |
| 4.6.39 | To exercise the functions of the Authority under the Landlord and Tenant Act 1985 (landlord's obligations etc). | None |
| 4.6.40 | To exercise the functions of the Authority in relation to the provision of advice in connection with housing and the prevention of homelessness. | None |

4.7 Director of Public Health

- | | | |
|-------|--|------|
| 4.7.1 | To exercise the Council's functions under sections 2B (functions as to the improvement of public health), 6C(1) and (3), 7A (exercise of the Secretary of State's public health functions), 111 (dental public health), 249 (joint working with the prison service) and Schedule 1 of the National Health Service Act 2006. | None |
| 4.7.2 | To exercise the Council's functions that relate to planning for, or responding to, emergencies involving a risk to public health. | None |
| 4.7.3 | To exercise the Council's functions under section 325 of the Criminal Justice Act 2003 (assessing the risks of sexual and violent offenders). | None |
| 4.7.4 | To exercise such other functions relating to public health 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. | None |

SCHEME OF DELEGATION TO OFFICERS

CODE OF PRACTICE GOVERNING DECISIONS DELEGATED TO DIRECTORS IN CONSULTATION WITH EXECUTIVE MEMBERS OR CHAIRMEN OF COMMITTEES (INCLUDING URGENCY DECISIONS)

1. Introduction

- 1.1 This Code outlines the procedures which must be followed by all Directors when taking decisions following consultation with chairmen of committees or Executive Members.
- 1.2 Any questions on the use of procedures should initially be addressed to the Monitoring Officer.

2. Application

- 2.1 The Code applies to:-

- 2.1.1 Decisions which need to be taken on **urgency grounds**.

(NOTE: The Council's Scheme of Delegation enables a Director after consultation with an Executive Member or the chairman of the relevant committee to act on behalf of the Council where the decision could be taken by the Executive or the committee and which on grounds of urgency needs to be taken before the next meeting of the Executive or the committee. Officers should undertake proper planning to ensure that, wherever possible, decisions can be taken in a timely manner by the Executive or appropriate committee. The Council therefore expects that this procedure will only be used in exceptional circumstances in cases of genuine urgency and the grounds for that urgency must be specified in Part D of the approved form.

- 2.1.2 Decisions on which the Director has been specifically authorised to act by the Executive or committee following consultation with the Executive Member or committee chairman.

- 2.2 The Code does NOT apply to decisions upon which a Director is himself/herself authorised to act either in accordance with the Council's Scheme of Delegation to Directors or within a specific authority given by the Executive or a committee.

3. Procedure

- 3.1 The Director must first satisfy him/herself that the decision which he/she intends to take falls within one of the categories listed in paragraph 2.1. He/she should also consult any other Director who has responsibilities in relation to the matter to be decided.

- 3.2 The Director will then approach the Executive Member or chairman, specifying the intended decision. This may be done in writing, telephone contact or in person. The views of any other Director, as mentioned in paragraph 3.1 should be drawn to the Executive Member or chairman's attention.
- 3.3 If the Executive Member or chairman is in agreement with the proposed decision, the Director should record his/her consultation and decision on the approved form and forward two copies to the Monitoring Officer.

4. Reference to Executive Member or Chairman

- 4.1 References in this Code to an Executive Member are to the person appointed to serve as a member of the Executive in accordance with **Part C3** of the Constitution.
- 4.2 References in this Code to the chairman of a committee are to the person elected by the Council for the ensuing year (as per **Part B5** (Council Procedure Rules) Rule 2.5).

5. Decisions taken by Directors after Consultation with the Executive Member/Chairman

- 5.1 The Monitoring Officer shall keep a register of all decisions taken by Directors after consultation with Executive Members or the Chairman of a Committee and to enable this register to be maintained two copies of each decision taken by Directors, as recorded on the approved form, will be forwarded to the officers responsible for the register (para 3.3 refers).

Memo			
To:	Monitoring Officer	From:	
Location:		Location:	
Services/ Directorate:		Services/ Directorate:	
Copy to:		Telephone:	
Ref:		Ref:	
Date:			

<u>DECISIONS DELEGATED TO DIRECTORS</u>
<p>I have consulted the Executive Member for /Chairman of theCommittee *on the following matter, with the result recorded at F below</p> <p>* please delete as appropriate</p>
<p>A. SUBJECT MATTER</p>
<p>B. DECISION/OR INTENDED DECISION</p>
<p>C. BASIS OF DECISION (GIVING FULL SUPPORTING EVIDENCE)</p>

D. AUTHORISATION

A decision by the Director is authorised:

(a) because it is a matter of immediate urgency, the grounds of urgency being as follows:-

or

(b) because the Director was authorised by the Executive/committee to take the decision by minute number..... of the Executive/committee.

AND

the Executive/committee/ Executive Member had delegated power to deal with the matter under paragraph.....on page.....of the Council's constitution.

E. BUDGET IMPLICATIONS

There are/are not* any additional capital or revenue budget implications in the current or future years arising from the decision (in the event of budgetary implications please specify)

F. RESPONSE OF THE EXECUTIVE MEMBER/CHAIRMAN

The following Executive Member/Chairman of the committee has agreed with the proposed decision:

Councillor *

Since the Executive Member/Chairman of the committee* was in favour of the proposed decision, it has now been taken and is being acted upon.

Signature of Relevant Director

Director of (please print)

*please delete as appropriate

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I3 CODE OF PROCUREMENT GOVERNANCE

1. Introduction

1.1 The Council's Code of Procurement Governance, which is given operational effect by the Council's Procurement Procedures that set out the detailed provisions relating to procurement, applies to all its procurement activity except for employment contracts. Officers and members involved in procurement, contracting and asset disposal (including land and property) are required to observe the rules, and it is a disciplinary offence not to do so. The Procurement Procedures specify the minimum procedural requirements, but more exacting procedures may be appropriate in high-risk projects. The Code of Procurement Governance and Procurement Procedures are managed by the Council's Procurement Team which provides training, advice and support. Any amendments to the Code of Procurement Governance shall be considered by the General Purposes Committee and recommended for Full Council approval.

2. Strategic Principles

- 2.1 **Compliance with Legislation:** The Procurement Procedures are intended to ensure that in all its dealings the Council complies with European Union (EU) and United Kingdom (UK) law as well as with its own Code of Financial Governance and supporting Financial Procedures.
- 2.2 **Competition and Best Value:** The Procurement Procedures are based upon the principle that competition is a key driver of value for money and is to be encouraged at all times.
- 2.3 **Procurement Efficiency:** The Council intends to maximise the use of e-procurement, and wherever possible Requests for Quotations, Proposals and Invitations to Tender should be issued and received electronically. The Council will use e-auctions whenever possible.
- 2.4 **Continuous Improvement:** All contracts of more than one year duration must provide for continuous improvement throughout their lifetime.
- 2.5 **Openness, Integrity, Transparency and Fairness:** Any procurement or disposal process must demonstrate the highest standards of integrity, ensuring openness, fairness and transparency at all times. Non-commercial considerations must not be allowed to influence contractual decisions.

3. Responsibilities of Directors

- 3.1 Directors have a duty to ensure that officers dealing with contracts have written authority to do so, and comply with all appropriate rules.

4. Responsibilities of Officers

- 4.1 Officers dealing with contracts must have written authority to do so. Officers must ensure that procurement projects have policy approval and budgetary provision, and the sources of funding must be agreed and stated.

5. Key Elements of the Procurement Procedures

- 5.1 **Thresholds:** All procurement is subject to the financial thresholds in Table 1 below. Proper authorisation must be obtained prior to commencement of any procurement activity. **Section C2** of the Constitution sets out criteria to identify key decision. In all cases best value should be determined with regard to the whole-life cost of the works, supplies and services to be procured. If after the Tender evaluation the recommended contractor's tender exceeds the approved sum, or where there are exceptional circumstances. Then the appropriate approval (in line with the original approval process) needs to be revisited.

Note: It is never acceptable to split contracts in order to avoid threshold requirements.

Table 1

Total Contract /Order Value:	Procurement procedure:
Up to £2,000	For contracts/orders up to £2,000 the principles of best value apply and the selection process should be documented. (Best value here means that the onus is on the officer to prove they have best value, via an enquiry or knowledge of that market). Wherever possible at least 2 competitive quotations should be obtained. If the contract is awarded to any other than the lowest bidder, then the reasons for doing so should be justified and documented
£2,001 - £20,000	A minimum of three written quotations on the suppliers' headed notepaper or from the suppliers' email domain to the originating officer. Use the "superlite" quotation and evaluation documents found in the Procurement Toolkit. If the contract is awarded to any other than the lowest bidder, then the reasons for doing so should be justified and documented.
£20,001 - £59,999	All quotations and tenders over £20,000 in value must use the Council's electronic tendering system (In-Tend). Use the "Quotation Lite" and "Evaluation Lite" documents found in the Procurement Toolkit. At least three tenders should be invited; five or more is best practice where possible.
£60,000 – EU Threshold (see footnote)	A formal tender with advertisement and the inclusion of contract conditions is required. Five or more tenders should be invited where possible; a minimum of three. Guidance and templates for PQQs, tenders and evaluations should be sought from the Procurement Team.
Above EU Threshold (see footnote)	As above, but with a minimum of 5 suppliers wherever possible. Note, EU thresholds are set by the European Union generally on a 2 year basis for supplies, services and works. These are changed according to EU & UK Legislation and the Council is bound by this legislation which sets out the levels, processes and procedures which must be adhered to. Details of the levels can be found in the Procurement Procedure Rules.
£500,000+	As above. Note the potential lead-in times for the Executive Decision making process

Footnote: As at 1 January 2014 the EU thresholds are £172,514 for goods/services and £4,332,012 for works

5.2 Requirements for Tendering:

5.2.1 Invitations to Tender and Requests for Quotation must include a clear specification of requirements.

5.2.2 All candidates invited to bid must be issued with the same information at the same time, subject to the same terms and conditions. Candidates invited to bid must have adequate and equal time in which to submit a quotation or tender.

5.2.3 Where the contract value exceeds £60,000 the need for wide competition is paramount, so contracts must be advertised.

5.2.4 Invitations to Tender must require candidates to provide sufficient detail to enable checking of their financial stability, technical ability and performance and capability in the areas of health and safety, environmental management, and equality and diversity.

5.2.5 All candidates must be notified in writing, simultaneously and promptly, as to the outcome of any tender exercise.

5.3 Form of Contracts: All contracts must be in writing and must clearly specify the goods, works or services to be provided, including a programme of delivery, price, terms of payment, and any other terms agreed, together with exit procedures for when the contract either comes to its natural end or is terminated early, perhaps because the contractor has not fulfilled his contractual obligations.

5.4 Register of Contracts: The Council is required to keep records of its contracting activity. Every contract over £20,000 must be recorded on the Council's Register of Contracts, which is the threshold level at which the Council's electronic tendering system must be used.

5.5 Equal Opportunities: The Procurement Procedures recognise the Council's duties under Race, Disability and Gender Equality legislation, including the requirement to target services on the most vulnerable sections of the community and increase inclusion and participation amongst these groups.

5.6 Risk Management: The Procurement Procedures require appropriate risk management and contingency planning arrangements for all contracts exceeding £60,000 in value.

- 5.7 **Financial Protection:** The Procurement Procedures require officers to take appropriate advice regarding bonds or parent company guarantees.
- 5.8 **Probity and Record Keeping:**
- 5.8.1 The criteria for awarding contracts must always be designed to give best value for money. Award criteria must always be appropriate to the contract, must be subject to strict change control processes, and must not be changed after tender proposals have been opened.
 - 5.8.2 In the event of a marked or late tender the Section 151 Officer must decide whether or not the tender should be accepted.
 - 5.8.3 Officers must ensure the confidentiality of all tender/quotation submissions.
 - 5.8.4 The policy regarding the prevention and detection of corruption is set out in the Council's Code of Conduct for officers.
- 5.9 **Post Contract Management:**
- 5.9.1 All contracts must have a nominated officer to act as contract manager for the whole contract.
 - 5.9.2 All contracts which exceed the EU threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.
 - 5.9.3 Officers must not terminate a contract over £60,000 prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Chief Finance Officer.
 - 5.9.4 If payments to a contractor are to be withheld or if there is a problem with a contract which may result in early termination, then legal advice must be sought.
 - 5.9.5 Value for money reviews must take place as a minimum on an annual basis and before any contract extension.

- 5.10 **Professional Advice:** The Council uses the expertise of specialist consultants to undertake a range of procurement exercises on its behalf. The Procurement Procedures set out the way in which consultants must be commissioned and the appropriate Inland Revenue checks to be undertaken.
- 5.11 **Waivers:** Any provision of the Procurement Procedures, except those relating to the EU Directives, may be exempted or waived in certain circumstances. Before any action is taken, waivers must be authorised in writing by the Director or Assistant Directors, The Chief Procurement Officer and the Section 151 Officer, who must be satisfied that a range of criteria are met.

J3 PARTNERSHIPS PROTOCOL

1. Introduction

- 1.1 Partnerships are playing an increasingly important role in public sector service delivery. The Council works in partnership with other local authorities, other public bodies, the private sector and the community and voluntary sector to determine and deliver a variety of strategies and services.
- 1.2 The Audit Commission has usefully defined a partnership as: “a joint working arrangement where the partners
 - 1.2.1 Are otherwise independent bodies;
 - 1.2.2 Agree to co-operate to achieve a common goal; and
 - 1.2.3 To achieve it create an organisational structure or process and agreed programme, and share information, risks and rewards”.
- 1.3 The benefits of good partnership work include making service users the focus of planning, commissioning and delivering services, and better value for money. There are however a number of risks, as partnerships can be difficult to manage due to working across different organisational boundaries and involve complex accountability issues, which requires a high level of focus on strong partnership governance.
- 1.4 This guidance outlines the principles that should be used when determining governance arrangements for established and future Public and Private Sector Partnerships. There may, on occasion, be a justifiable need for a particular partnership not to follow one or more of these principles in its governance arrangements. In such circumstances guidance should be sought from the Director of Business Transformation.
- 1.5 For the purposes of this guidance, “partnerships” shall mean the partnerships that Central Bedfordshire Council engages in with:-
 - 1.5.1 **Public Sector Strategic Partnerships:** One or more public bodies, including voluntary organisations and charities that determine strategies for service delivery, but which have little or no resource management responsibilities;

- 1.5.2 **Public Sector Delivery Partnerships:** One or more public bodies, including voluntary organisations and charities that commission or deliver services on behalf of the partners and which have significant resource management responsibilities; and
- 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.
- 1.6 A lead authority should be appointed for every partnership and the partnership arrangements must at a minimum comply with the Council's (or, where this is not the Council, the lead authority's) Financial, Contract and Procurement procedures and regulations and risk management strategy.
- 1.7 All partnership arrangements entered into by the authority will follow the Audit Commission's guidelines on partnership governance outlined in the "Governing Partnerships: Bridging the Accountability Gap" (October 2005) document, the recommendations of which are to:-
 - 1.7.1 Know the partnerships they are involved in, and how much money and other resources they invest in them. They should review each partnership to strengthen accountability, manage risks and rationalise working arrangements;
 - 1.7.2 Establish clear criteria against which partnerships can be evaluated to determine that they help to achieve partners' corporate objectives cost-effectively;
 - 1.7.3 Take hard decisions to scale down their involvement in partnerships if the costs outweigh the benefits, or if the added risks cannot be managed properly;
 - 1.7.4 Agree and regularly review protocols and governing documents with all partners; and
 - 1.7.5 Tell service users and the wider public about how key partnerships work, where responsibility and accountability lie and how redress can be obtained through joint complaints procedures.
- 1.8 All partnerships must be able to demonstrate fitness for purpose, value for money and added value, both at the outset and on an ongoing basis.

- 1.9 Those involved in setting up partnerships should ensure that partner organisations understand the Council's statutory duties in relation to equalities and diversity and that partnership arrangements promote those statutory duties.

2. Governance principles for Public Sector Strategic and Delivery Partnerships

- 2.1 A public sector strategic partnership is defined here as "one or more public bodies, including voluntary organisations and charities that determine strategies for service delivery, but which have little or no resource management responsibilities".
- 2.2 All decisions to enter into a public sector strategic partnership shall be made in compliance with the Council's constitution. The Executive and relevant executive member (or council, if the partnership is governed by a Joint Committee established to discharge council functions) should monitor and review partnerships at regular intervals to ensure that they are effectively meeting the purposes for which they were created. Overview and scrutiny committees may, if they wish, undertake their own monitoring arrangements, with the full support of the partnership concerned.
- 2.3 Public sector strategic partnerships (including the Local Strategic Partnership and other statutory partnerships such as the Children & Young People's Strategic Partnership) are where key partners come together to determine strategy, allocate resources and formulate plans for the delivery of key services that will shape the place of Central Bedfordshire. There is a clear expectation in statutory guidance that place-shaping decisions will be partnership driven. In this respect these partnerships are critically important and so the governance arrangements have to be clear and fit for purpose, and link their decision-making back to Central Bedfordshire Council; as the "Accountable Body" for the statutory duties in the Local Government and Public Involvement in Health Act 2007.
- 2.4 A public sector delivery partnership is defined here as "one or more public bodies, including voluntary organisations and charities that commission or deliver services on behalf of the partners and which have significant resource management responsibilities".

- 2.5 All decisions to enter into a public sector delivery partnership and all work undertaken and decisions made by the partnership shall be made in compliance with the Council's constitution, with particular attention to Financial, Contract and Procurement procedures, and protocols on officer and member conduct. The Executive and relevant executive member (or council, if the partnership is governed by a Joint Committee established to discharge council functions) should monitor and review partnerships at regular intervals to ensure that they are effectively meeting the purposes for which they were created. Overview and scrutiny committees may, if they wish, undertake their own monitoring arrangements, with the full support of the partnership concerned.
- 2.6 The corporate management and monitoring of all public sector partnerships will be the responsibility of the corporate management team, with a relevant Director of the Lead Authority for each partnership identified as the lead officer, with responsibilities outlined further in 2.9.7 below.
- 2.7 Each Public Sector Partnership should be governed by a Joint Committee or Partnership Board ("the Board").
- 2.8 Joint Committees may be established under either: (a) Section 101(5) of the Local Government Act 1972, for two or more local authorities to jointly discharge council functions or advise local authorities on matters of joint interest; or (b) under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 for the Executive, in relation to functions for which it is responsible, to enter into joint arrangements with one or more local authorities (including town and parish councils) or the Executives of those authorities. In addition to the requirements for partnerships outlined in this section, any statutory requirements for Joint Committees appointed according to (a) and (b) above must also be observed.
- 2.9 The Joint Committee or Board shall:-
- 2.9.1 Establish its terms of reference to include:-
- 2.9.1.1 Identification of the parties involved in the partnership;
- 2.9.1.2 A description of the clear vision of the purpose, intended outcomes, aims and objectives of the Partnership (outlined further at 2.10 below);

- 2.9.1.3 A statement about the legal status of the partnership;
- 2.9.1.4 The identification of a lead authority, which shall have overall responsibility for the stewardship and operation of the Partnership;
- 2.9.1.5 A clear statement of what powers are delegated to the Joint Committee or Board, and what powers are, or may be, delegated to individuals;
- 2.9.1.6 A statement of the respective roles, responsibilities and accountabilities of members and officers in relation to the Partnership, including identifying a Secretary to the Partnership;
- 2.9.1.7 The power to co-opt members onto the Joint Committee or Board (if appropriate);
- 2.9.1.8 The frequency of meetings of the Joint Committee or Board;
- 2.9.1.9 The appointment of a Chairman and, if necessary, a Vice-Chairman;
- 2.9.1.10 Details of how services will be provided to the Joint Committee or Board and how the services are to be paid for;
- 2.9.1.11 Details of how the Partnership may be terminated and provision for the disposal of any joint assets on termination;
- 2.9.1.12 Details of how partners can resign from the Partnership and the notice that must be given in such circumstances;
- 2.9.1.13 The circumstances under which the meetings of the Joint Committee or Board would be open to the public, with a presumption in favour of openness;
- 2.9.1.14 A quorum for decision-making purposes; and
- 2.9.1.15 Voting arrangements.

- 2.9.2 Enable each party to change its representatives on the Joint Committee or Board from time to time, by prior written notice to the Chair, and in accordance with the advice of the Monitoring Officer of the lead authority;
- 2.9.3 Meet on sufficient occasions during the year to effectively discharge its responsibilities;
- 2.9.4 Make provision for the setting up of any sub-committees (in the case of Joint Committees) or sub-groups (including a sub-committee or sub-group to manage any Private Sector Partnerships) that may be required from time to time;
- 2.9.5 Make provision for declarations of interest at meetings;
- 2.9.6 Make provision for minutes and records to be kept for all meetings and decisions;
- 2.9.7 Ensure the Partnership is supported by suitably skilled officers of sufficient number to ensure the aims and objectives of the partnership can be delivered successfully. This will include the identification of a Director or equivalent from the lead authority to act as the lead officer and be responsible and accountable for all aspects of operational management, including the following duties:-
 - 2.9.7.1 To recommend key targets and milestones and ensure effective project management at all times;
 - 2.9.7.2 To ensure that the good practice standards on governance and accountability are followed, and report on any breach of standards; and
 - 2.9.7.3 To assess and report on any slippage or new risks arising.
- 2.9.8 A suitable senior officer of the lead authority should also be assigned responsibility for maintaining an effective system of financial control, including ensuring adherence to Financial, Contracts and Procurement procedures;

- 2.9.9 Arrange for the assessment and development of the skills of its members and supporting officers, and provide suitable training to ensure all roles can be carried out effectively;
 - 2.9.10 Arrange for expert advice to be provided where needed, with remuneration of consultants in line with the lead authority's terms and conditions;
 - 2.9.11 Ensure robust and effective risk management arrangements are established and observed by all members and officers involved in the Partnership;
 - 2.9.12 Where the partnership arrangements involve sharing, storing or collecting of information, ensure responsibility is assigned and appropriate controls put in place; and
 - 2.9.13 Ensure there are agreed arrangements for dealing with complaints from service users.
- 2.10 Each Joint Committee or Board should set the vision, objectives and strategic direction (as referred to at 2.9.1.2 above) of the partnership by:-
- 2.10.1 Ensuring that a clear business case for the partnership has been outlined, including the costs and benefits, any payback periods, and improved service delivery and performance that will result;
 - 2.10.2 Being clear about how the partnership is to develop;
 - 2.10.3 Ensuring that the partnership is firmly focused on the needs of the people of Central Bedfordshire;
 - 2.10.4 Giving direction to the staff of the constituent bodies about the partnership, its aims, values and principles;
 - 2.10.5 Being flexible and forward looking to ensure the Partnership is able to respond to national and local issues; and
 - 2.10.6 Being the last resort for dispute resolution between partners with an expectation that such disputes will be rare.

- 2.11 Each Joint Committee or Board should undertake an Annual Review:-
 - 2.11.1 The Joint Committee or Board should hold an Annual Review meeting once a year to review progress that has been made against its objectives including:-
 - 2.11.1.1 Its achievement of critical targets and milestones, to consider whether any changes in objectives or terms or reference are needed for the following year;
 - 2.11.1.2 To ensure the ongoing adequacy of risk management arrangements; and
 - 2.11.1.3 To ensure that resources are effectively allocated across the functions of the partnership to ensure its ongoing effectiveness.
 - 2.11.2 A report of the annual review should be received at the lead authority's executive (or council, if the partnership is governed by a Joint Committee established to discharge council functions) and, if requested, at the relevant overview and scrutiny committee.
- 2.12 The Joint Committee or Board should have oversight of major projects and business cases by considering and approving business cases, feasibility studies and Project Initiation Documents for projects which will assist the Partnership in meeting its objectives.
- 2.13 To oversee the performance of the Partnership by:-
 - 2.13.1 Receiving regular performance monitoring reports which give an overview of performance;
 - 2.13.2 Receiving exception reports on any performance indicators that have not been met and instigating any corrective action required;
 - 2.13.3 Ensuring performance reports are, if requested, also received by the relevant overview and scrutiny committee of the authorities in the Partnership, and taking into account any comments or recommendations from overview and scrutiny;

- 2.13.4 Considering any external or internal audit or inspection reports about the Partnership and ensuring that immediate steps are taken to implement recommendations in the reports;
 - 2.13.5 Considering overview and scrutiny reports about the Partnership;
 - 2.13.6 Ensuring that performance measures are outcome focused and meet the needs of the communities to which services are being provided;
 - 2.13.7 Agreeing and monitoring the delivery of an annual delivery plan; and
 - 2.13.8 Ensuring the partnership risks are known and addressed.
- 2.14 Where the partnership has procurement functions, the constituent authorities must articulate the procurement rules, procedures and processes that a partnership will adopt and in normal circumstances these should mirror the Council's or lead authority's standard Financial, Procurement and Contracts Procedures, and will include a clear requirement to document evidence for decisions made on award of contracts, suppliers of goods and/or services.

3. Governance principles for Private Sector Partnerships:

- 3.1 A private sector partnership is defined here as "private companies, either in its own right or as part of a public sector partnership entering into a contract with the Council for a considerable period".
- 3.2 Each private sector partnership led by Central Bedfordshire will be individually constructed and developed to meet specific needs for service provision, but they should follow the broad governance principles laid out below:-
 - 3.2.1 Any private sector partnership will only be created in accordance with the Council's constitution, and will have an executive member and senior officer on the "Partnership Board" responsible for ensuring that the private sector partnership is effectively governed and meets its objectives;

- 3.2.2 Any parties to a private sector partnership shall from the outset engage in and develop a relationship of mutual trust, wherever possible promoting openness and transparency by sharing of information and financial data between parties;
- 3.2.3 Each private sector partnership will be underpinned by a contract that complies with the Council's constitution and Financial, Contracts and Procurement Procedures, relevant legislation and best practice, has robust contract monitoring and management provisions in place and is approved by the Monitoring Officer. The contract will be so drafted as to enable flexibility to react to changes in the political and economic environment;
- 3.2.4 Each private sector partnership shall be governed by its individual terms and conditions and any overarching Partnership Agreement entered into between the parties;
- 3.2.5 Each private sector partnership shall have performance management mechanisms in place that promote information sharing between the parties, and that includes performance measures that reflect service users' experience;
- 3.2.6 Each private sector partnership shall have risk management arrangements in place which identify and allocated risks from the outset and regularly review risk thereafter;
- 3.2.7 The contract for each Central Bedfordshire private sector partnership will nominate a Council Authorised Officer who, with the assistance of the Chief Finance Officer, will be responsible for monitoring the effectiveness of the provision of services and ensuring that the contract terms and conditions and specification are met;
- 3.2.8 In addition to the agreed contract monitoring regime, the Council's strategic overview of all the private sector partnerships will be maintained by the office of the Chief Executive who will report at least once a year to the Executive and the relevant overview and scrutiny committee on the performance of the private sector partnerships; and

- 3.2.9 Private sector partnerships will have a number of strategic objectives which will be determined for each partnership at its outset, but which should have regard to and reflect the authority's corporate objectives.

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PART 4 ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

- 1.1 These rules apply to all meetings of the Council, the Executive, committees and sub-committees, with the exception of Initial Assessment and Review Sub-Committees of the Standards Committee to which there is no right of public access (together called meetings). Separate proceedings apply to the Licensing Sub-Committees when conducting hearings under the Licensing Act 2003.

2. Additional Rights to Information

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in the constitution or the law.

3. Rights to attend Meetings

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.2 Audio and visual recording and photography at meetings may be undertaken only in accordance with the Protocol on Audio/visual Recording and Photography at Council Meetings, a copy of which may be obtained from the Council's Chief Communications Officer.

4. Notices of Meeting

- 4.1 The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the main offices of the Council and on the Council's website www.centralbeds.gov.uk. If the meeting is convened at shorter notice, details will be posted at the time it is convened.

5. Access to Agenda and Reports before the Meeting

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at its offices at least five clear days before the meeting, or if the meeting is convened at shorter notice, then at the time it is convened. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. Supply of Copies

- 6.1 The Council will supply copies of the following to any person on payment of a charge for postage and any other costs:-
- 6.1.1 Any agenda and reports which are open to public inspection;

6.1.2 Any further statements or particulars necessary to indicate the nature of the items in the agenda; and

6.1.3 If the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

6.2 In addition the Council will provide via its website – www.centralbedfordshire.gov.uk - electronic copies of any agenda and reports which are open to inspection.

7. Access to Minutes etc after the Meeting

7.1 The Council will make available copies of the following for six years after a meeting:-

7.1.1 The minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Executive), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

7.1.2 A summary of the proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

7.1.3 The agenda for the meeting; and

7.1.4 Reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

8.1.1 The Monitoring Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:-

8.1.1.1 Disclose any facts or matters upon which the report or an important part of the report is based; and

8.1.1.2 Have been relied on to a material extent in preparing the report.

8.1.2 This does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of executive reports, the advice of any political adviser.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of Public’s Rights

9.1 The Council is required to keep and make available to the public a written summary of the public’s rights to attend meetings and to inspect and copy documents. These Rules constitute the written summary.

10. Exclusion of Access by the Public to Meetings

10.1 Confidential Information – requirement to exclude public

10.1.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Meaning of Confidential Information

10.2.1 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.3 Exempt Information – discretion to exclude public

10.3.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

10.3.2 Where the meeting will determine a person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of that Act.

10.4 Meaning of Exempt information

10.4.1 Exempt information means information falling within the following categories (subject to any qualification):

Category detailed in Schedule 12A of the Local Government Act 1972	Qualification
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual	
3. Information relating to the financial or business affairs of any particular person (including the authority	Information is not exempt information if it is required to be registered under – (a) the Companies Act 1985

Category detailed in Schedule 12A of the Local Government Act 1972	Qualification
<p>holding that information)</p>	<p>(b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 or (f) the Charities Act 1993.</p> <p>“financial or business affairs” includes contemplated, as well as past or current activities</p> <p>“registered” in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.</p>	<p>“employee” means a person employed under a contract of service</p> <p>“labour relations matter” means</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the acts mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>“office-holder”, in relation to the authority, means the holder of any paid office to which appointments are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal</p>	

Category detailed in Schedule 12A of the Local Government Act 1972	Qualification
proceedings.	
<p>6. Information which reveals that the authority proposes:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

Description of Exempt Information relating to the Standards Committee	Qualification
<p>7. a. Information which is subject to any obligation of confidentiality.</p>	
<p>7. b. Information which relates in any way to matters concerning national security.</p>	
<p>7. c. The deliberations of a standards committee or a sub-committee established under the provisions of part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.</p>	

10.5 Public Interest Test:

10.5.1 The above information is only exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Monitoring Officer or his/her appointed representative shall determine the public interest case.

10.5.2 The Monitoring Officer shall also have regard to paragraph 2.1.7 of the Principles of Decision Making (Part G1) which provides for a presumption in favour of openness.

10.6 Town and Country Planning:

10.6.1 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

11. Exclusion of Access by the Public to Reports

11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports or parts of reports which in his/her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. Application of Rules to the Executive

12.1 Rules 13-21 apply to the Executive and its committees. If the Executive or its committees meet to take a Key Decision then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Part C2 of this constitution.

12.2 If the Executive or its committees meet to discuss a Key Decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief members.

13. Procedure before taking Key Decisions

13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:-

- 13.1.1 A notice (called here a forward plan) has been published in connection with the matter in question;
- 13.1.2 At least 5 clear working days have elapsed since the publication of the forward plan; and
- 13.1.3 Where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notices of meeting).

14. The Forward Plan

14.1 Period of Forward Plan

Forward plans will be prepared by the Leader to cover a period of twelve months¹, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

(¹ Whilst the statutory requirement is for the Forward Plan to cover a period of four months, this Council has decided that its plan should cover a period of twelve months.)

14.2 Contents of Forward Plan

The forward plan will contain matters which the Leader has reason to believe will be subject to a Key Decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

- 14.2.1 The matter in respect of which a decision is to be made;
- 14.2.2 Where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and details of membership;
- 14.2.3 The date on which, or the period within which, the decision will be taken;
- 14.2.4 The identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- 14.2.5 The means by which any such consultation is proposed to be undertaken;

- 14.2.6 The steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- 14.2.7 A list of the documents submitted to the decision taker for consideration in relation to the matter.

14.3 Publication of the Forward Plan and Annual Notice

- 14.3.1 The forward plan must be published at least 14 days before the start of the period covered. The Monitoring Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:-
 - 14.3.1.1 That Key Decisions are to be taken on behalf of the Council;
 - 14.3.1.2 That a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - 14.3.1.3 That the plan will contain details of the Key Decisions to be made for the twelve month period following its publication;
 - 14.3.1.4 That each plan will be available for inspection at reasonable hours free of charge at the Council's offices and on the Council's website;
 - 14.3.1.5 That each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the plan;
 - 14.3.1.6 The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
 - 14.3.1.7 That other documents may be submitted to decision takers;
 - 14.3.1.8 The procedure for requesting details of documents (if any) as they become available; and
 - 14.3.1.9 The dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices and on the Council's website.

14.3.2 The forward plan shall contain particulars of any matter which is likely to be dealt with in private (i.e. because it may disclose exempt or confidential information), but exempt information itself need not be disclosed in a forward plan and confidential information cannot be disclosed.

15. General Exception

15.1 If a matter which is likely to be a Key Decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:-

15.1.1 The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;

15.1.2 The Monitoring Officer has informed the chairman of the relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

15.1.3 The Monitoring Officer has made copies of that notice available to the public at the offices of the Council; and

15.1.4 At least 5 clear days have elapsed since the Monitoring Officer complied with 15.1.2 and 15.1.3.

15.2 Where such a decision is taken, reasons must be given.

15.3 Where such a decision is taken collectively, it must be taken in public except as provided in Rule 10.

16. Special Urgency

16.1 If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of the relevant overview and scrutiny committee, or if the chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

17. Report to Council

17.1 When an Overview and Scrutiny Committee can require a report

If an overview and scrutiny committee thinks that a Key Decision has been taken which was not:-

- 17.1.1 Included in the forward plan; or
- 17.1.2 The subject of the general exception procedure; or
- 17.1.3 The subject of an agreement with the relevant overview and scrutiny committee chairman or the Chairman/Vice-Chairman of the Council under Rule 16;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Monitoring Officer who shall require such a report on behalf of the committee when so requested by the chairman or any three members of the relevant overview and scrutiny committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 Executive's Report to Council

- 17.2.1 The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision and if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

17.3 Quarterly Reports on Special Urgency Decisions

- 17.3.1 In any event, the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Records of Decisions

- 18.1 After any meeting of the Executive or any of its committees, whether held in public or private, the Monitoring Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. Decisions by individual Members of the Executive

- 19.1 **Reports intended to be taken into account**

- 19.1.1 Where an individual member of the Executive receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least 5 clear working days after receipt of that report.

19.2 Provision of copies of reports to Overview and Scrutiny committees

- 19.2.1 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

19.3 Record of individual decision

- 19.3.1 As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a Key Decision has been taken by an officer, he/she will prepare, or instruct the Monitoring Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The record shall be published and distributed to all members on the second clear working day after the decision(s) has been taken. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

20. Overview and Scrutiny Committees - Access to Documents

20.1 Rights to copies

- 20.1.1 Subject to Rule 20.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:-

20.1.1.1 Any business transacted at a meeting of the Executive or its committees; or

20.1.1.2 Any decision taken by an individual member of the Executive; or

20.1.1.3 Any decision taken by an officer on a Key Decision.

20.2 Limit on rights

- 20.2.1 An overview and scrutiny committee will not be entitled to:-

- 20.2.1.1 any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to review or scrutinise; or
- 20.2.1.2 any document or part of a document containing the advice of a political adviser.

21. Additional Rights of Access for Members

- 21.1 Members of the Council have additional rights to information which are explained in the Protocol for Member/Officer Relations which is set out in Part F4 of the constitution.

Members' Rights of Access to Council Information

This is a summary of the legal rights of access to Council information available to Councillors. To make a complex area simpler to understand, this guidance is a summary document and not a complete statement of the law. If in doubt, Members are recommended to seek further advice from the Monitoring Officer. In short, a Member's rights of access to information depend on their role within the Council. The key rights of access to Council information are summarised in the table below.

Person seeking access	Right of access
Public and Press	Access to all Council reports, agendas and minutes, except those reports which are exempt from public access Access to the Forward Plan of Executive decisions Rights under Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 1998.
Independent Standards Sub-Committee Members	Public and press rights: Reports for local resolution hearings under the Code of Conduct (including exempt information)
All elected members of the Council	Public and press rights plus: "Need to know" Right to inspect "business to be transacted" by the Council
Scrutiny committee members	All the rights above and additional rights to Executive reports and information relating to matters it is scrutinising.
Executive Members	All rights above and also full access to Executive reports

1. Common Law – The “Need To Know”

- 1.1 The primary rights are in common law, i.e. case law built up over the years. Members have rights of access to information so far as access is reasonably necessary for them to perform their duties. The case law says this is not a “roving commission” to access any documents and the member needs to prove they have a right to know. A committee member generally has a need to know about matters in relation to that committee or its sub-committee. This right is not limited to formal committee papers.
- 1.2 Refusals can take into account the effects on disclosure on third parties and the need to know must be in “good faith”.
- 1.3 It should be noted that this is a right of access to the member only and for carrying out their official duties. It does not allow a member to further disclose the information and indeed the unauthorised disclosure of confidential information is a breach of the Code of Conduct.

2. Members’ Statutory Rights of Access

2.1 Access to Council and Committee documents – Local Government Act 1972

Public Access

- 2.1.1 Members have generally the same rights of access as members of the public in respect of formal council meetings.
- 2.1.2 The default position is that there is access to all agendas, reports and minutes of Council, committee and scrutiny meetings. Schedule 12A of the LGA 1972, however, sets out a list of categories of exempt information which may be excluded from public access before the meeting and by a vote of the committee itself at the meeting. The categories of exempt information within Schedule 12A are set out in the table at the end of this document.
- 2.1.3 It should also be noted that the application of an exemption is now subject to a public interest test. The Council will now have to show that the public interest is against public access.

Additional Rights of Members

- 2.1.4 Members have rights of access to information that are greater than the rights available to the public. Specifically, Members have the right to inspect any document in the possession or under the control of the Council which contains material relating

to any business to be transacted at a Council, committee or sub-committee meeting.

2.1.5 It is important to note that this right is limited in the following ways:-

- ⇒ it is a right to inspect not receive a copy
- ⇒ it applies only to access before the meeting
- ⇒ it applies to documents held at that time only.

2.1.6 If a report contains exempt information, the right to inspect at 2.1.4 does not apply unless the information comes within either of the following categories:-

- ⇒ paragraph 3 – information about the financial or business affairs of any person (including the Council) where the information is not about terms proposed during contract negotiations
- ⇒ paragraph 6 – proposals to issue statutory notices, directions or other orders.

2.2 Access to Executive documents

All Members

2.2.1 The Members' rights of access to executive (i.e. Executive Members) documents are very similar to the regime described above but there are some key differences due to the nature of executive arrangements.

2.2.2 The access regime described above applies equally to executive documents so that:-

- ⇒ Executive agendas are publicly available, unless the information falls within Schedule 12A
- ⇒ Members have the additional right to inspect information about business to be transacted at meetings of the Executive, subject to the same restrictions outlined above.

2.2.3 In addition, the Leader is required to publish a Forward Plan of all Key Decisions to be made by the Executive in the next 4 months. (Note: Central Bedfordshire has decided to publish a Forward Plan of all Key Decisions to be made by the Executive in the next 12 months.) The Forward Plan provides specified details of the decisions to be made and is publicly available. Key Decisions are defined in **Part C2** of the Constitution.

2.2.4 Executive meetings where Key Decisions are made must be held in public and there is public and member access to the agenda, reports and minutes of such meetings. At Central Bedfordshire Council, all Executive meetings are in public.

Members of Overview and Scrutiny Committees

2.2.5 Members of overview and scrutiny committees have additional rights. They are entitled to a copy of any document which is in the possession of or under the control of the Executive of that authority, and which contains material relating to one of the following:-

- ⇒ Any business transacted at a private or public meeting of a decision-making body of that authority.
- ⇒ Any decision made by an individual Executive Member
- ⇒ Any Key Decision made by an officer of the authority under the urgency procedure.

2.2.6 This right is limited as follows. No overview and scrutiny committee member is entitled to:-

- ⇒ A copy of such document or part of a document as contains exempt information under Schedule 12A, unless that information is relevant to an action or decision that they are reviewing or scrutinising, or which is relevant to any review contained in any programme of work of the committee or one of its sub-committees
- ⇒ A copy of a document or part of a document containing advice provided by a political adviser or assistant.

2.2.7 Members of overview and scrutiny committees have a broader entitlement to copies of documents but it is still limited when exempt information is being considered.

2.2.8 Where members of overview and scrutiny committees receive copies of Executive reports containing exempt information, they must preserve the confidentiality of that information. Therefore, before considering that item of business, the committee should pass a resolution excluding the press and public from the meeting during the consideration of the item.

3. Freedom of Information and other Statutory Rights

- 3.1 The Freedom of Information Act 2000 gives anyone the right to request information held by the Council. The Council is under a duty to confirm or deny that it holds the information and, if it does, to supply the information. The Council has 20 working days to supply the information, although in certain cases, this time limit can be extended. This right of access is subject to a number of exempt categories of information. Fees are payable for requests that take over 18 hours to provide a response.
- 3.2 Environmental information is available under the Environmental Information Regulations 2005, again within 20 working days for straightforward requests, although a fee may be charged immediately for all responses.
- 3.3 The Data Protection Act 1998 gives Members rights of access to personal information about themselves held by the Council. It also provides for Members to seek personal information about constituents they are representing subject to certain restrictions and provided that they have the consent of the constituent. The primary purpose of the Data Protection Act is to protect personal information about individuals and so generally its effect is to restrict access by Members to personal information held by the Council about people unless the individual concerned is aware that it may be disclosed in this way.
- 3.4 The Council has approved a Data Protection Policy and a Freedom of Information Policy copies of which are available to Members on request.

3.5 **Qualifications**

- 3.5.1 All information within paragraphs 1-7C of Schedule 12A of the Local Government Act 1972 (~~reproduced below~~ **see above**) is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (the “public interest test”).
- 3.5.2 Information within paragraph 3 is not exempt information if it is required to be registered under:-
- 3.5.2.1 The Companies Act 1985;
 - 3.5.2.2 The Friendly Societies Act 1974;
 - 3.5.2.3 The Friendly Societies Act 1992;
 - 3.5.2.4 The Industrial and Provident Societies Acts 1965 to 1978;
 - 3.5.2.5 The Building Societies Act 1986; or

3.5.2.6 The Charities Act 1993.

4. The Code of Conduct

- 4.1 Members have wide rights of access to information held by the Council but this does not mean that they may share all this information with other people or the public. Much of the information disclosed under the “need to know” or the additional rights of access to Council and Executive documents will include access to confidential information, either about individuals, the Council or other persons/organisations.
- 4.2 The Code of Conduct prohibits the disclosure of confidential information, unless the Member can show that the public interest in seeing the information outweighs the confidentiality, or unless the Member can show that the information was already fully in the public domain. Such disclosure may also breach the Code by bringing the Council into disrepute or constitute the conferring of an improper advantage or disadvantage on any person. The Council may also face legal action for breach of confidentiality due to the Member’s actions.
- 4.3 Members are strongly advised to seek advice from the Monitoring Officer in the first instance before considering the disclosure of information given to them in confidential or otherwise restricted circumstances.

SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972- SUMMARY
1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes - <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
Exempt Information in Local Resolution Hearings of the General Purposes Committee’s Standards Sub-Committee Only

7A. Information which is subject to any obligation of confidentiality.
7B. Information which relates in any way to matters concerning national security.
7C. The deliberations of a standards sub-committee.

B3 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for Executive decisions

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in **Part B2** of the constitution. Once the budget for the year or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. Process for developing the framework

- 2.1 The Executive will publicise, by including in the forward plan, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. All plans, strategies and budgets forming part of the budget and policy framework will be developed via the overview and scrutiny process. The relevant overview and scrutiny committees will conduct such research, consultation with stakeholders and investigations as are necessary to enable them to develop proposals in relation to the plan, strategy or budget. However, where in exceptional circumstances, this does not appear practicable in respect of a specific plan, strategy or budget, the Leader, subject to the written consent of the chairman of the relevant overview and scrutiny committee may agree an alternative course of action.
- 2.2 The relevant overview and scrutiny committee will present its recommendations in relation to the budget, plan or strategy forming part of the budget and policy framework, to the Executive. The Executive will finalise its proposals for the Council to consider, having taken into account the proposals from the overview and scrutiny committee. The Executive's report to Council will show its response to these proposals.
- 2.3 In reaching a decision, the Council may adopt the Executive's proposals, but if the Council has any objections to the Executive's proposals, then before it amends, approves or adopts any plan, strategy or budget, it must inform the Leader of those objections and require the Executive to reconsider. The Executive may, within such reasonable period as the Monitoring Officer may determine (but which shall be not less than 5 working days) submit revised proposals or inform the Council of the Executive's disagreement with the Council's objections and the reasons for this. Once that period has expired, the Council in amending, approving or adopting any plan, strategy or budget, must take into account any revised proposals and the views of the Executive.

- 2.4 In the case of budget proposals submitted to the Council after 8 February in any financial year and any budget proposals submitted following designation or nomination by the Secretary of State then the Council may amend, approve or adopt the Executive's proposals and need not require the Executive to reconsider.
- 2.5 All decisions will be made by the Council on the basis of a simple majority of votes cast at the meeting.
- 2.6 In approving the budget and policy framework, the Council will also specify the extent of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraph 6 of these Rules (in-year adjustments). The extent of virement within the approved budget is set out in the Code of Financial Governance in **Part 12** of the constitution. Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the Budget or Policy Framework

- 3.1 Subject to the provisions of paragraph 5 (Code of Financial Governance and budget management) the Executive, committees of the Executive, individual members of the Executive and any officers discharging executive functions may only take decisions which are in line with the budget and policy framework and within the individual's or body's delegated authority. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 4.
- 3.2 If the Executive, committees of the Executive, individual members of the Executive and any officers discharging executive functions want to make such a decision, they will take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) will apply.

4. Urgent decisions outside the budget or policy framework

- 4.1 The Executive, a committee of the Executive, an individual member of the Executive or officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not in accordance with the budget approved by full Council if the decision is a matter of urgency. However, such a decision may only be taken:-

- 4.1.1 If it is not practical to convene a quorate meeting of the full Council; and
- 4.1.2 If the chairman of the relevant overview and scrutiny committee agrees that the decision is a matter of urgency.
- 4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the relevant overview and scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman and vice-chairman of the relevant overview and scrutiny committee, the consent of the Chairman of the Council will be sufficient.
- 4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Code of Financial Governance and Budget Management

- 5.1 The Council's Code of Financial Governance is included in **Part 12** of the constitution. The Code lists the rules for managing the capital and revenue budget; this includes limits on virement between capital projects and cash limits.
- 5.2 Steps taken by the Executive, a committee of the Executive an individual member of the Executive or officers discharging executive functions to implement Council policy will not exceed those budgets allocated to each cash limit. However, such bodies or individuals will be entitled to vire across cash limits and capital projects as set out in the Code of Financial Governance. Exceeding those limits will require the approval of the full Council.

6. In-year changes to policy framework

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive, an individual member of the Executive or officers discharging executive functions must be in line with it. No changes to any policy and strategy that make up the policy framework may be made by those bodies or individuals except:-
 - 6.1.1 Those changes necessary to incur expenditure where an emergency or disaster involving destruction or danger to life or property occurs or is imminent; or
 - 6.1.2 Such other in year changes which are agreed specifically by the Council in approving the plan or strategy in question.

7. Call-in of decisions outside the budget or policy framework

- 7.1 Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not in accordance with the Council's budget, then it will seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 7.2 In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report will be provided to the Executive with a copy to every member of the Council.
- 7.3 Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the overview and scrutiny committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 7.4 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.
- 7.5 If the above applies the Council will meet within 14 days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:-
- 7.5.1 Endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- 7.5.2 Amend the Council's budget, financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- 7.5.3 Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer.
- 7.6 The above call-in procedure shall not apply in the case of urgent decisions as defined in paragraph 4 above.
- 7.7 Call-in of decisions outside the budget and policy framework shall be subject to the provisions of paragraphs 7.1 to 7.6 above and not Rule 10 of the Overview and **Scrutiny Committee Procedure Rules governing call-in of executive decisions.**

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12 CODE OF FINANCIAL GOVERNANCE

1. Introduction

1.1 The Code of Financial Governance provides the strategic framework for managing the Council's financial affairs, and ensuring the efficient, effective, and economic use of resources. As a strategic document, the Code of Financial Governance is contained in the Council's Constitution. The Code is given operational effect by the Council's Financial Procedures, which set out the detailed procedures and processes for the management of the Council's financial affairs. The Code and the Financial Procedures apply to every Member and officer and to any person or organisation acting on the Council's behalf in undertaking Council business.

1.2 The Code of Financial Governance is to be read in conjunction with other sections of the Constitution, in particular:-

- the Budget and Policy Framework Procedure Rules
- the Code of Procurement Governance and supplementary procedures
- the Scheme of Delegation to Directors and other Officers

1.3 The Code of Financial Governance shall only be suspended on the resolution of the Council, or as varied by any part of the Scheme of Delegation approved by the Council. The Chief Finance Officer shall ensure that the Code and related documents are reviewed and updated as appropriate. The General Purposes Committee is charged with maintaining an overview of this Code and if necessary, recommending any amendments required thereto to Council.

1.4 A range of Council policies and documents are referred to in this Code that give operational effect to its principles. It is a requirement of the Code that all Members and officers comply with the following policies and documents referred to in the Code:-

- 1.4.1 Financial Procedures
- 1.4.2 Capital Strategy
- 1.4.3 Risk Management Policy Statement
- 1.4.4 Anti Fraud and Corruption Policy
- 1.4.5 Treasury Management Policy Statement
- 1.4.6 Annual Treasury Management Strategy
- 1.4.7 Prudential Borrowing Indicators
- 1.4.8 IS/IT Strategy
- 1.4.9 Asset Management Plan
- 1.4.10 Financial Procedures for Schools

2. Objectives

- 2.1 The Council's objectives in the Code of Financial Governance are:-
 - 2.1.1 To provide a framework applicable to all Members and officers for the efficient and proper administration of the Council's financial affairs;
 - 2.1.2 To ensure that all members and officers abide by the highest standards of probity and integrity, have clear standards to work to, and that controls are in place to monitor the meeting of those standards;
 - 2.1.3 To ensure that there is a clear statement of the responsibility of all Members and officers to provide for the security of the Council's assets, including money; and
 - 2.1.4 To ensure that the use of resources is legal, properly authorised, and achieves value for money and best value.
- 2.2 In seeking to achieve value for money and best value, all Members and officers shall give appropriate consideration to:-
 - 2.2.1 How each activity fits within the strategic corporate objectives and how outcomes can be maximised;
 - 2.2.2 How performance can be compared objectively and evaluated by the local community;
 - 2.2.3 Acquiring resources at an appropriate quality for the minimum cost;
 - 2.2.4 Ensuring that the maximum output is obtained from the resources devoted to an activity; and
 - 2.2.5 Ensuring that the output from any activity is achieving the desired result or target set.

3. Financial Management

- 3.1 Financial management covers all financial accountabilities in relation to the running of the Council. This section of the Code refers to the roles and responsibilities of bodies and officers within the Council in respect of Financial Governance and related governance areas.

- 3.2 **Council:** The Council is responsible for adopting and changing the Code of Financial Governance and for approving or adopting the policy framework and budget within which the Executive operates.
- 3.3 **Executive:** The Executive is responsible for directing the Council's affairs within the policy framework and budget. The Executive shall consider the draft budget and make recommendations to the Council, before the end of February, to enable a meeting of the Council to set the budget and the Council Tax by the statutory date.
- 3.4 **Overview and Scrutiny Committees and Task Groups:** The overview and scrutiny committees and task groups are responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Executive to account. The committees and task groups are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.
- 3.5 **General Purposes Committee:** The General Purposes Committee is appointed by the Council and is responsible for, among other things, promoting and maintaining high standards of conduct among councillors. It is responsible for advising the Council on the adoption and revision of the Council's Code of Conduct for Members, and for monitoring the operation of the Code. It is also responsible for maintaining an overview of this Code, and for recommending any proposed changes to Council.
- 3.6 **Audit Committee:** The Audit Committee acts, on behalf of council, to review best practice governance arrangements within the Council. Specifically the Audit Committee is responsible for matters in relation to internal audit, financial management controls, risk management and the external audit service.
- 3.7 **Head of Paid Service (Chief Executive):** The Head of Paid Service is the Chief Executive. He/she has responsibility for establishing a framework for management direction, style and standards, and for monitoring the overall performance of the organisation.

3.8 Monitoring Officer:

3.8.1 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the General Purposes Committee and the Standards Sub-Committee. He/she is also responsible for the reporting of any actual or potential breaches of the law or maladministration to the Council and/or Executive, and for ensuring that procedures for recording and reporting Key Decisions are operating effectively.

3.8.2 The Monitoring Officer, in conjunction with the Chief Executive and Chief Finance Officer (see below), has responsibility for advising the Executive on whether a decision is likely to be contrary to or not in accordance with the budget and policy framework.

3.9 Chief Finance Officer:

3.9.1 This post, as defined in the Constitution, has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties and professional requirements for the post arise from:-

Section 151 of the Local Government Act 1972
Sections 113 and 114 of the Local Government Finance Act 1988
Section 5, Subsection 1A of the Local Government and Housing Act 1989
Schedule 5, Paragraph 24 of the Local Government Act 2000
Statutory guidance issued under the Local Government Act 2000
Sections 3 and 25 of the Local Government Act 2003
The Accounts and Audit Regulations 2011.

3.9.2 The Chief Finance Officer shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs and report to the Council, the Executive and the relevant Executive Member on the discharge of this responsibility.

- 3.9.3 In addition the Chief Finance Officer is the responsible financial officer for the purposes of, Section 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2011.
- 3.9.4 The officer appointed as the Chief Finance Officer must, by virtue of section 113 of the Local Government Finance Act 1988, be a member of a specified accountancy body. Schedule 5, Para 24 of the Local Government Act 2000 amended the Local Government and Housing Act 1989 to the effect that the Monitoring Officer cannot also be the Head of Paid Service or the Chief Financial Officer.
- 3.9.5 Statutory guidance issued by the Secretary of State under the 2000 Local Government Act advises that local authorities will need to ensure that the Chief Finance Officer and the Monitoring Officer have access as necessary to meetings and papers and that Members must consult with him/her regularly.
- 3.9.6 The Chief Finance Officer must comply with the International Federation of Accountants' Code of Ethics for Professional Accountants, as implemented by local regulations and accountancy bodies, as well as other ethical standards that are applicable to them by virtue of their professional status as a member of an accountancy institute. The fundamental principles set out in the Code are integrity, objectivity, professional competence and due care, confidentiality, and professional behaviour. Impartiality is a further fundamental requirement of those operating in the public services.
- 3.9.7 Sections 3 and 25 of the Local Government Act 2003 require the Chief Finance Officer to report to the Council at the time that the budget is considered and the Council Tax set on the robustness of the budget estimates and the adequacy of financial reserves. He/she must ensure that the guidelines and ratios set down for the purposes of the Prudential Capital regime are adhered to once fixed and report to Council if they are going to be infringed.

- 3.9.8 Section 114 (c) of the Local Government Finance Act 1988 requires the designated Section 151 Officer to appoint a deputy to act in his/her absence for the purposes of this part of the statutory duty and to make similar arrangements for the purposes of the Accounts and Audit Regulations 2011.
- 3.9.9 The Chief Finance Officer is responsible for advising the Council, the Executive, the overview and scrutiny committees, regulatory committees and Corporate Management Team on all financial matters affecting the Council.
- 3.9.10 The Chief Finance Officer has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure disbursements made on behalf of the Council and that controls operate to protect the Council's assets from loss, waste, fraud or other impropriety. The Chief Finance Officer shall discharge that responsibility in part by the issue and maintenance of Financial Procedures with which all officers and members of the Council shall comply.
- 3.9.11 The Chief Finance Officer will report identified breaches of the Code of Financial Governance or supporting Financial Procedures to the Audit Committee annually where such instances expose the Council to unacceptable risks or financial loss. Directors will be informed of all identified breaches within their service area.
- 3.9.12 The Accounts and Audit Regulations 2011 emphasise the need for effective financial management and sound systems of internal control. They require that the Council should maintain an adequate and effective system of internal audit for their accounting records and control systems. It is a function of the Chief Finance Officer to direct Internal Audit and ensure that it is adequate for the Council's purposes.

- 3.9.13 Section 7 of the Accounts and Audit Regulations 2011 require the Chief Finance Officer, no later than 30 June immediately following the end of a financial year, to sign and date the Council's statement of accounts, and certify that it presents a true and fair view of the financial position of the body at the end of the year to which it relates and of that body's income and expenditure for that year. The Chief Finance Officer must re-certify the presentation of the statement of accounts before the Audit Committee approves it.
- 3.9.14 The Chief Finance Officer is the officer responsible for awarding and signing leases, other than property leases, on behalf of the Council. The Chief Finance Officer may delegate this to other specified officers.
- 3.9.15 The Chief Finance Officer shall ensure that Directors, Assistant Directors and budget holders receive appropriate support from relevant finance officers, even where a strategic partner provides such support.
- 3.10 Directors and Assistant Directors:**
- 3.10.1 Directors are fully accountable to the Chief Executive and the Executive for the financial management of the activities of their Directorates. Directors may delegate aspects of their financial management responsibilities to their Assistant Directors in writing. The Chief Finance Officer must be advised of such delegation. In turn, Assistant Directors may delegate aspects of their financial management responsibilities to other senior managers. Records must be kept of such delegations.
- 3.10.2 Directors and Assistant Directors are individually responsible for the proper stewardship of all the resources allocated to them. However, it is noted that there is shared responsibility for some assets, which are managed centrally or in pooled/partnership arrangements.
- 3.10.3 Directors and Assistant Directors are responsible for providing the Chief Finance Officer with any information relating to the services under their control required to fulfil the duties of the Section 151 Officer.

3.10.4 Directors through their Assistant Directors are responsible for ensuring that officers under their control are aware of and comply with the Code of Financial Governance and supporting Financial Procedures and monitoring and reporting any non-compliance by either officers or partners.

3.11 **Emergency Procedures:** Nothing in this Code or the Financial Procedures shall prevent expenditure being incurred where an emergency or disaster involving destruction of, or danger to, life or property occurs or is imminent. Where in the opinion of the relevant Director, in consultation if possible with the relevant Executive Member, Chief Executive and the Chief Finance Officer, the urgency of the situation will not permit delay, necessary expenditure may be incurred. Action under this paragraph shall be reported at the next available meeting of the Corporate Management Team, Executive and Audit Committee.

4. **Financial Planning and Control:**

4.1 Financial planning enables the Council to deliver its priorities through the allocation of resources to services:-

4.1.1 The Revenue Budget is a statement of the annual income and expenditure requirements for all services and sets out the financial implications of the Council's policies. It provides Assistant Directors with authority to incur expenditure and a basis on which to monitor the financial performance of the Council.

4.1.2 Capital expenditure is an important element in the development and delivery of the Council's services, and maintenance and improvement of council assets.

4.2 **The Budget and Policy Framework:** The key elements of financial planning are the Strategic Plan and the Medium Term Financial Strategy, including the Capital Programme and the Revenue Budget.

4.3 **Strategic Plan:** The Strategic Plan sets out the Council's vision for Central Bedfordshire, its values and priorities.

4.4 **Medium Term Financial Strategy:** The Medium Term Financial Strategy is the key tool in ensuring that the Council's resources are used in accordance with its corporate priorities and decisions. The Chief Finance Officer will determine the format of the Medium Term Financial Strategy, subject to any overriding requirements of the Executive.

4.5 **Revenue Budget:** The first year of the Medium Term Financial Strategy is the detailed Annual Revenue Budget. The Revenue Budget provides a statement of the annual income and expenditure requirements for all services, and sets out the financial implications of the Council's policies. It provides the Executive, Directors and Assistant Directors with authority to incur expenditure, subject to rules relating to virement (see below). In addition it provides the basis on which to monitor the financial performance of services within the year. The Executive will recommend the Revenue Budget to Full Council for approval each year, following the overview and scrutiny process outlined in the Budget and Policy Framework Procedure Rules.

4.6 **Financial Control:**

4.6.1 Throughout the year Directors, Assistant Directors and Budget Managers shall monitor income and expenditure against budgets for which they are responsible, ensuring that expenditure and income are properly coded and that budget-timing profiles are accurate.

4.6.2 Directors, Assistant Directors and Budget Managers are directly responsible for ensuring that spending and commitments do not exceed the latest approved budget. However, if expenditure in excess of the approved budget is incurred due to an emergency, this emergency expenditure must be reported to the Chief Finance Officer and the appropriate Executive Member(s) and, if necessary, the Executive as soon as possible thereafter.

4.6.3 The Original Budget is used to set the Council Tax level. The approved, or revised, budget is the Original Budget plus any supplementary estimates or budgetary virements agreed in accordance with this Code of Financial Governance.

4.6.4 The Chief Finance Officer shall ensure that budget monitoring information is reported monthly to the Corporate Management Team and quarterly to the Executive and the overview and scrutiny committees.

4.7 **Virements:**

4.7.1 Virement is a transfer of budget provision either within or between budget headings. It is an important facility to assist in managing budgets effectively within a cash limit.

4.7.2 The Council scheme of virements is as follows:-

Category	Virement Levels	Approval Power
Within Portfolio Revenue Budgets Within the same cost centre or between cost centres. Capital schemes between projects	Up to £100,000 cumulative (sum of individual virements)	Budget Managers in consultation with Chief Finance Officer
	Revenue £100,000 to £200,000 cumulative (sum of individual virements) Capital £100,000 to £500,000 per project	Directors in consultation with the Chief Finance Officer and with the agreement of the Executive Member(s)
	Revenue Over £200,000 cumulative (sum of individual virements) Capital over £500,000	Executive
Between portfolios	Revenue Up to £200,000 cumulative (sum of individual virements) Capital Up to £500,000	Directors in consultation with the Chief Finance Officer and with the agreement of the relevant Executive Member(s)
	Revenue Over £200,000 cumulative (sum of individual virements) Capital Over £500,000	Executive

4.7.2.1 The scheme will be administered by the Chief Finance Officer within the guidelines approved by Council.

4.7.2.2 Budgets may be adjusted to take account of new grants received during the year outside of the Virement Scheme subject to the reporting of any adjustment over £100,000 in the next Budget Monitoring report to the relevant overview and scrutiny committee.

4.7.2.3 Virement will only apply current year revenue and capital budgets.

4.8 **Supplementary Estimates:**

4.8.1 Budgets are cash limited. If an overspend cannot be met from existing budgets, or virement, or new spending proposals are identified for which financial provision has not been made, supplementary estimates should be treated as a last resort. These will be approved in emergencies only, and where Directors have demonstrated that all other funding options, e.g. virement, have been exhausted. Supplementary estimates should not be requested for in-year increases in expenditure, but should only relate to increases where the increase is estimated to be for more than one year.

4.8.2 Any Director proposing a supplementary estimate must prepare a report for the Executive, including a financial appraisal prepared jointly by the Director (or Assistant Director) and the Chief Finance Officer. If the Executive approves the proposal it must seek approval of Council to proceed in accordance with the Budget and Policy Framework Procedure Rules.

4.8.3 No supplementary estimates will be approved for expenditure below £200,000.

4.9 **Transfer of Budget between Financial Years:** Revenue budget provision not utilised by the end of the financial year will not normally be transferred to the following year, except in exceptional circumstances. In this situation, a report for the Executive requesting the transfer shall be prepared jointly by the Director (or Assistant Director) and the Chief Finance Officer.

4.10 **Capital Programme:**

4.10.1 Investment in capital assets shapes future service delivery and creates future financial commitments. The Capital Programme is a four-year programme, including the current budget year, of estimated capital expenditure and associated funding. Council will approve a Capital Programme each year, recognising that approving initial estimates is the first stage in the process of progressing a proposed scheme to implementation. Estimates produced at this stage will be liable to change.

4.10.2 The Executive will receive budgetary proposals for inclusion in the Council's Capital Programme and will submit a proposed programme to Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources or external funding sources or the realisation of capital receipts from the disposal of surplus assets that have been identified in accordance with the Corporate Property Assets Disposal Protocol.

4.10.3 Capital Schemes will be grouped into three main categories:

- Rolling Programmes
- Capital Schemes (gross expenditure budget £60,000 and above)
- Minor Capital Schemes (gross expenditure budget £59,999 and below).

4.10.4 **Outline Business Case** All categories of capital projects will require an Outline Business Case in order to be considered for inclusion in the proposed Capital Programme. An Outline Business Case will normally have best estimates of capital and revenue costs, timescales, and deliverables. Outline Business Cases will be approved by the relevant Executive Member in consultation with the relevant Director, the Executive Member Corporate Resources and the Chief Finance Officer.

- 4.10.5 **Detailed Business Case** A Detailed Business Case will have fully validated costs (including ongoing revenue costs), timescales, deliverables and where necessary an exit strategy. The process for approving capital schemes for subsequent implementation will be different according to their category and is explained in paragraphs 4.10.6 to 4.10.11 below.
- 4.10.6 **Rolling programmes** in the Council's Capital programme are largely concentrated on infrastructure and asset improvement and maintenance.
- 4.10.7 After a Rolling Programme has been approved by the Council for inclusion in the Capital Programme, a single Detailed Business Case will be produced for the whole programme before it proceeds. The detailed Business Case should be updated annually.
- 4.10.8 The Detailed Business Case and release of capital expenditure will be approved by the relevant Executive Member in consultation with the relevant Director, the Executive Member for Corporate Resources and the Chief Finance Officer.
- 4.10.9 **Capital Schemes** (gross expenditure budget £60,000 and above)
- 4.10.10 After a Capital Scheme has been approved by the Council for inclusion in the Capital Programme, a Detailed Business Case will be produced for the scheme. Executive approval to implement will be required for schemes with a gross expenditure budget exceeding £499,999. Schemes with a gross expenditure budget above £59,999 but below £500,000 can proceed with the approval of the relevant Executive Member in consultation with the relevant Director, Executive Member for Corporate Resources and the Chief Finance Officer.

- 4.10.11 For Capital Schemes, some further costs may need to be incurred to take a project up to Detailed Business Case stage. The relevant Executive Member in consultation with the relevant Director, the Executive Member Corporate Resources and the Chief Finance Officer can authorise expenditure up to a level of 10% (not to exceed £60,000) of the approved gross expenditure budget at this stage to enable a Detailed Business Case to be produced. The revenue budget of the applicable directorate will meet these costs if ultimately the scheme does not proceed for any reason.
- 4.10.12 **Minor Capital Schemes** (gross expenditure budget £59,999 and below)
- 4.10.14 A Detailed Business Case is not required for these schemes and Minor Capital Schemes in this range can proceed with the approval of the relevant Executive Member in consultation with the relevant Director, Executive Member for Corporate Services and the Chief Finance Officer.
- 4.10.15 In year, the Executive may approve expenditure on Capital Schemes that have not previously been included in the Capital Programme, but which were included in the Reserve list approved by Council when setting the Capital Programme or are schemes with gross expenditure budgets exceeding £499,999 which are to be funded in full from external sources. Approval is subject to the production of Outline and Detailed Business Cases and confirmation that the revenue cost of such schemes can be accommodated from within the approved revenue budget for the Capital Programme in the relevant financial year, as confirmed by the Chief Finance Officer and the Executive Member for Corporate Resources.
- 4.10.16 In year, the Executive may approve expenditure on new Capital Schemes estimated to cost less than £500,000 net of external funding that have not previously been included in the Capital Programme, subject to the production of Outline and Detailed Business Cases. New Capital Schemes estimated to cost more than £500,000 net of external funding must be approved by Council if not previously included on the Reserve List.

4.10.17 Schemes that are fully externally funded and where the gross expenditure budget is less than £500,000 can be included in the Capital Programme with the approval of the relevant Executive Member in consultation with the relevant Director, Executive Member for Corporate Resources and the Chief Finance Officer subject to the production of Outline and Detailed Business Cases.

4.10.18 Variations from the Detailed Business Case

Where there are variations in the net costs of capital schemes compared with the provision in the Detailed Business Case, additional costs will be approved in accordance with the following conditions:-

Existing Scheme – net capital budget - Additional Costs	Approval Powers
Up to £150,000 of the approved net scheme budget	Relevant Executive Member and relevant Director and Chief Finance Officer
Between £150,000 and £500,000 of the approved net scheme budget	Executive
Over £500,000 of the approved net scheme budget	Council

4.10.19 Where additional costs are agreed, the relevant Executive Member in consultation with the relevant Director will seek compensatory savings.

4.10.20 The Chief Finance Officer will report to the Executive on the monitoring of the approved Capital Programme, including: expenditure and income to date; projected expenditure and income and approved variations.

4.11 Maintenance of Reserves

4.11.1 The Council must determine the level of general reserves it wishes to maintain when setting the Council Tax. Reserves must be sufficient to meet unexpected events and protect the Council from over spends should they occur. Earmarked reserves may also be established for specific purposes.

- 4.11.2 The Chief Finance Officer will advise the Council on the levels of reserves that it is prudent to maintain, and will account for the Council's reserves in accordance with relevant Codes of Practice, ensuring the purpose and usage of reserves is clearly identified.

5. Risk Management and Control of Resources:

- 5.1 It is fundamental that robust, integrated systems are in place and maintained for the identification and evaluation of all significant operational risks to the authority. This is a responsibility of every officer and every service. Advice is available from the Head of Audit and Risk on these matters.

5.2 Risk Management:

- 5.2.1 The Audit Committee is responsible for reviewing the effectiveness of the Council's risk management arrangements, including the approval of the Council's Risk Management Policy Statement.
- 5.2.2 The Audit Committee, in conjunction with the Executive, is responsible for promoting a culture of risk awareness throughout the Council.
- 5.2.3 The Corporate Management Team is responsible for preparing the Council's Risk Management Policy Statement, promoting it to officers.
- 5.2.4 Directors will ensure that procedures are in place to identify, assess, and prevent or contain material known risks and that suitable financial provision is made for remaining risks, for example bad debts.
- 5.2.5 Directors must ensure that insurance covers are regularly reviewed for their adequacy and that any new risks are covered. Directors will notify the Chief Finance Officer immediately of any loss, liability or damage likely to lead to a claim against the Council.
- 5.2.6 The Chief Finance Officer will ensure that corporate insurance cover and insurance cover required by Directors is carried out, either by external cover or by self-insurance, and will negotiate all claims.
- 5.2.7 Directors will prepare and maintain Business Continuity Plans and Disaster Recovery Plans to deal with system failures or other disastrous events.

5.3 Internal Control:

- 5.3.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- 5.3.2 At least once a year the effectiveness of the systems of internal control shall be reviewed and reported to the Audit Committee, who shall review and approve the Statement of Internal Control separately from the Statement of Accounts.
- 5.3.3 The Chief Finance Officer shall ensure that procedure notes/manuals are maintained in respect of the Council's key financial systems.
- 5.3.4 Assistant Directors and Heads of Service shall establish effective control arrangements in order to deliver service objectives and value for money. Typically these would include:-
 - 5.3.4.1 Separation of duties
 - 5.3.4.2 Schemes of delegation
 - 5.3.4.3 Retention of records
 - 5.3.4.4 Security arrangements
 - 5.3.4.5 Risk management information and where appropriate Business Continuity Plans

5.4 Internal Audit:

- 5.4.1 The Chief Finance Officer shall maintain an adequate and effective Internal Audit Service in accordance with the Accounts and Audit Regulations 2006. The Chief Finance Officer/Head of Internal Audit and Risk shall arrange for the examination, review and appraisal of:-
 - 5.4.1.1 The soundness, adequacy and application of internal controls;
 - 5.4.1.2 The safeguards for council assets and interests from losses of all kinds arising from theft, fraud, waste, extravagance, inefficient management, poor value for money or any other cause;
 - 5.4.1.3 The suitability and reliability of financial and other management data; and

- 5.4.1.4 Compliance with rules, legislation, policy and procedures.
- 5.4.2 The Audit Committee will conduct an annual review of the effectiveness of the system of internal audit.
- 5.4.3 The Head of Internal Audit and Risk and all Internal Audit officers have authority to:-
 - 5.4.3.1 Enter at any time Council premises or land subject to any statutory or contractual restrictions that may apply, e.g. health and safety;
 - 5.4.3.2 Have access to all records, documents, correspondence, information and data relating to all areas of the Council's business and to remove any such records as is necessary for the purposes of their work (including that of the Council's agents and contractors);
 - 5.4.3.3 Require and receive such explanations as are necessary concerning any matter under examination; and
 - 5.4.3.4 Require any Member, officer or agent of the Council to produce cash, stores or any other Council property under their control.
- 5.4.4 The Head of Internal Audit and Risk shall have unobstructed direct access and the right of report to the Chief Executive, Directors, Assistant Directors, the Monitoring Officer, the external auditors, the Executive, the Leader, the Executive Member with responsibility for Audit and the Chairman of the Audit Committee.

5.5 Preventing Fraud and Corruption:

- 5.5.1 All Council officers, members, agents, contractors and strategic partners have responsibilities to protect the funds they administer on behalf of the Council. Council resources must be administered to the benefit of the taxpayer and not the inappropriate personal benefit of any of the above.
- 5.5.2 The Chief Finance Officer will develop and maintain an Anti-Fraud and Anti-Corruption Policy.

5.5.3 Officers, councillors, agents or contractors of the Council have a responsibility to bring any suspected fraud, corruption or irregularity to the attention of the Head of Internal Audit and Risk, the Chief Finance Officer or any Director.

5.5.4 Directors will notify the Chief Executive, the Monitoring Officer, the Chief Finance Officer, the Leader, and the relevant Executive Member immediately, and before any further investigation, of any suspected fraud, theft, irregularity, improper use or misappropriation of council property or resources. Any suspected fraud, bribery, corruption or loss will be investigated in accordance with the Council's Anti-Fraud and Anti-Corruption Policy.

5.6 Treasury Management:

5.6.1 Council will approve a Treasury Management Policy Statement on a periodic basis. This policy will be reviewed every three years or whenever legislative, regulatory or best practice changes materially affect the effectiveness of the current policy. The Council will approve on an annual basis an Annual Treasury Management Strategy and Prudential Borrowing Indicators.

5.6.2 The Chief Finance Officer is responsible for presenting, implementing and monitoring the approved policy, in compliance with relevant Codes of Practice.

5.6.3 The Chief Finance Officer is responsible for reporting to the Executive at least annually on the activities of treasury management and the exercise of his/her delegated executive powers.

5.6.4 The Chief Finance Officer is responsible for authorising and operating the Council's banking arrangements. All Directors will comply with the detailed rules set for the banking of income and operation of bank accounts.

5.7 Asset Management:

5.7.1 The Chief Finance Officer will ensure that procedures are put in place for the safeguarding and security of the Council's assets, including the keeping of asset registers; a terrier of land and property; inventories of furniture, fittings and equipment; and stores records.

5.7.2 The Chief Finance Officer will ensure that detailed arrangements are in place for the disposal or acquisition of interests in assets. All disposals or acquisitions of interests in land and buildings will be undertaken in accordance with the scheme of delegations. Council, in accordance with the Budget and Policy Framework Procedure Rules, must approve any disposals or acquisitions of land and buildings that are outside of the Budget and Policy Framework.

6. Systems and Procedures:

- 6.1 Sound systems and procedures are essential to an effective framework of accountability and control.
- 6.2 The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and supporting financial records.
- 6.3 Directors are responsible for the proper operation of financial processes in their departments, implementing the detailed Financial Procedures.
- 6.4 Changes to departmental financial procedures and the introduction of new Financial Procedures must not proceed without the approval of the Chief Finance Officer.
- 6.5 The Chief Finance Officer must approve the development, acquisition and implementation of all IT systems. All such activities must conform to the Council's IS/IT Strategy, standards and procedures.

7. External Arrangements:

- 7.1 Local authorities provide an important leadership role for the community and bring together the contributions of the various stakeholders. They must also act to promote and improve the economic, social and environmental well being of their respective areas.
- 7.2 **Significant Partnerships:**
 - 7.2.1 A significant partnership is one that is material in terms of the amount of money involved and/or the level or nature of service delivery concerned.
 - 7.2.2 The Council's strategy and governance arrangements for partnerships are set out in **Part J** of the Constitution.

- 7.2.3 Where the Council is the lead authority for a partnership the Council's Financial Code of Governance, Financial Procedures, and Code of Procurement Governance will apply to carrying out of the business of that partnership.
- 7.2.4 The Chief Finance Officer must ensure that the accounting arrangements for partnerships and joint ventures are satisfactory, that the governance and legal issues have been satisfactorily addressed, and that the risks have been fully appraised.
- 7.2.5 The Chief Finance Officer should ensure that the Partnership Agreement contains details of how resources will be pooled and what controls will be operated in respect of partnership spending to avoid waste. Directors will ensure that the Chief Finance Officer has access to the accounts and records and the right to seek explanations in order to monitor deployment of the Council's funding.
- 7.2.6 Directors will ensure that:-
 - 7.2.7.1 All necessary approvals have been secured before concluding any negotiations with external parties;
 - 7.2.7.2 A register is maintained of all contracts entered into with external parties; and
 - 7.2.7.3 Any agreement will not adversely affect any services provided by the Council.

7.3 External Funding:

- 7.3.1 All Members and officers involved in setting up and working for partnerships must comply with the Partnerships Protocol included in **Part J** of the Constitution.
- 7.3.2 The Chief Finance Officer will ensure that the Council's budgets contain sufficient provision for its match funding obligations and that all external funding due to the Council is received and properly recorded.

7.3.3 Directors will ensure that conditions attached to external funding are properly complied with, that such conditions have been agreed by the Corporate Management Team or Executive as appropriate, and that claims are processed by the due date. Directors will ensure that any match funding is in place before committing the Council to any long-term agreement.

7.4 Interests in Companies:

7.4.1 Prior to the Council, or any officer on behalf of the Council, taking an interest (e.g. membership, share holding or directorship) in a company, advice should be sought from the Monitoring Officer and the Chief Finance Officer.

7.4.2 Any clauses required by the Monitoring Officer and/or the Chief Finance Officer to safeguard the Council's position must be included in the company's Memorandum and Articles of Association.

7.4.3 Members must declare any interests (e.g. membership, share holding or directorship) in a company on their Declaration of Interests form.

7.5 Voluntary Funds and Trustees:

7.5.1 A voluntary fund is any fund, which, although not officially owned by the Council, is controlled or administered solely, or in part, by an officer by reason of his/her employment by the Council.

7.5.2 Council officers or partners must not administer voluntary funds, either solely or in part in the course of their duties, unless they have been authorised to do so by a Director, and satisfactory and effective systems of control are in place for management of the fund.

7.5.3 The Chief Finance Officer will have full access to the records of the fund and will be entitled to carry out such checks as considered appropriate.

7.6 Schools: The Code of Financial Governance applies to schools within Central Bedfordshire and schools should conduct their financial affairs in accordance with the Financial Procedures for Schools published separately.

E3 COMMITTEE PROCEDURE RULES

1. Time and Place of Meeting

- 1.1 The frequency, time and place of meetings shall be as set out in **Part E2** and the approved Calendar of Meetings although the chairman of the committee and Monitoring Officer or the committee by resolution, may determine that an ordinary meeting shall be held at such other place as they consider appropriate. The chairman and/or Monitoring Officer may determine, having regard to special circumstances, that a particular ordinary meeting be held at such time as they consider appropriate.
- 1.2 The Monitoring Officer, after consultation with the chairman of the relevant committee (or in his/her absence, the vice-chairman), shall be authorised to cancel an ordinary meeting where there is insufficient business.
- 1.3 An extraordinary meeting of a committee may be called by the chairman, by a quorum of members of the committee or by the Monitoring Officer if he/she considers appropriate.

2. Notice of Summons to Meeting

- 2.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules at **Part G2** of the Constitution. The notice will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

3. Chairman of Meeting

- 3.1 The person presiding at the meeting may exercise any power or duty of the chairman.

4. Quorum

- 4.1 The quorum for each committee is set out in the relevant committee's terms of reference in **Part E2** of the Constitution. During the meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn for 15 minutes. If after that time the chairman counts the number of members present and declares that there is still no quorum, the meeting will adjourn. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

5. Business

At each meeting of a committee of the Council, the following business will be conducted: -

- 5.1 Minutes of the last meeting;
- 5.2 Declarations of interest, if any;
- 5.3 Chairman's announcements and communications;
- 5.4 The receipt of petitions relevant to the committee's terms of reference, in accordance with the Public Participation Procedure as set out in **Part A4** of the constitution;
- 5.5 Public questions, statements or depositions in accordance with the Public Participation Procedure as set out in **Part A4** of the constitution; and
- 5.6 Any other business specified in the agenda for the meeting.

6. Substitutes

- 6.1 A Member who is unable to attend a meeting may arrange for one of the named substitutes appointed by the Council to attend in his/her place. Where such an arrangement has not been made, any of the named substitutes will be entitled to act as substitute for an absent member of their group.
- 6.2 Substitute members may attend the meeting in the capacity only:-
 - 6.2.1 to take the place of the ordinary Member for whom they are the designated substitute;
 - 6.2.2 after the Monitoring Officer, or his/her nominee, has been notified before the meeting of the intended substitution;
 - 6.2.3 after declaring his or her status as a substitute Member at the start of the meeting.
- 6.3 The Member substituted for shall cease to be a member of the forum concerned throughout the meeting, including any adjournment, and the substitute attending the meeting shall be a full member of that forum for the same period.

7. Sub-Committees

- 7.1 Each committee may appoint such sub-committees as it deems necessary, having power to act within any limitations set by the committee. The Licensing Committee may appoint one or more sub-committees to discharge its functions by virtue of Section 9 of the Licensing Act 2003.

8. Delegation of Functions

- 8.1 Unless the Council directs otherwise, a committee or sub-committee may delegate further to an officer.
- 8.2 Where a committee makes arrangements for the discharge of any of its functions either under paragraphs 7.1 or 8.1 above, the Monitoring Officer will, after consultation with the General Purposes Committee, report to the next ordinary meeting of the Council on either the amendment to the Terms of Reference or the Scheme of Delegation to Officers, as appropriate.

9. Voting

- 9.1 Majority
- 9.1.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting at the time the question was put.
- 9.2 Chairman's casting vote
- 9.2.1 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.
- 9.3 Show of hands
- 9.3.1 Unless a recorded vote is demanded under Rules 9.4 or 9.5, the chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.
- 9.4 Recorded vote
- 9.4.1 If no fewer than one fifth of the Committee's membership demand it at the meeting, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

- 9.5 Right to require individual vote to be recorded
 - 9.5.1 Where any Member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.
- 9.6 Voting on appointments
 - 9.6.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

10. Agenda Items

- 10.1 Any member of the Council may, with 7 clear working days' notice, request the Monitoring Officer to include an item on the agenda of a relevant committee. Upon receipt of such a request the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly.
- 10.2 Any Member who submits a request will have the right to attend the meeting at which the item is to be considered and to explain the reasons for the request. The Committee will decide either:-
 - 10.2.1 If the matter is a simple one, to resolve it forthwith; or
 - 10.2.2 To request the officers to prepare a report for the next meeting; or
 - 10.2.3 To decide to take no further action upon the request, for stated reasons
- 10.3 A separate procedure provides for Members to refer planning applications for consideration by the Development Management Committee.

11. Minutes

11.1 Signing the minutes

11.1.1 The Chairman will sign the minutes of the proceedings at the next ordinary meeting. The chairman will move that the minutes of the previous meeting be signed as an accurate record. No discussion shall take place upon the minutes, except where their accuracy is challenged by motion. If no such challenge is moved, or if moved then as soon as it has been disposed of, the chairman will sign the minutes.

11.2 Form of minutes

11.2.1 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

12. Exclusion of Public

12.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in **Part G2** of this Constitution or Rule 14 (Disturbance) below.

13. Members' Conduct

13.1 Chairman Standing

13.1.1 When the chairman stands during a debate, any Member speaking at the time must stop. The meeting must be silent.

13.2 Member not to be heard further

13.2.1 If a Member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

13.3 Member to leave the meeting

13.3.1 If the Member continues to behave improperly after such a motion is carried, the chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

14. Disturbance

14.1 General disturbance

14.1.1 If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

14.2 Removal of member of the public

14.2.1 If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

14.3 Clearance of part of a meeting room

14.3.1 If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared, and may adjourn the meeting for 15 minutes or other suitable period.

15. Motion affecting persons employed by the Council

15.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of Section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the committee has decided whether or not the power to exclude the public under Section 100(A)(2) of the Local Government Act 1972 shall be exercised.

16. Rights of Non-Members

16.1 Subject to paragraph 16.2, every member of the Council shall have the right to attend meetings of a committee. Such Members shall be entitled to speak once on any item and may, with the consent of the person presiding, contribute further but shall not vote.

16.2 This rule does not apply to committees or sub-committees such as the Licensing Sub-Committee which exercise quasi-judicial functions, where different arrangements are prescribed.

17. Public Participation and Petitions

- 17.1 Public participation, including presentation of petitions, in committee meetings will operate on the basis of the Public Participation Procedure set out in **Appendix A to Part A4** of the constitution. However public participation at the Development Management Committee will operate on the basis of the Procedure set out **Annex 3 to Appendix A of Part A4** of the constitution when determining planning or other applications.

18. Rules of Debate

- 18.1 The rules of debate that apply to Council meetings set out in Part B5 of the Constitution may be applied to meetings of committees to the extent that the Chairman considers appropriate.

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B5 FULL COUNCIL PROCEDURE RULES

1. Council Meetings

1.1 There are four types of Council meeting:

1.1.1 the Annual meeting

1.1.2 the Budget-setting meeting

1.1.3 Ordinary meetings

1.1.4 Extraordinary meetings.

1.2 These meetings will take place in accordance with the following procedure rules.

2. Annual Meeting of the Council

2.1 Timing

2.1.2 In a year when there is an ordinary election of councillors, the Annual meeting will take place within 21 days of the retirement of outgoing councillors. In any other year the Annual meeting of the Council will take place in March, April or May.

2.2 Business

2.2.1 The order of business at the Annual meeting will be:-

2.2.2.1 To elect a person to preside if the chairman and vice-chairman are absent.

2.2.2.2 To elect the Chairman of the Council.

2.2.2.3 To elect the Vice-Chairman of the Council.

2.2.2.4 To elect the Leader of the Council in the year following the election of all councillors.

2.2.2.5 To approve the minutes of the last meeting.

2.2.2.6 To receive any declarations of interest from members.

2.2.2.7 Chairman's announcements and communications.

2.2.2.8 Leader's announcements and communications.

- 2.2.2.9 At the discretion of the chairman, to permit public participation in accordance with the Public Participation Procedure as set out in **Part A4** of the constitution.
- 2.2.2.10 To receive and consider recommendations of the Executive and committees and answer questions asked under Rule No 13.1. (Note: This item of business will not be dealt with at the Annual meeting held immediately following the election of the new Council.)
- 2.2.2.11 Subject to paragraph 2.5.1, to appoint overview and scrutiny committees (as set out in **Part D (Overview and Scrutiny)**) and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the full Council nor are executive functions (as set out in **Part E (Regulatory and other committees)** of the constitution).
- 2.2.2.12 To agree the scheme of delegation or such part of it as the constitution provides it is for the Council to agree (as set out in **Part E2 and H3** of the constitution).
- 2.2.2.13 To receive at the meeting immediately following an election of all councillors, a report from the Leader of the Council regarding the composition of the Executive for the coming year, the names of councillors he/she has chosen to be members of the Executive and the responsibilities to be held by those councillors together with a written record of the proposed Scheme of Delegation of Executive Functions. In any other year, to receive a report from the Leader on any changes to those appointments or delegations.
- 2.2.2.14 To make appointments to outside bodies in the year following an election of all councillors.
- 2.2.2.15 Other business, if any, specified in the summons.
- 2.2.2.16 To receive and consider an Annual report from its overview and scrutiny committees. (This item of business will not be dealt with at the annual meeting held immediately following an election of all councillors.)
- 2.2.2.17 To receive an annual report from the Leader, outlining policy priorities for the forthcoming year. (This item of business will not be dealt with at the Annual meeting held immediately following an election of all councillors, but instead may be dealt with at the first ordinary meeting after the Annual meeting).

2.3 Election of the Leader

2.3.1 The Leader is elected at:

2.3.1.1 the Annual meeting of the Council following an election of all councillors; or

2.3.1.2 the next meeting of the Council following the resignation, dismissal or vacation of office by the Leader.

2.3.2 The election of the Leader shall be conducted by the chairman on the basis of nominations being made and seconded and put to the vote. If there are more than two people nominated for the position of leader and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

2.4 Dismissal of the Leader

2.4.1 Dismissal of the Leader can only be made on the basis of a motion signed by 10 members of the Council and included on the agenda for a Council meeting in accordance with the normal rules for notices of motion. The motion shall indicate the reasons for the proposed dismissal except in cases where the political control of the Council has changed. If approved, the dismissal will take immediate effect.

2.5 Appointment of Councillors on Committees

2.5.1 At the Annual meeting, the Council will:-

2.5.1.1 confirm which committees to establish for the municipal year and their size and respective terms of reference;

2.5.1.2 decide the allocation of seats (and substitutes where permitted) to political groups in accordance with the political balance rules;

2.5.1.3 receive nominations from group leaders of members to serve on committees (and substitutes where permitted) and appoint to those committees;

2.5.1.4 receive nominations of group leaders for the chairmen and vice-chairmen of committees and to appoint to those committees; and

2.5.1.5 appoint co-opted members, as appropriate, to committees.

2.6 Variation of Membership

- 2.6.1 The Council may at any time (whether or not at the Annual meeting) amend the decisions made above.
- 2.6.2 The appropriate group leader or deputy group leader will notify the Monitoring Officer, by formal notice, of any changes in membership of any committee, other forum or outside body allocated to their group, for reporting to the next meeting of the Council for information. Such notice shall be provided to the Monitoring Officer or his/her nominee prior to the commencement of the forum in question to enable it to have effect for that meeting.

2.7 Substitute Members

- 2.7.1 As well as allocating seats on committees, the Council will allocate seats for substitute members shown in 2.7.2 and 2.7.3 below.
- 2.7.2 For each committee or sub-committee, the Council will appoint half of the number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee (being a minimum of one and rounded up by one in the case of odd numbers).
- 2.7.3 Each elected member not belonging to a political group within the Council is entitled to nominate a substitute to attend one of these forums in his/her place.
- 2.7.4 A member who is unable to attend a meeting may arrange for one of the named substitutes appointed by the Council to attend in his/her place. Where such an arrangement has not been made, any of the named substitutes will be entitled to act as substitute for an absent member of their group.
- 2.7.5 Substitute members may attend the meeting in the capacity only:-
 - 2.7.5.1 To take the place of the ordinary member for whom they are the designated substitute;
 - 2.7.5.2 After the Monitoring Officer, or his/her nominee, has been notified before the meeting of the intended substitution;
 - 2.7.5.3 After declaring his/her status as a substitute member at the start of the meeting.
- 2.7.6 The Member substituted shall cease to be a member of the forum concerned throughout the meeting, including any adjournment, and the substitute attending the meeting shall be a full member of that forum for the same period.

3. THE BUDGET SETTING MEETING

3.1 Timing

3.1.1 The Budget-setting meeting shall take place in accordance with the Calendar of Meetings agreed annually by Council.

3.1.2 However, the Chairman and the Monitoring Officer may determine, having regard to special circumstances, that the Budget-setting meeting shall be held at such other time or place as they consider appropriate.

3.2 Business

3.2.1 The order of business at every Budget-setting meeting of the Council shall be:

3.2.1.1 To elect a person to preside if the Chairman and Vice-Chairman are absent

3.2.1.2 To approve the minutes of the last ordinary meeting of the Council

3.2.1.3 To receive any declarations of interest from Members of the Council

3.2.1.4 Announcements from the Chairman of the Council

3.2.1.5 Announcements from the Leader of the Council

3.2.1.6 Reports of the statutory officers, if any

3.2.1.7 To receive and consider recommendations contained within reports of the Executive, including:

- the Members' Allowances Scheme
- the Treasury Management Strategy
- the Capital Programme Strategy
- the Medium Term Financial Plan

and additionally, the Council Tax resolution.

3.2.1.8 Any other business specified in the summons.

- 3.2.2 It shall be the duty of the Monitoring Officer, after consultation with the Chairman, to refuse to accept any motion which in his/her reasonable opinion is out of order or otherwise inappropriate and it shall be the duty of the Monitoring Officer, at the direction of the Chairman, to exclude all quotations, extracts or other matters which would not form a necessary part of the motion should the motion be adopted.
- 3.2.3 A recorded vote shall be taken on any decision relating to the setting of the Council's annual budget or setting of the Council Tax charge of how every Council member voted, and those who abstained from voting, for inclusion in the minutes of the meeting.

4. ORDINARY MEETINGS

4.1 Timing

- 4.1.1 Ordinary Council meetings will take place in accordance with the Calendar of Meetings agreed annually by the Council.
- 4.1.2 However, the chairman and Monitoring Officer may determine, having regard to special circumstances, that a particular ordinary meeting shall be held at such other place or time as they consider appropriate.
- 4.1.3 The Monitoring Officer, after consultation with the Chairman of the Council (or in his/her absence, the Vice-Chairman) shall be authorised to cancel an ordinary meeting when there is insufficient business.

4.2 Business

- 4.2.1 The order of business at every ordinary meeting of the Council shall be:-
- 4.2.1.1 To elect a person to preside if the Chairman and Vice-Chairman are absent.
- 4.2.1.2 To approve the minutes of the last ordinary meeting of the Council.
- 4.2.1.3 To receive any declarations of interests from members of the Council.
- 4.2.1.4 A period of up to 15 minutes for public questions, statements and depositions and responses, in accordance with the Public Participation Procedure as set out at **Part A4 (Citizens and the Council)** of the constitution.

- 4.2.1.5 A period of up to 30 minutes for presentation and discussion of petitions in accordance with the Public Participation Procedure as set out at **Part A4 (Citizens and the Council)** of the constitution.
- 4.2.1.6 To deal with any business remaining from the previous meeting.
- 4.2.1.7 Chairman's announcements and communications.
- 4.2.1.8 Leader's announcements and communications.
- 4.2.1.9 Up to 3 reports from Executive Members on recent matters of interest, for which the presentation will take no more than 5 minutes per report. There will be a period of no more than 10 minutes per report during which questions may be asked by Council members on matters contained within the report.
- 4.2.1.10 Reports of the statutory officers (Head of Paid Service, Section 151 Officer and Monitoring Officer), if any.
- 4.2.1.11 To receive and consider recommendations contained within reports of the Executive and committees and answer questions asked under Rule No 13.1.
- 4.2.1.12 To receive and consider any other reports of Executive Members containing recommendations to Council and answer questions asked under Rule no 13.1.
- 4.2.1.13 To receive and consider reports on the business of joint arrangements and external organisations and receive questions and answers thereon.
- 4.2.1.14 To receive and consider recommendations contained within reports of the Bedfordshire Police Authority and the Bedfordshire Fire and Rescue Service and answer questions relating to the reports under Rule no 13.1.
- 4.2.1.15 To consider motions by members of the Council under Rule no 17 in the order received.
- 4.2.1.16 To answer written questions from members of the Council asked under Rule No 13.2
- 4.2.1.17 To answer open questions asked by members of the Council under Rule No 13.7
- 4.2.1.18 To receive ward presentations by members of the Council under Rule No 15.

- 4.2.1.19 To debate strategic policy issues in accordance with Rule No 16.
- 4.2.1.20 Any other business specified in the summons.

5. EXTRAORDINARY MEETINGS

5.1 Calling Extraordinary Meetings

- 5.1.1 Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:-
 - 5.1.1.1 The Council by resolution; or
 - 5.1.1.2 The Chairman of the Council (or in his/her absence the Vice-Chairman); or
 - 5.1.1.3 The Monitoring Officer; or
 - 5.1.1.4 Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

5.2 Business for Extraordinary Meetings

- 5.2.1 The order of business at an Extraordinary meeting of the Council will be:-
 - 5.2.1.1 To elect a person to preside if the Chairman and Vice-Chairman are absent
 - 5.2.1.2 To receive any declarations of interests from members
 - 5.2.1.3 Chairman's announcements
 - 5.2.1.4 Leader's announcements and communications
 - 5.2.1.5 At the discretion of the Chairman, to permit public participation in accordance with the Public Participation Procedure
 - 5.2.1.6 To deal with the item(s) of business specified in the summons, for which purpose the extraordinary meeting has been called.
- 5.2.2 Except as provided in 5.2.1 above, the business shall be restricted to such items contained in the requisition for the meeting.

- 5.2.3 It shall be the duty of the Monitoring Officer, after consultation with the chairman, to refuse to accept any motion which in his/her reasonable opinion, is out of order or otherwise inappropriate and it shall be the duty of the Monitoring Officer, at the direction of the Chairman, to exclude all quotations, extracts or other matters which would not form a necessary part of the resolution should the motion be adopted.

6. BUSINESS AT COUNCIL MEETINGS

6.1 Variation of Order of Business

- 6.1.1 The order of business, subject to any statutory provision, may be varied by the Chairman at his/her discretion, or by resolution passed on a motion moved and seconded and put without discussion.

6.2 Business must be specified on the agenda

- 6.2.1 Apart from business required by statute to be transacted, and items admitted to the agenda by the Chairman on the grounds of urgency, only items appearing on the agenda shall be considered.

7. TIME AND PLACE OF MEETINGS

- 7.1 The time and place of meetings shall be determined by the Monitoring Officer and notified in the summons.

8. NOTICE OF AND SUMMONS TO MEETINGS

- 8.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules as set out at **Part G2** of the constitution. A summons and agenda for each Council meeting will be sent to every Member at least five clear working days before the meeting or if the meeting is convened at shorter notice, then at the time it is convened. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

9. CHAIRMAN OF MEETING

- 9.1 The person presiding at the meeting may exercise any power or duty of the chairman.

10. QUORUM

10.1 The quorum of a meeting of the Council will be 17 members. During the meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn for 15 minutes. If after that time the Chairman counts the number of members present and declares that there is still no quorum, the meeting will adjourn. Remaining business will be considered at a date and time fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

11. MINUTES

11.1 Signing the minutes

11.1.1 The Chairman will sign the minutes of the proceedings at the next ordinary meeting. The Chairman will move that the minutes of the previous meeting be signed as an accurate record. No discussion shall take place upon the minutes, except where their accuracy is challenged by motion. If no such challenge is moved, or if moved then as soon as it has been disposed of, the Chairman will sign the minutes.

11.2 No requirement to sign minutes of previous meeting at extraordinary meeting

11.2.1 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of Schedule 12 relating to signing of minutes.

11.3 Form of minutes

11.3.1 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

12. PUBLIC PARTICIPATION

12.1 Public participation in Council meetings, including asking questions, making statements, making deputations and presenting petitions, will operate on the basis of the Public Participation Procedure set out in **Part A4 (Citizens and the Council)** of the constitution.

13. QUESTIONS BY MEMBERS

13.1 On reports or minutes of the Executive or Committees

13.1.1 A member of the Council may ask the Leader, an Executive Member or the chairman of a committee (or of a body referred to in Rule 13.2.1.4), a question without notice upon a recommendation of that forum when that item is under consideration by the Council, or upon any minute of a meeting of that forum which has been published since the last meeting of the Council.

13.2 Written Questions on notice at full Council

13.2.1 Subject to Rule 13.3, a member of the Council may ask:-

13.2.1.1 The Chairman;

13.2.1.2 A member of the Executive;

13.2.1.3 The chairman of any committee or sub-committee; or

13.2.1.4 The chairman of (or other member representing) the Bedfordshire Police and Crime Panel or the Bedfordshire Fire and Rescue Service

a question on any matter in relation to which the Council has powers or duties or which affect the area of the Authority.

13.3 Notice of questions

13.3.1 A member may only ask a question under Rule 13.2 if either:-

13.3.1.1 They have given at least seven clear working days notice in writing of the question to the Monitoring Officer; or

13.3.1.2 The question relates to urgent matters and they have the consent of the Chairman of the Council and the content of the question is given to the Monitoring Officer by 9.00am on the day of the meeting.

13.4 Response

13.4.1 Each question shall be put and answered in turn without discussion.

13.4.2 An answer may take the form of:-

13.4.2.1 A direct oral answer;

13.4.2.2 Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

13.4.2.3 Where the reply cannot be conveniently given orally, a written answer circulated later to the questioner.

13.5 Supplementary question

13.5.1 A member asking a question under Rule 13.2 may ask one supplementary question without notice of the Member to whom the first question was asked which shall be put and answered without discussion. The supplementary question must arise directly out of the original question or the reply. A second supplementary question may be asked by any other member of the Council which shall also be put and answered without discussion.

13.6 Time limit

13.6.1 The time allocated for questions on notice under Rule 13.2 shall be 15 minutes (subject to the chairman's discretion to extend this period).

13.7 Open Questions

13.7.1 Questions and Procedure

13.7.1.1 At each ordinary meeting of the Council (excluding the annual or any extraordinary meeting) there shall be a period of no longer than 30 minutes for open questions, which shall be questions of the Leader, Deputy Leader and Executive Members, and the chairman of any committee, subject to the following guidelines:-

13.7.1.2 Questions:-

13.7.1.2.1 must be relevant to matters for which the Council has powers or duties or matters that affect Central Bedfordshire or its residents;

13.7.1.2.2 must not relate to an item which is included elsewhere on the Council agenda since they can be raised at that point in the meeting;

13.7.1.2.3 must be capable of eliciting a response (ie must not be a statement);

13.7.1.2.4 should not exceed two minutes in length.

- 13.7.1.3 Questions should not:-
- 13.7.1.3.1 be incapable of being adequately answered in three minutes;
 - 13.7.1.3.2 divulge or require to be divulged confidential or exempt information.
- 13.7.1.4 The conduct of open question time shall be regulated by the Chairman of the Council having regard to the above guidelines.
- 13.7.1.5 Any Member wishing to put an open question should put his/her name on the relevant pro forma and place it in the appropriate receptacle not less than 5 minutes before the start of the meeting. Names will be drawn at random by the Chairman during the question time session lasting up to 30 minutes.

13.7.2 Response

- 13.7.2.1 An answer to an open question may take the form of:-
- 13.7.2.1.1 a direct oral answer of up to a maximum of three minutes duration;
 - 13.7.2.1.2 where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - 13.7.2.1.3 where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner and made available to all members of the Council and the public.

13.7.3 Supplementary Question

- 13.7.3.1 A member asking an open question under Rule 13.7.1 may ask one supplementary question, without notice, of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and should not exceed two minutes in length.

14. MOVING AND CONSIDERATION OF RECOMMENDATIONS IN REPORTS OF THE EXECUTIVE AND COMMITTEES

- 14.1 When the chairman calls the recommendations of the Executive or any committee under Council Procedure Rule 4.2.1.10, such recommendations shall be moved by the member who was in the chair at the meeting of the Executive or committee when the recommendations were decided upon. However in respect of any item or items, the mover may be another member who has agreed on request to act instead. In either case the mover may if he/she wishes, speak in introduction of any such recommendation immediately it is called in accordance with Council Procedure Rule 14.2.
- 14.2 The recommendations of the Executive or a committee shall be called by the chairman in succession and following any introduction by the mover and the disposal of any question in accordance with Council Procedure Rule 13.1, any member may speak to the recommendation (whether or not to move an amendment) or to any motion to amend such recommendation in accordance with the provisions of Rule 19 (Rules of Debate).
- 14.3 Any discussion on a recommendation, or on any amendment to a recommendation shall be concluded by the replies in accordance with Council Procedure Rule 19 (Rules of Debate).
- 14.4 When the Chairman calls for the reports of the Bedfordshire Police Authority and the Bedfordshire Fire and Rescue Service, under Council Procedure Rule 4.2.1.14, one of the Council's representatives serving upon the respective body shall move that the report be received and may if he/she wishes speak in introduction of the report.
- 14.5 When any reports such as are mentioned in Council Procedure Rule 14.4 are under consideration by the Council, any member may comment provided that such comment is relevant to the content of the report but no amendment shall be moved in respect thereof.

15. WARD PRESENTATIONS

- 15.1 Members for each ward shall be entitled to make a ward presentation specific to their ward to any meeting of the Council (except the Annual meeting, the Budget setting meeting or an Extraordinary meeting), provided that seven clear working days notice in writing is received by the Monitoring Officer. Such presentations shall be solely for the information of the Council.
- 15.2 The chairman shall have the discretion to waive the notice requirements under 15.1 above, where he/she is satisfied that a ward presentation, by reason of special circumstances, should be considered as a matter of urgency.

- 15.3 There shall be a period of no longer than 30 minutes at each ordinary meeting of the Council for ward presentations. Requests to make ward presentations will be listed on the agenda in the order in which the request was received. Up to 10 minutes shall normally be permitted for a ward presentation.
- 15.4 A ward member representing a multi member ward shall be permitted to make a comment, if the need arises, following a presentation made by another member representing the same ward.
- 15.5 The conduct of ward presentations shall be regulated by the Chairman of the Council having regard to the above guidelines, but the Chairman shall have the discretion to vary the time constraints in paragraph 15.3 above, should he/she consider it appropriate.

16. STRATEGIC POLICY DEBATES

- 16.1 The Leader of the Council, after consultation with the Chairman, Executive Members, chairmen of the overview and scrutiny committees and the Group Leaders, shall identify those issues of strategic policy which shall be the subject of debate by the full Council.
- 16.2 The conduct of strategic policy debates shall be regulated by the chairman, subject to the following guidelines:-
 - 16.2.1 The policy must relate to the Council's powers or duties or be matters that affect Central Bedfordshire or its residents.
 - 16.2.2 All members will wherever possible, receive a briefing paper in advance of the meeting on the policy to be subject of debate.
 - 16.2.3 Rule No. 19 (Rules of Debate) shall not apply during strategic policy debates but the time allowed for the debate shall not normally exceed 45 minutes.
 - 16.2.4 The Chief Executive, after consultation with the chairman and Leader, shall be authorised to invite representatives of partner organisations to participate in the debate, as appropriate.
 - 16.2.5 No formal decisions shall be taken upon the matter under consideration but the views and conclusions of the Council upon the matter shall be forwarded to the relevant body responsible for policy development/review, as appropriate.

17. NOTICES OF MOTION

17.1 Notice

- 17.1.1 Except for motions which can be moved without notice under Rule 18, written notice of every motion, signed by the member of the Council, must be delivered to the Monitoring Officer not later than 7 clear working days before the date of the meeting. These will be entered into a book open to public inspection.
- 17.1.2 Up to two motions on notice may be included in the business of the annual and the budget-setting meetings of Council, subject to submission of notice to the Monitoring Officer 10 clear working days before the date of the meeting, for the Chairman in consultation with the Monitoring Officer to determine whether the matters is of sufficient urgency and significance to justify inclusion on the agenda for that meeting.

17.2 Motions set out in the agenda

- 17.2.1 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

17.3 Scope

- 17.3.1 Motions must be about matters for which the Council has responsibility or which directly affect Central Bedfordshire.
- 17.3.2 It shall be the duty of the Monitoring Officer, after consultation with the chairman, to refuse to accept any motion which he/she deems to be illegal, improper or out of order.

17.4 Withdrawal

- 17.4.1 If a motion appearing on the summons is not moved (either by its author or by some other member on his/her behalf) it will be treated as withdrawn, unless the Council agrees its postponement.

17.5 Motions affecting persons employed by the Council

- 17.5.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of Section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided whether or not the power to exclude the public under Section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

17.6 Automatic Reference to Executive or a Committee

- 17.6.1 If the subject matter of the motion is within the remit of the Executive or a committee, upon being moved and formally seconded, save as provided in 17.6.3 below, it shall stand referred without discussion to the Executive or such relevant committee, including overview and scrutiny committees, as the chairman may determine (upon taking the advice of the Monitoring Officer if appropriate), for consideration and report, in the case of a committee, to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.
- 17.6.2 The Council may permit a motion to be dealt with at the meeting at which it is brought forward, provided that the subject matter is urgent or that it is appropriate to deal with the matter and that the motion does not seek to determine a matter which is the responsibility of the Executive, subject to proper information regarding the matters referred to above.
- 17.6.3 If the subject of a motion relates to a matter which is the responsibility of the Executive, it may, with the consent of the Council signified without discussion, be debated at the Council meeting prior to being referred to the Executive.
- 17.6.4 The views and conclusions arising from the debate under 17.6.3 above shall be referred to the Executive. The chairman may, if he/she considers it appropriate take a vote to determine the conclusions arising from the debate.
- 17.6.5 The Executive shall determine any motion referred to it by the Council as falling within its remit.

17.7 Right of Mover of Motion to Attend meeting

- 17.7.1 The mover of a motion that has been referred to the Executive or a committee shall be entitled to attend the meeting to which it has been referred and to introduce the motion.

18. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

- 18.1 The following motions may be moved without notice:-
- 18.1.1 to appoint a chairman for the meeting or the remainder of the meeting
- 18.1.2 in relation to the accuracy of the minutes
- 18.1.3 to vary the order of business in the agenda
- 18.1.4 to refer an item back to the Executive or a Committee

- 18.1.5 to appoint members to a forum arising from an item set out in the summons
- 18.1.6 to receive reports or adopt recommendations of the Executive, committees, or officers and to receive reports of the Bedfordshire Police Authority or the Bedfordshire Fire and Rescue Service
- 18.1.7 to withdraw a motion
- 18.1.8 to seek an extension of the time limit for speeches
- 18.1.9 to amend a motion
- 18.1.10 to proceed to next item of business
- 18.1.11 that the question be now put to the vote
- 18.1.12 to adjourn the debate or the meeting
- 18.1.13 to suspend one or more Council Procedure Rules in accordance with Rule No 27.1
- 18.1.14 formally to exclude the press and public from the meeting in accordance with the Access to Information Procedure Rules in Part G2
- 18.1.15 under Rule 25.3, not to hear a Member further
- 18.1.16 under Rule 25.4, that a Member be asked to leave the meeting
- 18.1.17 to give any consent required by the constitution or these Rules.

19. RULES OF DEBATE

19.1 No speeches until the motion or amendment is seconded

- 19.1.1 No motion or amendment shall be discussed unless it has been proposed and seconded.

19.2 Right to require motion or amendment in writing

- 19.2.1 The chairman may require a motion or amendment to be put in writing and handed to him/her before it is discussed (unless the chairman agrees that the motion or amendment is so brief as to make this unnecessary). This requirement does not apply to Notices of Motion under Rule No. 17.

19.3 Secunder's Speech

- 19.3.1 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

19.4 Executive Member's Speech

19.4.1 The Chairman shall give the relevant Executive Member an opportunity to respond to the motion, for up to 5 minutes.

19.5 Content and length of speeches

19.5.1 Speeches must be directed to the question under discussion or to a personal explanation, point of order or point of information. Subject to the provisions in Rule 19.4.1, 19.5.2 and 19.5.3 below, no speech may exceed 3 minutes.

19.5.2 The mover of a motion or an amendment may speak for up to 5 minutes when proposing the motion or amendment;

19.5.3 A right of reply exercised under Rule 19.10 shall normally not exceed two minutes in length.

19.6 Speeches in relation to motions for the adoption of recommendations of the Executive for the approval of the annual budget and Council Tax

19.6.1 The length of speeches in relation to motions for the adoption of recommendations of the Executive for the approval of the annual budget and Council Tax, shall be as follows:-

19.6.1.1 The Leader of the Council and relevant portfolio holder shall have a total of 30 minutes between them to speak on the motion, the actual time allocated to each to be determined by the Leader;

19.6.1.2 The Minority Group Leaders or their nominees will have a total of 30 minutes, shared equally between each of the groups to speak on this item.

19.6.1.3 Any member will have the right to speak up to twice in relation to a motion for the adoption of the annual budget and Council Tax.

19.7 When a Member may speak again

19.7.1 A Member who has spoken on a motion may not speak again whilst it is the subject of debate except:-

19.7.1.1 to speak once an amendment is moved by another member;

19.7.1.2 to move a further amendment if the motion has been amended since he/she last spoke;

- 19.7.1.3 if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- 19.7.1.4 in exercise of the right of reply under Rule 19.10;
- 19.7.1.5 on a point of order under Rule 19.13;
- 19.7.1.6 by way of personal explanation under Rule 19.14;
- 19.7.1.7 by way of a point of information under Rule 19.15.

19.8 **Amendments to motions**

19.8.1 An amendment must be relevant to the motion and will either be:-

- 19.8.1.1 to refer the matter to the Executive or a committee;
- 19.8.1.2 to leave out words;
- 19.8.1.3 to leave out words and insert or add others;
- 19.8.1.4 to insert or add words.

as long as the effect of 19.8.1.1 to 19.8.1.4 is not merely to negate the motion (i.e. no amendment may be moved which would have the same effect as voting against the motion)

- 19.8.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 19.8.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 19.8.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 19.8.5 After an amendment has been carried, the chairman will (if necessary) read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

19.9 **Alteration of motion**

- 19.9.1 A Member may alter a motion of which he/she has given notice with the consent of the Council. The Council's consent will be signified without discussion.

19.9.2 A member may alter a motion which he/she has moved without notice, with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.

19.10 Withdrawal of motion

19.10.1 A Member may withdraw a motion which he/she has moved with the consent of both the Council and the seconder. The Council's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

19.11 Right of reply

19.11.1 The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.

19.11.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

19.11.3 The mover of an amendment has the right of reply at the close of the debate on the amendment prior to the right of reply of the mover of the original motion under 19.10.1 above.

19.11.4 A right of reply should not normally exceed two minutes in length.

19.12 Motions which may be moved during debate

19.12.1 When a motion is under debate, no other motion may be moved except the following procedural motions:-

19.12.1.1 to withdraw a motion;

19.12.1.2 to amend a motion;

19.12.1.3 to proceed to the next business;

19.12.1.4 that the question be now put;

19.12.1.5 to adjourn a debate;

19.12.1.6 to adjourn a meeting;

19.12.1.7 to suspend these Rules in accordance with Rule 27.1;

19.12.1.8 to exclude the press and public in accordance with the Access to Information Rules in **Part G2**; and

- 19.12.9 not to hear further a Member named under Rule 25.3 or to exclude them from the meeting under Rule 25.4.

19.13 Closure motions

- 19.13.1 A Member may move, without comment, the following motions at the end of a speech of another member:-
 - 19.13.1.1 to proceed to the next business;
 - 19.13.1.2 that the question be now put;
 - 19.12.1.3 to adjourn a debate; or
 - 19.12.1.4 to adjourn a meeting.
- 19.13.2 Proceed to next business: If a motion to proceed to the next business is seconded and the chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If carried the motion before the meeting shall be abandoned and not put to the meeting. If an amendment is under discussion, the discussion shall be abandoned and the meeting shall return to discussion of the motion in its original form. (This will not prevent the moving of further amendments.)
- 19.13.3 Closure of Debate: If a motion that the question be now put (ie that discussion shall end and the vote on the matter being considered be taken without delay) is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If carried it shall have the effect of ending discussion and securing a decision once the mover of the original motion has summed up.
- 19.13.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right to reply.

19.14 Points of Order

- 19.14.1 A Member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

19.15 Personal Explanation

19.15.1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.

19.16 Point of Information

19.16.1 A Member may raise a point of information at any time. A point of information may only be made where a Member is aware that the Council has incorrect information before it on a material point. The Member who raises the point of information must be able to cite evidence to support their statement. The ruling of the chairman on the admissibility of a point of information will be final.

19.17 Officers addressing the Council

19.17.1 Officers will not normally be called upon to address the Council or to answer questions unless specifically requested to do so by the Chairman of the Council. This rule shall not apply to the provision of procedural advice by the Monitoring Officer or to the Head of Paid Service and Chief Finance Officer when acting in their statutory roles.

20. RESCISON OF PREVIOUS RESOLUTION

20.1 No Member may move a motion or amendment which would have the effect of rescinding any resolution of the full Council passed within the previous six months or which would have the same effect as one which has been rejected within the previous six months.

20.2 This Rule does not apply:-

20.2.1 to a recommendation submitted by the Executive or by a committee to the Council; or

20.2.2 where a notice of motion has been submitted under Rule No 17 signed by at least 17 members of the Council (this procedure cannot be used within a further period of six months to propose a similar motion).

21 VOTING

21.1 Majority

21.1.1 Unless the constitution provides otherwise, any matter will be decided by a simple majority of those Members present and voting.

21.2 Chairman's casting vote

21.2.1 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

21.3 Show of hands

21.3.1 Unless a ballot or recorded vote is demanded under Rules 21.4 and 21.5, the chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting, or via the electronic voting system.

21.4 Ballots

21.4.1 The votes will take place by ballot if a majority of the Members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

21.5 Recorded vote

21.5.1 If no fewer than 10 of the Council's membership present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

21.6 Right to require individual vote to be recorded

21.6.1 Where any member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

21.7 Voting on appointments

21.7.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

22. RECORD OF ATTENDANCE

22.1 Every member of the Council attending a meeting of the Council shall sign the attendance book provided for that purpose.

23. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

23.1 Where a Member has a personal or personal and prejudicial interest in a contract, proposed contract or other matter, this should be dealt with as set out in the Council's Members' Code of Conduct in **Part F2** of the constitution.

24. EXCLUSION OF PUBLIC

24.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in **Part G2** of the Council's constitution, or Rule 26 (Disturbance by Public).

25. MEMBERS' CONDUCT

25.1 Standing to speak

25.1.1 When a Member speaks at full Council they must (unless the chairman rules otherwise) stand and address the meeting through the chairman. If more than one Member stands, the chairman will ask one to speak and the others must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of information or a point of personal explanation.

25.2 Chairman Standing

25.2.1 When the chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

25.3 Member not to be heard further for remainder of item

25.3.1 If a Member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

25.4 Member to leave the meeting

25.4.1 If the Member continues to behave improperly after such a motion is carried, the chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General disturbance

25.5.1 If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

26. DISTURBANCE BY PUBLIC

26.1 Removal of member of the public

26.1.1 If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

26.2 Clearance of part of a meeting room

26.2.1 If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared, and may adjourn the meeting for 15 minutes or other suitable period.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

27.1.1 All of these Council Rules of Procedure except Rule 11.2 and 21.6 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the items under discussion.

27.2 Amendment

27.2.1 Any motion to add, vary or revoke the Full Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

28. INTERPRETATION OF PROCEDURE RULES

28.1 The ruling of the chairman as to the interpretation or application of any of these Procedure Rules or as to any proceedings of the Council may not be challenged at any meeting of the Council.

C4 EXECUTIVE PROCEDURE RULES

1. Who may make Executive Decisions?

- 1.1 Executive functions may be discharged by:-
 - 1.1.1 The Executive as a whole;
 - 1.1.2 A committee of the Executive;
 - 1.1.3 An individual member of the Executive;
 - 1.1.4 An officer;
 - 1.1.5 Any area committee, joint committee or another local authority.
- 1.2 At the first Annual meeting of the Council following an election of all councillors, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation. The document presented by the Leader will contain the following information about Executive functions:-
 - 1.2.1 The names of councillors appointed by him/her to the Executive;
 - 1.2.2 The name of the councillor appointed by him/her as Deputy Leader;
 - 1.2.3 The extent of any authority delegated to Executive members individually, including details of any limitations upon their authority;
 - 1.2.4 The terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
 - 1.2.5 The nature and extent of any delegation of Executive functions to area committees, any other authority or joint arrangements and the names of those Executive members appointed to any joint committee; and
 - 1.2.6 The nature and extent of any delegation to officers with details of any limitation on that delegation and the title of the officer to whom the delegation is made.
- 1.3 At a subsequent annual meeting of the Council, the Leader shall report upon any changes made to the appointments and delegations referred to in 1.2.1 to 1.2.6 above.

- 1.4 The Leader shall report any in-year changes made to the appointments and delegations referred to in 1.2.1 to 1.2.6 above to the next available ordinary meeting of the council.

2. Decisions to be taken by the Executive

- 2.1 Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in **Part G2** of the constitution.
- 2.2 Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by a committee shall be the same as those applying to those taken by the Executive as a whole.

3. Sub-delegation of Executive Functions

- 3.1 Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate further to an officer.
- 3.2 Unless the Leader directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.
- 3.3 Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- 3.4 Where Executive decisions are delegated under 3.1 to 3.3 above, the person or body who delegated the function shall notify the Monitoring Officer who will report thereon, to the Constitution Advisory Group.
- 3.5 Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated that function.

4. Conflicts of Interest

- 4.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in **Part F2** of the constitution.
- 4.2 If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in **Part F2** of the constitution.

- 4.3 If the exercise of an executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in **Part F2** of the constitution.

5. Meetings of the Executive

- 5.1 The Leader will decide the schedule for the meetings of the Executive, including the date, time and venue for such meetings.
- 5.2 An extraordinary meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

6. Chairman

- 6.1 If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, the Executive shall elect another member of the Executive to preside.

7. Who may attend?

- 7.1 The Access to Information Procedure Rules in **Part G2** of the constitution sets out the rights of access of the press and public to meetings of the Executive or its committees.
- 7.2 Every member of the Council shall be entitled to attend meetings of the Executive or its committees.

8. Who may speak?

- 8.1 Public participation in meetings of the Executive or its committees shall be governed by the Public Participation Procedure as set out at **Part A4 (Citizens and the Council)**.
- 8.2 Any member of the Council may speak once on any item being considered by the Executive, with further speaking being at the discretion of the Leader.
- 8.3 The mover of a motion which has been referred to the Executive shall be entitled to attend the meeting to which it has been referred and to introduce the motion.

9. Who may put items on the Agenda?

- 9.1 The Leader may put on the agenda of any Executive meeting any matter which he/she wishes. The Monitoring Officer will comply with the Leader's requests in this respect.

- 9.2 Any member of the Executive may with 7 clear working days notice, require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request, the Monitoring Officer will comply.
- 9.3 There will be a standing item on the agenda of each meeting of the Executive for matters referred by the overview & scrutiny committees.
- 9.4 Any member of the Council may with 7 clear working days notice ask the Leader to put an item, which is relevant to the functions of the Executive, on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.
- 9.5 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may in pursuance of their statutory duties include an item for consideration on the agenda of an Executive meeting and may require the Monitoring Officer to call such a meeting.
- 9.6 In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

10. Business

- 10.1 At each meeting of the Executive the following business will be conducted:-
 - 10.1.1 Consideration of the minutes of the last meeting;
 - 10.1.2 Declarations of interest, if any;
 - 10.1.3 Chairman's announcements and communications;
 - 10.1.4 The receipt of petitions from members of the public (in accordance with the Public Participation Procedure as set out in **A4** of the constitution);
 - 10.1.5 Public questions, statements or deputations (in accordance with the Public Participation Procedure as set out in **A4** of the constitution);

- 10.1.6 Matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules in **Part D2** or the Budget and Policy Framework Procedure Rules set out in **Part B3** of the constitution;
- 10.1.7 Overview and scrutiny matters - consideration of reports from overview and scrutiny committees;
- 10.1.8 Matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in **Part G2** of the constitution;
- 10.1.9 Consideration of the Forward Plan; and

11. Summons to Meetings

- 11.1 The Monitoring Officer will give notice to the public of the time and place of any meeting of the Executive in accordance with the Access to Information Procedure Rules in **Part G2** of the constitution. The notice will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

12. Quorum

- 12.1 The quorum for a meeting of the Executive, or a committee of it, shall be one quarter of the total number of its membership or 3, whichever is the larger.

13. Voting

13.1 Majority

- 13.1.1 Unless the constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting at the time the question was put.

13.2 Chairman's casting vote

- 13.2.1 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

13.3 Show of Hands

- 13.3.1 Unless a ballot or recorded vote is demanded under Rules 13.4 and 13.5, the chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

13.4 Ballots

13.4.1 The votes will take place by ballot if a majority of the members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

13.5 Recorded Vote

13.5.1 If no fewer than three members of the Executive demand it at the meeting, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

13.6 Right to require individual vote to be recorded

13.6.1 Where any member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

13.7 Voting on Appointments

13.7.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14. Minutes

14.1 Signing the Minutes

14.1.1 The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as an accurate record. The only aspect of the minutes that can be discussed at this time is their accuracy.

14.2 Form of minutes

14.2.1 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

15. Exclusion of Public

15.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in **G2** or Rule 25 of the Council Procedure Rules (Disturbance by Public) in **Part B4** of the constitution.

16. Consultation

- 16.1 All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation.
- 16.2 Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

17. Rules of Debate

- 17.1 The rules of debate that apply to Council meetings set out in Rule 18 of the Council Procedure Rules at **Part B4** of the constitution may be applied to meetings of the Executive to the extent that the chairman considers appropriate.

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H4 OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and Appointment

1.1 Declarations

1.1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partners, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

1.1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or Assistant Chief Executive or an officer nominated by him/her.

1.2 Seeking support for appointment

1.2.1 Subject to paragraph 1.2.3, the Council will disqualify any applicant who directly or indirectly canvasses the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2 Subject to paragraph 1.2.3, no councillor or officer will canvass support for any person for any appointment with the Council.

1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a councillor or officer from giving a written reference for a candidate for submission with an application for appointment except where the councillor or officer is a member of the appointment panel in that case.

2. Recruitment of Head of Paid Service, Directors and Assistant Chief Executives

2.1 Where the Council proposes to appoint the Head of Paid Service or a Director or Assistant Chief Executive and it is not proposed that the appointment be made exclusively from among their existing officers, the Appointments Sub-Committee will:

2.1.1 Draw up a statement specifying:-

2.1.1.1 the duties of the officer concerned; and

2.1.1.2 any qualifications or qualities to be sought in the person to be appointed

- 2.1.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- 2.1.3 Make arrangements for a copy of the statement mentioned in paragraph 2.1.1 to be sent to any person on request;
- 2.1.4 Either interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those on the short list; and
- 2.1.5 Where no qualified person has applied, make further arrangements for advertisement in accordance with paragraph 2.1.2 above.

3. Appointment or Dismissal of Head of Paid Service, Directors, Assistant Chief Executives, Chief Finance Officer and Monitoring Officer

3.1 Appointments

- 3.1.1 Only the full Council shall approve (or otherwise) the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Sub-Committee. The Appointments Sub-Committee must include at least one member of the Executive.
- 3.1.2 The Appointments Sub-Committee will appoint Directors, Assistant Chief Executives, the Chief Finance Officer and the Monitoring Officer as designated in **Part H1** of the Constitution.
- 3.1.3 Before the Sub-Committee makes an offer of an appointment, the Monitoring Officer shall notify every member of the Executive of:-
 - 3.1.3.1 the name of the proposed appointee;
 - 3.1.3.2 the particulars relevant to the appointment; and
 - 3.1.3.3 the period within which objections to the appointment can be made.
- 3.1.4 The Sub-Committee may make an offer provided that:-
 - 3.1.4.1 the Leader, on behalf of the Executive and within the period, raises no objection, or indicates that the Executive has no objection; or
 - 3.1.4.2 the Sub-Committee decides that any objection received from the Leader within the period is not material or is not well founded.

3.2 *Dismissals*

- 3.2.1 The full Council shall approve (or otherwise) the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such dismissal by the Appointments Sub-Committee and subject to compliance with the provisions of paragraph 5.
- 3.2.2 The responsibility for dismissal of Directors, Assistant Chief Executives and Assistant Directors rests with the Head of the Paid Service or his/her nominee.
- 3.2.3 Before full Council (in the case of the Head of Paid Service, Chief Finance Officer and Monitoring Officer) or the Head of the Paid Service or his/her nominee (in the case of Directors) determines to issue a notice of dismissal, the Monitoring Officer or his/her deputy shall notify every member of the Executive of:-
- 3.2.3.1 the name of the person proposed to be dismissed;
 - 3.2.3.2 any other particulars relevant to the proposed dismissal; and
 - 3.2.3.3 the period within which objections to the dismissal can be made.
- 3.2.4 The Sub-Committee or the Head of Paid Service or his/her nominee may determine to issue a notice of dismissal, provided that:-
- 3.2.4.1 the Leader, on behalf of the Executive and within the period, indicates that the Executive has no objections, or raises no objection; or
 - 3.2.4.2 the Sub-Committee or the Head of Paid Service or his/her nominee as appropriate decides that any objection received from the Leader within the period is not material or is not well founded.

4. Other Appointments/Dismissals

- 4.1 **Officers below Director.** Appointment of officers below Director level (other than Assistant Chief Executive, the Chief Finance Officer and Monitoring Officer and assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee (and may not be made by Councillors) subject to compliance with the provisions of paragraph 3.1.3 and 3.1.4 in the case of Assistant Directors.

- 4.2 Dismissal of officers below Director level other than Assistant Chief Executives is the responsibility of the Head of Paid Service, subject to compliance with the provisions of paragraphs 3.2.3 and 3.2.4 above in respect of Assistant Directors.
- 4.3 **Assistants to political groups.** Where the Council has approved the establishment of posts of assistant to political groups, their appointment shall be made in accordance with the wishes of the respective political group.

5. Disciplinary Action

- 5.1 **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.
- 5.2 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.

6. Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

- 6.1 In the following paragraphs:
- 6.1.1 "the 2011 Act" means the Localism Act 2011 (1)
- 6.1.2 the terms "Chief Finance Officer", "disciplinary action", "Head of the authority's Paid Service", and "Monitoring Officer" have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(2)
- 6.1.3 "Independent Person" means a person appointed under section 28(7) of the 2011 Act
- 6.2 An officer holding a relevant post may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.
- 6.2.1 The Authority must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two such Persons to the Panel.
- 6.2.2 In paragraph 6.2.1 above "relevant Independent Person" means any Independent Person who has been appointed by the authority or, where there are fewer than two such Persons, such Independent Persons as have been appointed by another authority or authorities as the authority considers appropriate.

- 6.2.3 Subject to paragraph 6.3, the authority must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.2.1 in accordance with the following priority order:
 - 6.2.3.1 a relevant Independent Person who has been appointed by the authority and who is a local government elector
 - 6.2.3.2 any other relevant independent person who has been appointed by the authority
 - 6.2.3.3 a relevant independent person who has been appointed by another authority or authorities.
- 6.3 An authority is not required to appoint more than two relevant Independent persons in accordance with paragraph 6.2.3 above but may do so.
- 6.4 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 6.5 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account in particular:
 - 6.5.1 any advice, views or recommendations of the Panel;
 - 6.5.2 the conclusions of the investigations of the proposed dismissal; and
 - 6.5.3 any representations from the relevant officer.
- 6.6 Any remuneration, allowances or fees paid by the authority to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the 2011 Act.

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D2 **EXTRACT FROM THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

1. Meetings of the Overview and Scrutiny Committees

- 1.1 Overview and scrutiny committee meetings shall be scheduled at the same frequency as ordinary meetings of the Executive. Subject to 1.4 below, the time and place of meetings shall be as set out in a Calendar of Meetings approved by the Council annually although the chairman and Monitoring Officer or a committee may determine by resolution, that an ordinary meeting shall be held at such other place as they consider appropriate. The chairman and/or Monitoring Officer may determine, having regard to special circumstances, that a particular ordinary meeting be held at such other time as they consider appropriate.
- 1.2 The Monitoring Officer, after consultation with the chairman of the relevant committee (or in his/her absence, the vice chairman), shall be authorised to cancel an ordinary meeting where there is insufficient business.
- 1.3 In addition, an extraordinary meeting of an overview and scrutiny committee may be called by either:-
 - 1.3.1 The chairman of the relevant committee, or in the chairman's absence the vice-chairman; or
 - 1.3.2 A quorum of the members of the committee; or
 - 1.3.3 The Monitoring Officer if he/she considers it necessary or appropriate.
- 1.4 The chairman, or in the chairman's absence the vice-chairman, may from time to time agree to cancel meetings if there is insufficient business to transact at that time.
- 1.5 Meetings shall be held in a location suited to the topic under consideration, at the discretion of the committee chairman, or in the chairman's absence, the vice-chairman.

2. Work Programme

- 2.1 Each overview and scrutiny committee will be responsible for setting its own work programme, taking into account the wishes and preferences of the members of that committee, including members who are not members of the largest political group on the Council or of any political group.
- 2.2 Each overview and scrutiny committee may receive requests from the Executive and suggestions from officers of the council and co-optees for particular topics to be scrutinised.

2.3 The work programme shall be reported to Council annually.

3. Agenda Items

3.1 Any member of the Council may, with 7 clear working days notice, request the Monitoring Officer to include an item on the agenda of a relevant overview and scrutiny committee. Upon receipt of such a request the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly.

3.2 There will be a standing item on the agenda of all ordinary meetings of overview and scrutiny committees to allow such requests to be considered.

3.3 Any member who submits a request will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the request and to have the item discussed. The committee will decide either:-

3.3.1 If the matter is a simple one, to resolve it forthwith; or

3.3.2 To request the officers to prepare a report for the next meeting; or

3.3.3 To set up a task and finish group to investigate and report back to the committee; or

3.3.4 To make recommendations to the Executive or Council, as appropriate; or

3.3.5 To decide to take no further action upon the request, for stated reasons.

3.4 The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and, if they consider it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the overview and scrutiny committees shall report their findings and any recommendations back to the Executive or Council, as appropriate. The Council and/or the Executive shall consider and respond to reports of overview and scrutiny committees within two months of receiving it unless otherwise agreed by the chairman of the relevant committee.

4. Policy Review and Development

- 4.1 The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules at **Part B3** of the constitution.
- 4.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, an overview and scrutiny committee may:-
 - 4.2.1 Consider and make recommendations to the Executive on any matters that are consistent with its terms of reference;
 - 4.2.2 Hold enquiries and investigate the available options for future direction in policy development and appoint advisers and assessors to assist in this process;
 - 4.2.3 Do anything which is reasonable to assist or inform its deliberations, including a general call for evidence, site visits, public surveys, public meetings and commissioning research; or
 - 4.2.4 Ask witnesses to attend to address it on any matter under consideration and pay to any advisers, assessors or witnesses a reasonable fee and expenses for doing so.
- 4.3 The overview and scrutiny committees may also exercise the above tasks through task groups.

5. Procedure at Overview and Scrutiny Committee Meetings

- 5.1 Overview and scrutiny committees shall consider the following business:-
 - 5.1.1 Minutes of the last meeting;
 - 5.1.2 Declarations of interest (including whipping declarations);
 - 5.1.3 Chairman's announcements and communications;
 - 5.1.4 The receipt of petitions from members of the public (in accordance with the Public Participation Procedure as set out in **Part A4** of the Constitution);
 - 5.1.5 Public questions, statements or depositions (in accordance with the Public Participation Procedure as set out in **Part A4** of the Constitution);
 - 5.1.6 consideration of any matter referred to the committee for a decision in relation to call-in of a decision;

- 5.1.7 responses of the Council or the Executive to the committee's reports or recommendations;
- 5.1.8 Review of the adequacy of responses of the Council or the Executive to petitions (if any);
- 5.1.9 Members' items under Procedure Rule 3.1 in **Part E3** of the Constitution;
- 5.1.10 Members' items under Procedure Rule 11.1 in **Part E3** of the Constitution;
- 5.1.11 Any other business specified in the agenda for the meeting, and
- 5.1.12 The Forward Plan and its work programme.
- 5.2 The provisions of the Committee Procedure Rules set out in **Part E3** of the Constitution (except paragraphs 1, 2, 4, 5, 7, 8 and 10) may be applied to meetings of the overview and scrutiny committees to the extent the chairman considers appropriate.
- 5.3 Where an overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings, which are to be conducted in accordance with the following principles:-
 - 5.3.1 That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 5.3.2 That those assisting the committee by giving evidence be treated with respect and courtesy; and
 - 5.3.3 That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 5.4 Within those principles the Council expects the overview and scrutiny committees to be effective, thorough and incisive and to consider all relevant evidence in their work. It also expects the committees to strive for continuous improvement in the overview and scrutiny function and to develop further opportunities for public engagement.
- 5.5 Following any investigation or review, the committee shall prepare a report for submission to the Executive and/or Council as appropriate and shall make its report and findings public subject to the Access to Information Rules and provisions relating to confidential and exempt reports.
- 5.6 The Protocol for Member/Officer Relations contained in **Part F4** of the Constitution shall apply to the attendance of officers giving evidence.

6. Reports From Overview And Scrutiny Committees

- 6.1 An overview and scrutiny committee may prepare a formal report, with recommendations, and submit it to the Monitoring Officer with a notice requiring it to be considered by the Executive or the Council as appropriate, depending on which body is responsible for the function concerned and whether the proposals are consistent with the Council's budget and policy framework. Where a report is to be made to the Council, the Monitoring Officer shall refer a copy to the Leader with notice that the matter is to be referred to the Council.
- 6.2 If an overview and scrutiny committee cannot agree on one single final report to the Executive or Council as appropriate, then one or more minority reports may be prepared and submitted for consideration by the Executive or Council at the same time as the majority report. Officers shall support the preparation of any such minority reports.
- 6.3 The Executive or Council as appropriate, in compliance with its legal duty to comply with any notice given by an overview and scrutiny committee under Rule 6.1, shall:-
- 6.3.1 consider the report and recommendations of the overview and scrutiny committee at its next available meeting; and
 - 6.3.2 respond to any such report within two months of its receipt indicating what action, if any, the Authority or the Executive proposes to take, and if it decides to take no action, the reasons for that decision; and a pro forma response form will be used for this purpose.
- 6.4 The agenda for Executive meetings shall include a standard item entitled 'Overview and Scrutiny Committee Matters' to facilitate the Executive's early consideration of scrutiny reports and recommendations, which shall be included at this point on the agenda unless they have been reported as part of a substantive item elsewhere on the agenda.
- 6.5 Reports and recommendations of overview and scrutiny committees will normally be presented at Executive and Council meetings by the relevant overview and scrutiny committee chairman or vice-chairman, or by another non-executive member nominated by that committee. The member concerned will be invited to participate in discussion of the report.

6.6 Reports on Local Improvement Targets

- 6.6.1 Where an overview and scrutiny committee makes a report or recommendations on a local improvement target specified in the Local Area Agreement that relates to a relevant partner authority, it may, by written notice, require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions. This power will be exercised in accordance with such government regulations and statutory guidance as may be issued under Section 21C of the Local Government Act 2000 (inserted by Section 122 of the Local Government and Public Involvement in Health Act 2007).

6.7 Reports on Local Crime and Disorder Matters

- 6.7.1 Where the Sustainable Communities Overview and Scrutiny Committee makes a report or recommendations on a local crime and disorder matter, it will copy the report to the responsible authorities, notifying them of their duty under Section 19 of the Police and Justice Act 2006 (as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007) (a) to consider the report or recommendations; (b) to respond to the committee in writing within 28 days indicating what (if any) action it proposes to take; and (c) to have regard to the report or recommendations in exercising its functions. This power will be exercised in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

6.8 Reports on Local Health Service Matters

- 6.8.1 Where the Social Care, Health and Housing Overview and Scrutiny Committee makes a report or recommendations on a local health service matter, it will copy the report to the relevant NHS bodies and request a response in writing within two calendar months.
- 6.8.2 Where the committee (including any joint health overview and scrutiny committee to which the committee has appointed one or more members) has been consulted by a local NHS body on any proposal for a substantial variation or development in local NHS services, and the committee (having considered the evidence) is not satisfied that consultation has been adequate, or considers that the proposal would not be in the interests of the health service in the area, then it may report in writing to the Secretary of State in pursuit of its powers under Sections 7 and 8 of the Health and Social Care Act 2001.

7. Rights of Overview and Scrutiny Committee Members to Documents

- 7.1 Overview and scrutiny committees will have access to the Executive's forward plan and timetable for decisions and intentions for consultation.
- 7.2 In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules set out at **Part G2** of the Constitution.
- 7.3 Nothing in this paragraph shall prevent more detailed liaison between the Executive and overview and scrutiny committees as appropriate depending on the particular matter under consideration.

8. Members and Officers Giving Account

- 8.1 An overview and scrutiny committee (or task group) may scrutinise and review decisions made, or actions taken, in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation an overview and scrutiny committee (including any task group) may, in fulfilling the scrutiny role or responding to a public petition calling for a senior Council officer to give evidence, require any member of the Executive, the Head of Paid Service and/or any Director or Assistant Chief Executive to attend before it to explain, in relation to matters within their remit:-
 - 8.1.1 Any particular decision or series of decisions;
 - 8.1.2 The extent to which the actions taken implement Council policy; and/or
 - 8.1.3 Their performance.
- 8.2 In respect of a public petition calling for a senior officer to give evidence, an overview and scrutiny committee or its Chairman, acting on the committee's behalf, may request that another officer of the Council attend instead where it considers that, for the purposes of addressing the concerns raised by the petition, it is more appropriate for that officer to attend.
- 8.3 The overview and scrutiny committee, or its Chairman, may also wish to invite the relevant Executive Member with responsibility for the service area concerned.
- 8.4 An overview and scrutiny committee may also require any Council member who has been granted local ward member powers (for instance a delegated budget) under Section 236 of the Local Government and Public Involvement in Health Act 2007 to attend before it to answer questions on any function which the member has power to exercise.
- 8.5 Save as provided in Rule 8.2, it is the duty of those persons described in Rules 8.1 and 8.2 to attend if so required.

- 8.6 Where any member or officer is required to attend an overview and scrutiny committee or a task group under this provision, the committee administrator will inform that member or officer in writing, giving at least 5 clear working days notice of a meeting of the overview and scrutiny committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee.
- 8.7 Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given at least 7 clear working days notice to allow for preparation of that documentation.
- 8.8 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.

9. Attendance by Others

- 9.1 An overview and scrutiny committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear for example from residents, representatives from the local NHS Trust, stakeholders, members and officers in other parts of the public sector and experts and shall invite such people to attend.
- 9.2 Public participation in meetings of the overview and scrutiny committees shall be governed by the Public Participation Scheme as set out at **Part A4 (Citizens and the Council)** of the Constitution.
- 9.3 Any member of the Council shall be entitled to attend meetings of the overview and scrutiny committees and to speak once on any agenda item, with further speaking being at the discretion of the chairman.
- 9.4 Rule 9.3 is subject to the rules on personal and prejudicial interests in the Members' Code of Conduct set out at **Part F2** of the Constitution; and in particular paragraph 13 of that Code, which permits a member with a personal and prejudicial interest to attend an overview and scrutiny committee meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business under discussion; the member must then withdraw from the meeting.
- 9.5 Rule 9.4 does not prevent an overview and scrutiny committee from requiring Executive members or inviting other persons (including Council members) to attend before it to answer questions.

10. Call-in

- 10.1 Call-in is the exercise of the overview and scrutiny committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented. Where a decision is called in and the overview and scrutiny committee decides to refer it back to the Executive for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 10.2 Any decision of the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision made by an officer under authority delegated by the Executive, is subject to call-in. A decision may be called in only once. An Executive recommendation to full Council may not be called in.
- 10.3 The call-in procedure and the powers to refer a decision back for reconsideration may be exercised by any of the overview and scrutiny committees, within the remit of their respective terms of reference.
- 10.4 Call-in of decisions which may be contrary to the budget and policy framework shall be governed by the provisions of Rule No 7 of the Budget and Policy Framework Procedure Rules at **Part B3** of the Constitution.

The Call-In Procedure

- 10.5 Once made, an Executive decision shall be published, in the form of a decisions digest, within two working days at the Council's main offices and on its public website. The decisions digest will be sent to all members of the Council within the same timescale.
- 10.6 The decisions digest will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 clear working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decisions digest.
- 10.7 Requests for call-in may be made by either:-
- 10.7.1 An individual member where a decision has particular significance for that member's ward; or
 - 10.7.2 The chairman of the relevant overview and scrutiny committee; or
 - 10.7.3 Any two members of the relevant overview and scrutiny committee; or
 - 10.7.4 Any three non-executive members of the Council.

- 10.8 A call-in request must be in the form of a written notice submitted to the Monitoring Officer and received before the published deadline. Either one notice containing all required signatures or up to three separate e-mails (as appropriate) will be acceptable.
- 10.9 The notice must set out (a) the resolution or resolutions that the member(s) wish to call in; (b) the reasons why they wish the overview and scrutiny committee to consider referring it back to the Executive; and (c) the alternative course of action or recommendations that they wish to propose.
- 10.10 The call-in request will be deemed valid unless either:-
- 10.10.1 The procedures set out in Procedure Rules 10.7 to 10.9 above have not been properly followed;
 - 10.10.2 A similar decision has been called in to the committee previously;
 - 10.10.3 The Executive decision has been recorded as urgent in accordance with Rules 10.13 to 10.15 below; or
 - 10.10.4 The Monitoring Officer, in consultation with the chairman of the relevant overview and scrutiny committee, considers the call-in to be frivolous, vexatious or clearly outside the call-in provisions;

in which case the Monitoring Officer may reject the call-in request.

- 10.11 Before deciding on its validity, the Monitoring Officer may seek clarification of the call-in request from the member(s) concerned. In the absence of the Monitoring Officer, the Deputy Monitoring Officer(s) shall exercise the Monitoring Officer's functions in this respect.
- 10.12 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the member(s) concerned, the Leader and Executive Member, the chairman and vice-chairman of the overview and scrutiny committee, the Chief Executive, the relevant director/head of service and officer responsible for overview and scrutiny.

Call-In and Urgency

- 10.13 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:-
- 10.13.1 A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
 - 10.13.2 Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision making body or person before the decision is taken.

- 10.14 The decisions digest shall state whether the decision is an urgent one, and therefore not subject to call-in.
- 10.15 The chairman of the relevant overview and scrutiny committee must agree to the decision being treated as a matter of urgency. In the absence of the chairman, the vice-chairman of the relevant overview and scrutiny committee's consent shall be required. In the absence of that person, the Chairman of the Council's consent shall be required. In the absence of the Chairman of the Council, the Vice-Chairman of the Council's consent shall be required.
- 10.16 Where the Executive has recorded a decision as urgent, an overview and scrutiny committee may retrospectively review actions arising from that decision but cannot delay its implementation.

Consideration by the Overview and Scrutiny Committee

- 10.17 The Monitoring Officer will ensure that any valid call-in is reported to the next available meeting of the relevant overview and scrutiny committee, or will convene a special meeting if so agreed by the chairman of the overview and scrutiny committee and the decision taker.
- 10.18 The member(s) submitting the request for call-in will be expected to attend the meeting of the relevant overview and scrutiny committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose.
- 10.19 Having considered the call-in and the reasons given, the relevant overview and scrutiny committee may either:-
- 10.19.1 Refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
 - 10.19.2 If it considers that the decision is outside the Council's budget and policy framework, refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer in accordance with Rule 7 of the **Budget and Policy Framework Procedure Rules in Part B3** of the Constitution; or
 - 10.19.3 Decide to take no further action, in which case the original Executive decision will be effective immediately.

Decisions Referred Back to the Decision-Maker

- 10.20 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the overview and scrutiny committee, and make a final decision, amending the decision or not, and give reasons for the decision.
- 10.21 If a decision relates to an Executive function only the Executive can ultimately decide the matter, provided that it is in accordance with the Council's budget and policy framework.

11. Councillor Call for Action

- 11.1 Any member of the Council may, with 7 clear working days notice, request the Monitoring Officer to include a Councillor Call for Action on the agenda of a relevant overview and scrutiny committee. Upon receipt of such a Call for Action the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly.
- 11.2 A Councillor Call for Action must be in the form of a written application (the appropriate form is available from the Corporate Scrutiny and Research Manager) submitted to the Monitoring Officer and received within the timescale outlined in 11.1 above.
- 11.3 There will be a standing item on the agenda of all ordinary meetings of overview and scrutiny committees to allow such Calls for Action to be considered.
- 11.4 Any member who submits a Call for Action will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the Call for Action and to have the item discussed. The committee will decide either:-
- 11.4.1 If the matter is a simple one, to resolve it forthwith; or
 - 11.4.2 To request the officers to prepare a report for the next meeting; or
 - 11.4.3 To request the member submitting the Call for Action to provide further evidence or information to a future meeting; or
 - 11.4.4 To set up a task and finish group to investigate and report back to the committee; or
 - 11.4.5 To make recommendations to the Executive or Council, as appropriate; or
 - 11.4.6 To decide to take no further action upon the request, for stated reasons.

- 11.5 The Councillor Call for Action will be deemed valid unless either:-
- 11.5.1 The procedures set out in Rules 11.1 and 11.2 above have not been properly followed;
 - 11.5.2 It does not relate to a local government matter (i.e. it does not relate to the functions of Central Bedfordshire Council nor its partners, in line with the area focus of Comprehensive Area Assessment)
 - 11.5.3 It does not relate to a local crime and disorder matter (including anti-social behaviour, behaviour adversely affecting the local environment and misuse of drugs, alcohol or other substances)
 - 11.5.4 It does not affect all or part of the ward for which the referring member is elected, or any person who lives or works in that ward
 - 11.5.5 It is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters), or
 - 11.5.6 The Monitoring Officer, in consultation with the chairman of the relevant overview and scrutiny committee, considers the Call for Action to be frivolous, vexatious or clearly outside the Councillor Call for Action provisions;
- in which case the Monitoring Officer may reject the Call for Action request.
- 11.6 Before deciding on its validity, the Monitoring Officer may seek clarification of the Call for Action from the member concerned. In the absence of the Monitoring Officer, the Deputy Monitoring Officer(s) shall exercise the Monitoring Officer's functions in this respect.
- 11.7 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the member concerned, the Leader and Executive Member, the chairman and vice-chairman of the relevant overview and scrutiny committee, the Chief Executive, the relevant Director, Assistant Chief Executive, Assistant Director and officer responsible for overview and scrutiny.

12. The Party Whip

- 12.1 When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence and nature of the whip before the committee's deliberations on the matter commence.
- 12.2 The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

13. Matters Within The Remit Of More Than One Overview And Scrutiny Committee

- 13.1 Where a matter falls within the remit of more than one overview and scrutiny committee, and cannot be satisfactorily resolved by the chairmen of those committees, the Overview and Scrutiny Co-ordination Panel will decide which committee should consider it.
- 13.2 Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review shall normally either:-
- 13.2.1 invite the chairman of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed; and/or
 - 13.2.2 consult the other committee on its findings and recommendations, and include that committee's comments in its own report to the Executive and/or Council.

PART 4 PUBLIC PARTICIPATION PROCEDURE

Asking questions, making statements, deputations and presenting petitions at meetings of the Council, the Executive or Committees

1. When Public Participation will Operate

1.1 Members of the public will be able to participate at meetings of:-

- The Full Council;
- The Executive;
- The Overview and Scrutiny committees
- Licensing Committee ¹

(¹: where a public hearing is being conducted by the Licensing Committee or its sub committees, public participation shall be considered in accordance with the separate procedure applying to such hearings)

- Development Management Committee²

(²: A separate public participation procedure operates where the Development Management Committee is determining planning or other applications, as set out in Annex 3 of this procedure.)

- General Purposes Committee
- Audit Committee

by asking questions, making statements, presenting petitions and making deputations at the beginning of the meeting.

1.2 At other council forums open to the public but not referred to in 1.1 above, formal or informal means of public participation may be permitted. Please ask the contact officer for the forum you are interested in participating in for more details.

1.3 The arrangements for public participation at the meetings will be as follows:-

Annex 1 Procedure for Public Questions, Statements and Deputations at Meetings

Annex 2 Petitions

Annex 3 Procedure for Public Participation in Development Management Committee Meetings

2. General Principles Governing All Public Participation

- 2.1 Questions, statements, deputations or petitions are not permitted on:-
- 2.1.1 Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about development plan document or the community infrastructure levy).
 - 2.1.2 However participation on planning applications is permitted under the separate public participation scheme that operates where the Development Management Committee is determining planning or other applications, as set out at Annex 3 to this Appendix.
 - 2.1.3 Any matter relating to an alcohol, gambling or sex establishment licensing decision.
 - 2.1.4 A separate procedure applies for quasi judicial hearings being held by the relevant committee or sub-committee and this is available, on request, from the Monitoring Officer.
 - 2.1.5 Any matter relating to the performance or employment of individual council staff.
 - 2.1.6 A separate procedure applies to petitioning for a senior Council officer to give evidence at a public meeting of the Council's relevant Overview and Scrutiny Committee (see paragraph 9 of Annex 2).
 - 2.1.7 Any matter relating to an individual or an entity where that individual or entity has a right of recourse or right of appeal conferred by or under any enactment.
 - 2.1.8 Complaints about the conduct of a councillor.

(A separate procedure applies for dealing with complaints against councillors)
 - 2.1.9 Matters which are "confidential" or "exempt" business.
- 2.2 Authority of the Chairman
- 2.2.1 The Chairman will have the right to stop persons from speaking at any time if he/she considers any speech to be defamatory, improper or outside the responsibilities of the Council.
 - 2.2.2 The Chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-

2.2.2.1 that it is necessary to do so for the purpose of maintaining order at the meeting; or

2.2.2.2 that it is convenient and conducive to the despatch of business to do so.

(Note: the term “public” also includes town/parish council members and clerks.)

Annex 1

**PROCEDURE FOR PUBLIC QUESTIONS, STATEMENTS AND DEPUTATIONS
AT MEETINGS**

1. Public Questions, Statements and Deputations at the Beginning of the Meeting

- 1.1 At the beginning of each meeting of the Council (other than annual, budget setting or extraordinary meetings, except at the discretion of the Chairman), and of the Executive and committees, a period of up to 15 minutes will be allowed for public questions or statements, deputations and responses.
- 1.2 The Chairman of the Council, the Executive or the relevant committee will have discretion to extend this period.
- 1.3 Questions, statements or deputations should be relevant to the functions of the body to which they are addressed and relate to matters over which the Authority has powers or duties, including where the Council shares delivery responsibilities, or which affect the area of the Authority.
- 1.4 Normally no more than three speakers will be allowed to speak at a meeting on any one subject, with each individual speaker being restricted to a total of three minutes.
- 1.5 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.
- 1.6 Questions, statements and deputations during the 15 minute period will also be subject to the principles set out at paragraph 2 below and to the general principles governing public participation at paragraph 2 of **Appendix A**.

2. Principles Governing Public Questions, Statements and Deputations

- 2.1 Advance Notice:
 - 2.1.1 Advance notice of questions, statements or deputations should be submitted in writing to the Monitoring Officer a minimum of 2 clear working days before the meeting to enable an answer to be given at the meeting. If no advance notice is given of a question a written answer may be provided after the meeting.
 - 2.1.2 However persons wishing to speak must arrive no later than 15 minutes before the start of the meeting and complete a form indicating their wish to speak; and

- 2.1.3 It is recommended that speakers are present at the start of the meeting, since the timing of individual agenda items cannot be predicted.
- 2.2 The order of speaking will be in the order in which requests are received.
- 2.3 Questions should be directed to the chairman, who may request the appropriate member (or at a meeting of the Executive or a committee, the relevant officer), to reply.
- 2.4 Each question will be put and answered without discussion, although the Chairman may allow:-
 - 2.4.1 Further clarification or supplementary questions, including the Chairman asking questions of the member of the public; and
 - 2.4.2 A Member to request that an issue raised be included on the agenda of a future meeting.
- 2.5 Any question which does not receive a response through lack of time will be given a written reply within 5 working days after the meeting on the condition that the questioner has provided his/her name and address.

Annex 2

PETITIONS SCHEME

1. Submission and Content of Petitions

- 1.1 Members of the public may present the Council (but not at annual, budget setting or extraordinary meetings of the Council, except at the Chairman's discretion), or the Executive, or a committee, with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer, **subject to the principles of the General Principles Governing All Public Participation set out at Part A4 Appendix A section 2 of the Constitution**. If, following consideration of the petition as provided in paragraphs 5 to 8 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 10.
- 1.2 The petition shall:-
- 1.2.1 be addressed to the Monitoring Officer of the Council;
 - 1.2.2 contain a clear and concise statement covering the subject of the petition and what action the petitioner wishes the Council to take;
 - 1.2.3 be validly signed by at least 10 persons, and in the case of e-petitions 100 persons, who live, work or study in the Authority's area (a written petition shall be deemed to be "validly signed" if the person has signed it and the petition states the person's name and address and the date of signature)
 - 1.2.4 designate one of the persons who has validly signed it as the person with whom the Council may deal in relation to the petition. (Where no lead petitioner is identified, the Council will contact signatories to the petition to agree who shall act as the petition organiser.)
- 1.3 Petitions should be relevant to the forum to which they are addressed and:-
- 1.3.1 concern a matter which relates to a function of the Authority; or
 - 1.3.2 whilst not relating to a function of the Authority, relate to an improvement in the economic, social or environmental well-being of the Authority's area to which any of its partner authorities could contribute.

2. Rejection of Petitions

- 2.1 The Monitoring Officer may reject any petition which:-
- 2.1.1 does not meet the criteria set out in paragraphs 1.2 and 1.3 above in the case of written petitions or the criteria set out in paragraphs 1.2.2 – 1.2.3 and 1.3 in the case of e-petitions; and/or
 - 2.1.2 relates to a matter which is excluded under the provisions of paragraph 2.1 of Appendix A; and/or
 - 2.1.3 is, in his/her reasonable opinion, vexatious, abusive or otherwise inappropriate to be dealt with under the Council's Petitions Scheme; and/or
 - 2.1.4 is the same as, or has a substantially similar effect to a petition which has been made to the Council within a period of six months ending with the date on which the petition was made to the Council; and/or
 - 2.1.5 in the case of e-petitions, breaches data protection, libel or the Authority's statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.

3. Acknowledgement of Petitions

- 3.1 The Monitoring Officer will send a written acknowledgment to the petition organiser within 3 clear working days of the date of receipt. The acknowledgement will give information about what the Council proposes to do in response to the petition, including the date and time at which the petition will be considered by the Council, Executive or relevant committee and will advise the petitioners of their right to speak under the provisions of this procedure.

4. E-Petitions

- 4.1 Members of the public may also submit e-petitions through the Council's website.
- 4.2 The petition organiser shall provide their name, postal address and email address and indicate for how long the petition should be open to signature.
- 4.3 E-petitions shall also comply with the provisions of paragraphs 1.2.2 – 1.2.3 and 1.3 above.
- 4.4 The Monitoring Officer shall be authorised to determine whether to host an e-petition and may reject any petition which he/she deems inappropriate. The decision on whether to host an e-petition will be made within 5 working days of submission of the original petition.

- 4.5 If the Monitoring Officer determines not to host an e-petition, he/she will notify the petition organiser within 3 clear working days of such decision. The petition organiser may, within 10 clear working days, change and resubmit the petition. In the event the petition organiser does not do this, a summary of the petition and the reason why it has not been accepted will be published under the “rejected petitions” section of the Council’s website.
- 4.6 Members of the public signing an e-petition will be required to provide their name, postcode and a valid email address. On submission of this information, an email will be sent to the email address provided with a link to confirm the email address is valid. Upon completion of this step, the signature will be added to the petition.
- 4.7 When an e-petition has closed for signature, it will be submitted to the next available meeting of the Executive or relevant committee of the Council having regard to the subject matter concerned. The Monitoring Officer will send a written acknowledgement of the petition as provided in paragraph 3. If the petition organiser wishes to present the e-petition to the Council, they shall notify the Monitoring Officer within 10 working days of receipt of the acknowledgement.

5. Petitions presented at full Council

- 5.1 At meetings of full Council (other than annual or extraordinary meetings, except at the discretion of the chairman), a period of up to 30 minutes per meeting shall be allowed for the receipt and discussion of petitions.
- 5.2 Petitions will be considered in the order that they are received on the basis of the following procedure:-
- 5.2.1 Petitions should be presented by either:-
- 5.2.1.1 the lead petitioner; or
 - 5.2.1.2 an individual nominated by the lead petitioner; or
 - 5.2.1.3 a member of the Council on behalf of the lead petitioner
- 5.2.2 who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.
- 5.3 Petitions shall normally be discussed by the Council for up to 10 minutes.
- 5.4 Petitions containing more than 1,250 signatures **must** be debated by the Council and will be discussed for up to 15 minutes.
- 5.5 Petitions calling for evidence from an officer under paragraph 9 are excluded from the requirement for debate by the Council.

- 5.6 The Council will take one of the following steps in relation to the petition having the effect of:-
- 5.6.1 giving effect to the request in the petition; or
 - 5.6.2 holding an inquiry; or
 - 5.6.3 commissioning research; or
 - 5.6.4 holding a public meeting; or
 - 5.6.5 giving a written response to the petition organiser setting out the Council's views about the request in the petition
 - 5.6.6 referring the petition to the Executive or relevant committee or to an overview and scrutiny committee; or
 - 5.6.7 referring a petition which relates to a traffic regulation order to a meeting of the Executive Member for Sustainable Communities - Services convened to deal with traffic regulation orders and highways related matters.
- 5.7 Where the issue is one on which the Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 5.8 The chairman shall have discretion to extend the period allowed for the receipt and discussion of petitions, in the event that any petitions of which notice has been given remain to be received.
- 5.9 The Monitoring Officer shall within 2 clear working days of the date of the Council agreeing its response to the petition:-
- 5.9.1 notify the petition organiser in writing of the steps the Council has taken or proposes to take in response to the petition and the reason for doing so; and
 - 5.9.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 5.10 Where a petition has been referred to the Executive, the relevant committee, an overview and scrutiny committee or the Executive Member for Sustainable Communities - Services, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

6. Petitions presented at or referred to the Executive or Committees

- 6.1 Where petitions are presented directly to the Executive or a committee, or referred to the Executive or a committee from the Council, they will be considered in the order that they are received on the basis of the following procedure:-
- 6.1.1 Petitions should be presented by either:-
- 6.1.1.1 the lead petitioner; or
 - 6.1.1.2 an individual nominated by the lead petitioner; or
 - 6.1.1.3 a member of the Council on behalf of the lead petitioner
- who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.
- 6.2 The Executive or committee will take one of the following steps in relation to the petition having the effect of:-
- 6.2.1 giving effect to the request in the petition; or
 - 6.2.2 holding an inquiry; or
 - 6.2.3 commissioning research; or
 - 6.2.4 holding a public meeting; or
 - 6.2.5 giving a written response to the petition organiser setting out the Executive's or committee's views about the request in the petition; or
 - 6.2.6 referring the petition to an overview and scrutiny committee; or
 - 6.2.7 referring the petition to the full Council; or
 - 6.2.8 referring a petition which relates to a traffic regulation order to a meeting of the Executive Member for Sustainable Communities - Services convened to deal with traffic regulation orders and highways related matters.
- 6.3 The Monitoring Officer shall within 2 clear working days of the date of the Executive or relevant committee agreeing its response to the petition:-
- 6.3.1 notify the petition organiser in writing of the steps the Executive or committee has taken or proposes to take in response to the petition and the reason for doing so; and

6.3.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

6.4 Where a petition has been referred to the Council, an overview and scrutiny committee or the Executive Member for Sustainable Communities - Services, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

7. Petitions on matters which may be affected by the setting of the Council's budget

7.1 Petitions on matters which may be affected by the setting of the Council's budget shall be considered first by the relevant overview and scrutiny committee and then by the Corporate Resources Overview and Scrutiny Committee which meets prior to the Executive's consideration of the draft budget.

7.2 The Corporate Resources Overview and Scrutiny Committee shall make recommendations to the Executive on matters set out in the petitions.

7.3 The Executive shall have regard to the recommendations arising from the petitions when determining its budgetary recommendations to Council.

7.4 If any petitions on budgetary matters are received outside of this timeframe, they may be referred to the appropriate body for consideration, but there is no assurance that they will be taken into account in the budget setting process.

8. Petitions referred to meetings of the Executive Member for Sustainable Communities - Services

8.1 Where petitions are presented directly to a meeting of the Executive Member for Sustainable Communities - Services, or referred to the Executive Member from the Council or Executive, they will be considered in the order that they are received on the basis of the procedure set out below.

8.1.1 Petitions should be presented by either:-

- 8.1.1.1 the lead petitioner; or
- 8.1.1.2 an individual nominated by the lead petitioner; or
- 8.1.1.3 a member of the Council on behalf of the lead petitioner

who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

8.2 The Executive Member shall take one of the following steps in relation to the petition having the effect of:-

- 8.2.1 giving effect to the request in the petition; or
- 8.2.2 holding an inquiry; or
- 8.2.3 commissioning research; or
- 8.2.4 holding a public meeting: or
- 8.2.5 giving a written response to the petition organiser setting out the Executive Member's views about the request in the petition; or
- 8.2.6 referring the petition to an overview and scrutiny committee; or
- 8.2.7 referring the petition back to the Executive where the Executive Member considers it appropriate having regard to the circumstances relating to the petition in question.

8.3 The Monitoring Officer shall within 2 clear working days of the date of the Executive member agreeing his response to the petition:-

- 8.3.1 notify the petition organiser in writing of the steps the Executive Member has taken or proposes to take in response to the petition and the reason for doing so; and
- 8.3.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

8.4 Where a petition has been referred to the Executive or an overview and scrutiny committee, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

9. Officer Evidence

- 9.1 Petitions may ask for a senior council officer to give evidence at a meeting of the relevant overview and scrutiny committee about something for which the officer is responsible as part of their job.
- 9.2 Such petitions must contain at least 600 signatures. Save as provided in paragraph 9.3 below, the relevant senior officer will give evidence at a meeting of the relevant overview and scrutiny committee. A list of which senior officers can be called to give evidence can be found on the Council's website.
- 9.3 The relevant overview and scrutiny committee, or its chairman, may request that another officer of the Council should attend before the committee where the committee and/or chairman considers that, for the purposes of addressing the concerns raised by the petition, it would be more appropriate for that officer to attend.

10. Review by Overview and Scrutiny of Adequacy of Response to Petition

- 10.1 The petition organiser may, by giving notice in writing to the Monitoring Officer within 5 working days of being advised of the Council's response, request that the relevant overview and scrutiny committee review the adequacy of the response to the petition (i.e. the overview and scrutiny committee shall review the steps taken by the Council to process the petition).
- 10.2 Where such a request is received, the Monitoring Officer shall arrange for the request, together with the response to the petition, to be included on the agenda for the next scheduled meeting of the relevant overview and scrutiny committee.
- 10.3 The overview and scrutiny committee has four options having reviewed the adequacy of the response to the petition:-
 - 10.3.1 to agree with the steps taken or proposed to be taken in response to the petition; or
 - 10.3.2 to call upon the Executive, relevant committee or the Council to reconsider the matter; or
 - 10.3.3 to make recommendations to the Executive, committee or the Council to pursue a particular course of action; or
 - 10.3.4 to refer the matter for consideration by the full Council.
- 10.4 The Monitoring Officer shall within 10 clear working days of the date of the overview and scrutiny committee completing its review of the response to the petition:-

- 10.4.1 notify the petition organiser in writing of the results of the review; and
 - 10.4.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 10.5 The presentation of petitions will also be subject to the general principles governing public participation set out at paragraph 2 of **Appendix A**.

Annex 3

**PROCEDURE FOR PUBLIC PARTICIPATION IN DEVELOPMENT MANAGEMENT
COMMITTEE MEETINGS WHEN DETERMINING
PLANNING OR OTHER APPLICATIONS**

Applicants, agents, representatives of parish/town councils, councillors who have a personal and prejudicial interest and members of the public, who have already submitted comments in writing prior to the despatch of the Agenda, will be entitled to speak (but will not be entitled to question officers or members) during the consideration of a planning or other application at any meeting of the Development Management Committee. Such entitlement to speak should be in accordance with the following provisions:

1. Any person (meeting the qualifications above) who wishes to speak must notify the Director of Regeneration by letter, telephone, e-mail or fax by close of business on the day before the meeting at which the application in which he/she has an interest is to be considered.
2. The following procedure will apply in respect of each item:-
 - 2.1 Introduction of item by officers and/or chairman;
 - 2.2 Representations by parish/town council representative(s);
 - 2.3 Representations by objector(s) or representative for all objectors;
 - 2.4 Representations by applicant and/or any supporters;
 - 2.5 Representations by a councillor with a personal and prejudicial interest;
 - 2.6 Opportunity for officer(s) to comment/clarify; and
 - 2.7 Consideration of application by members, beginning with representations by ward member(s);

- (*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 committee should be presented to officers by midday 3 working days prior to the meeting to allow for the information to be considered. No new information may be presented during the meeting.
 3. Any other councillor (not being a member of the committee) may also be permitted to speak on an item.)

3. The total time allowed for speeches in respect of each of the following groups of speakers will not exceed three minutes:-
 - 3.1 Parish/town council representatives for each parish/town council that may have been consulted on an application who will be authorised, in writing, to speak by the clerk or chairman of the parish/town council on that council's behalf;
 - 3.2 Objectors;
 - 3.3 Applicants and/or supporters; and
 - 3.4 Councillors with a personal and prejudicial interest.
4. Where an application affects more than one town/parish, the chairman will have discretion to vary the requirements of 3.1 to 3.4 above where he/she considers it conducive to the despatch of business and will not cause prejudice to the parties involved.
5. In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category 3.2 and/or 3.3 above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
6. Where consideration of a planning or other application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements at 1 above have been complied with.
7. In relation to any matter which is on the agenda or to be discussed at Development Management Committee which is not a planning application within the scope of this Procedure, the provisions of the general Public Participation Procedure above will apply with the exception of paragraph 1. of Annex 1 (Procedure for Public Questions, Statements and Deputations at Meetings) and paragraph 2.1.4 (General Principles Governing All Public Participation) of **Appendix A**).
8. This scheme provides members of the Council with the only opportunity to be able to speak where they have declared a disclosable pecuniary interest in the planning application. Such Members must withdraw from the meeting after speaking under this scheme.
9. For interpretation purposes, parish/town council shall be taken to include a parish meeting.
10. This procedure applies only in respect of applications in relation to which the Council is the statutory planning authority and has the power of determination. Any application in respect of which the Council is acting as a consultee is subject to the provisions of 7 above.

11. The chairman will have the right to stop persons from speaking at any time if he/she considers the question or statement to be defamatory, improper or outside the responsibilities of the committee.
12. The chairman of the committee may vary the order in which applications are to be considered if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.
13. The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-
 - 13.1 That it is necessary to do so for the purpose of maintaining order at the meeting; or
 - 13.2 That it is convenient and conducive to the despatch of business to do so and that it will not cause prejudices to the parties involved.

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**F2 ARRANGEMENTS FOR DEALING WITH STANDARDS
ALLEGATIONS UNDER THE LOCALISM ACT 2011**

Context

1. These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted member of this Council or of a parish council within its area has failed to comply with the relevant authority’s Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

The Code of Conduct

2. Central Bedfordshire Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council’s website or on request from the Monitoring Officer at Priory House, Chicksands.
3. Each town and parish council in the area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council’s website or on request from the town or parish clerk.

The Independent Person

4. The Council is required to appoint at least one independent person. The Council must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.
5. The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

Making a complaint

6. A complaint that a member of Central Bedfordshire Council or of a town or parish council in the District has failed to observe the Council’s Code of conduct should be submitted to:
7. The Monitoring Officer
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

8. The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the arrangements for complaints about Member misconduct.
9. In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form which also explains the process and the relevant referral criteria at initial assessment. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.
10. Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.
11. The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed by providing a copy of the complaint to them within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

Complaints against Central Bedfordshire Council Members

12. At the conclusion of a complaint against a Central Bedfordshire Council member a notice detailing the decision will be placed on the relevant page on the Council's website.

Initial Assessment

13. The Monitoring Officer will assess every Councillor Code of Conduct complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint but may take longer if additional information is sought.

Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used at the initial assessment to decide whether to accept a complaint for investigation, take no further action or to decide upon some form of local resolution.

Referral Criteria

14. The matters detailed below will be considered.

- Is the subject Member still a serving Member?
 - Is the information submitted sufficient on which to make a decision?
 - Is the complaint the same as or similar to a previous complaint?
 - the complainant's view of the action which is proposed or has been taken
 - the steps already taken or proposed to remedy the action complained of
 - complaints about a Council member by a member of the same Council will not normally be referred until the Monitoring Officer considers that other processes such as informal, political group or Chairman mediation have taken place
 - the time passed since the alleged conduct occurred
 - whether the complaint involves conduct too trivial to warrant further action
 - whether the complaint appears to be malicious, politically motivated or tit for tat
 - whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
 - the public benefit in investigating the alleged complaint
 - the availability and cost of resources balanced with the seriousness of the alleged matter
 - Any complaint made by an officer about a Council member will normally only be referred for investigation after the protocol for Member/Officer Relations has been pursued.
 - any other substantial reason.
15. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.
16. Where the complaint relates to a parish councillor, the Monitoring Officer may also inform the Parish Council about the complaint.

Informal Resolution

17. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve, for example, the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. Where the member or the authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Investigation

- 18.** If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the authority, an officer of another authority or an external investigator.
- 19.** The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.
- 20.** The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.
- 21.** In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.
- 22.** At any point, the Investigating Officer may refer the complaint to the Monitoring Officer to resolve it without a full investigation or to reject it.
- 23.** At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.
- 24.** Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.
- 25.** The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:
 - **No action**
 - **Local Resolution**
 - **Hearing**

No Action

26. If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint. If the Monitoring Officer is not so satisfied, then his/her decision will be final.

Local Resolution

27. If the Investigating Officer concludes that there has been a breach of the Council's Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.
28. A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and or accepting other remedial action by the Council.
29. If the Member and the complainant agree to accept the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee (and the Parish Council) for information, but will take no further action. Neither the Member nor the complainant has the right to reject the Monitoring Officer's suggested resolution and any non-acceptance by either will be reported to the Standards Sub-Committee.

Hearings

30. If the Monitoring Officer considers that 'local resolution' or 'no action' is not appropriate or adequate, then the Monitoring Officer will submit the Investigating Officer's report to the Standards Sub-Committee which will conduct a hearing into the complaint before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the matter.
31. Following the hearing, the Standards Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.
32. If the Standards Sub-Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code.

33. Before reaching a decision, the Standards Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person.

Sanctions

34. The Council has delegated to the Standards Sub-Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Sub-Committee may –

34.1 censure the Member;

34.2 publish its findings in respect of the Member's conduct;

34.3 report its findings to the Council (or to the Parish Council) for information;

34.4 instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

34.5 inform the Member's Group Leader

35. The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw any special responsibility allowances to which the Member may be entitled under the Council's Members' Allowances Scheme.

36. The Independent Person is invited to attend all meetings of the Standards Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

37. The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee. The General Purposes Committee may therefore amend these arrangements. The General Purposes Committee resolved on 17 July 2014 that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with Standards allegations made under the Localism Act 2011.

F3 **CODE OF CONDUCT FOR OFFICERS**

1. General Principles

- 1.1 The public is entitled to expect the highest standards of conduct from all local government officers. The role of such officers is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, officers must act with integrity, honesty, impartiality and objectivity.
- 1.2 This Code has been drawn up to provide the Council's officers with guidance on how they will be expected to conduct themselves when carrying out duties and responsibilities associated with their employment. The Code has also been designed to take account of other relevant codes of practice. The term 'officer' refers to all the Council's employees. It also includes consultants and agency staff who work for the Council.
- 1.3 Officers are accountable and owe a duty to the Council as their employer. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
- 1.4 Officers must be familiar with and adhere to the Protocol for Member/Officer Relations at **Part F4** of the constitution.
- 1.5 It is not practical to establish requirements that apply to all situations and circumstances and, therefore, the Code should be regarded as covering only the basic principles to be followed.
- 1.6 Directors are responsible for the administration and application of the Code within the service areas for which they are responsible.

2. Openness/Confidentiality

- 2.1 Generally, openness in the dissemination of information and decision making should be normal practice. However, certain information may be confidential or sensitive and therefore should not be disclosed.

- 2.2 Officers have an obligation to respect the confidentiality of information about the Council's affairs acquired in the course of their work. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member or another officer of the Council or a person who is entitled to receive it, or needs access to it for the proper discharge of his/her functions.
- 2.3 Officers must not prevent another person from gaining access to information to which that person is entitled by law.
- 2.4 Nothing in this Code can be taken as overriding existing statutory or common law obligations to divulge certain information or to keep certain information confidential.

3. Conflicts of Interest

- 3.1 Officers must not allow their private interests to conflict with their professional duty. They must not use their official position or information acquired in the course of their employment to further their private interests or the interests of others.
- 3.2 If officers find themselves in a situation which could give rise to a conflict of interest between themselves, or some other person, and the Council, then the matter must be reported in the first instance to their immediate line manager and the Monitoring Officer. If the problem cannot be resolved then the position must be reported immediately to their Assistant Director.
- 3.3 All potential conflict of interests **must** be declared and registered with the Council and be made available for Members' inspection.

4. Interests in Contracts

- 4.1 Employees must give immediate notice to the Council if it comes to their knowledge that they have a pecuniary interest in a contract that has been or is proposed to be entered into by the Council.

5. Hospitality and Gifts

- 5.1 In undertaking their duties officers may be offered gifts or hospitality from persons or organisations having, or proposing to have, a contractual or client relationship with the Council. Such offers could be made to gain an advantage over another person or organisation or could be construed as such and therefore must not be accepted without prior approval from an appropriate Assistant Director.
- 5.2 If officers receive a gift of any description then this must be made known to their Assistant Director who will decide on the course of action to be taken. Likewise only hospitality for which prior approval has been given by your Assistant Director should be accepted from outside persons or organisations. Small gifts, such as pens, calendars, diaries etc, provided they are not of material value, need not be declared.
- 5.3 The Gifts and Hospitality form must be completed and ANY gifts or hospitality agreed and accepted will be recorded in writing in the register maintained by each Director for their service areas. The Chief Executive and all Directors should record the receipt of any gifts or hospitality they receive in the register maintained by the Monitoring Officer.

6. Integrity and Personal Conduct

- 6.1 Off-duty hours are the concern of officers but conduct at all times must not in any way bring the Council into disrepute or weaken the public's confidence in officers or the Council.
- 6.2 Certain officers are required by their contract of employment to devote their whole time to the work of the Council. However, officers employed in a relatively junior capacity may be able to undertake other additional work or employment, provided prior approval is obtained from their Assistant Director. However, any such employment must not conflict with the Council's interests or in any way weaken public confidence in the Council.
- 6.3 Officers must not advise any political group of the Council either about the work of the group or about the work of the directorate, without the prior consent of their Assistant Director. Personal political activities must not in any way bring the Council into disrepute.
- 6.4 Certain posts are politically restricted under Section 2 of the Local Government and Housing Act 1989 and officers who are subject to these political restrictions must comply with the statutory restrictions on their political activities.

7. Stewardship

7.1 An officer must:-

7.1.1 Use any public funds entrusted to or handled by him/her in a responsible and lawful manner;

7.1.2 Not make personal use of any property or facilities of the Council unless properly authorised to do so.

8. Aims, Visions and Values

8.1 Officers must follow and uphold the core values and expected standards of behaviour of the Council in carrying out their duties and responsibilities.

9. Accountability

9.1 Officers are expected to conduct themselves in an appropriate manner professionally; recognising that at all times when they are representing the Council they are ambassadors for the organisation.

9.2 At all times officers are accountable to the Council for their actions.

10. Competence

10.1 Officers are encouraged to develop to their full potential and ability and be supported with suitable training and development. If they are worried about their ability to perform a particular task in the course of their employment, then no action should be taken until they have sought adequate advice and assistance to enable them to do so satisfactorily.

10.2 While the above advice is intended to help, it must not be interpreted as a right for officers to refuse to undertake duties and responsibilities that may be reasonably allocated to them by their manager.

11. Equality and Respect for Others

11.1 Officers must comply with the Council's policies relating to equality issues.

11.2 Officers must at all times:-

11.2.1 Treat others with respect;

11.2.2 Not discriminate unlawfully against any person; and

11.2.3 Treat members and co-opted members of the Authority professionally.

12. Working relationships

12.1 Officers should always try to be fair and not allow prejudice or bias to influence them in carrying out their work. They must not allow their own personal or political opinions to interfere with their work.

12.2 Officers should deal with members of the public sympathetically, efficiently and without bias.

12.3 Mutual respect between officers and members of the Council is essential to good local government and working relationships should be kept on a professional basis.

13. Whistleblowing/Confidential Reporting Procedure

13.1 Where an officer becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, he/she should report the matter acting in accordance with the Public Interest Disclosure Act 1998, the Council's confidential reporting ('whistleblowing') procedure and any other procedure designed for this purpose.

13.2 An officer must not discriminate against another officer by reason of the fact that the other officer has done, intends to do, or is suspected of doing anything under or by reference to Council's procedure for reporting misconduct or under the Council's confidential reporting procedure.

14. Appointment of Staff

14.1 When involved in the recruitment and appointment of staff, officers must ensure that appointments are made on the basis of merit.

14.2 In order to avoid any accusation of bias, an officer must not be involved in the appointment of or in any other decision relating to the discipline, promotion, pay or conditions of another officer, or prospective employee, to whom he/she is related or with whom he/she has a close personal relationship outside work.

Note: This Code is to be read in conjunction with the **Council's Procedure Rules, Terms of Conditions of Employment** and **Statute Law** where applicable.

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PART 5 - PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. Introduction

Purpose of the Protocol

- 1.1 Together, members and officers of the Council combine the essential skills, experience and knowledge to manage an effective public sector organisation. They work together in the interests of the citizens of Central Bedfordshire. Members provide a democratic mandate to the Council whereas officers contribute professional expertise and experience to deliver the policy framework agreed by councillors.
- 1.2 Collaborative working is the accepted norm for member and officer relations in Central Bedfordshire Council, but it is important to recognise and take account of their different roles. This is important for day-to-day interaction between Members and officers and for the public perception of the Council; by ensuring transparency between the political role of Members and the professional, impartial role of officers.
- 1.3 The Protocol's purpose is to provide guidance on member-officer relations and to address some key areas of interaction. The Protocol is not intended to be comprehensive. Members and officers may seek advice from the Monitoring Officer on any matter not covered by this Protocol.
- 1.4 The Protocol should be read alongside other documents relevant to the interaction between Members and officers including any relevant legislation and national and local codes of conduct, conditions of service and any procedure for whistleblowing. Of particular importance in this context are the codes of conduct for Members and officers. These codes have direct relevance to many of the issues covered in the Protocol. The Planning and Licensing Codes of Good Practice are also important. These Codes can be found in the [Ethical Handbook](#).

Quick Guide to Member and Officer Roles

Members	Officers
Democratically elected accountable to the electorate	Accountable to the Council
Community leader for their ward	Serve the whole Council.
Add a political dimension	Politically impartial
Set policy and strategy, including the Budget/Council Tax	Provide advice and operational delivery within budget
Bound by a statutory Code of Conduct	Bound by their contract of employment and the current Code of Conduct for Officers (these may be supplemented in the near future by a statutory code).
Involved in senior appointments only.	Responsible for the management of staff

Application of the Protocol

- 1.5 The Protocol is adopted by full Council and applies to all elected and co-opted members of the Council and all officers employed or engaged by the Council. The term 'officer' refers to all the Council's employees. It also includes consultants and agency staff who work for the Council. Managers must bring the Protocol to the attention of officers as soon as they commence work. Where appropriate, the principles in this Protocol should be incorporated into contracts for services. This applies in particular to 'partnership' type contracts.

2. Principles of Member/Officer Relations

Basic Principles

- 2.1 Like all effective partnerships, Member-officer relations are based on the following principles:-
- 2.1.1 Mutual trust and respect of the different roles of Members and officers;
 - 2.1.2 A common purpose; providing the best possible service to the residents and other stakeholders of Central Bedfordshire Council;
 - 2.1.3 A commitment to non-confrontational resolution of disputes.

- 2.2 Mutual trust and respect is based upon an understanding of the distinct contribution Members and officers make and respect for the boundaries between those roles. A key principle for officers is their political impartiality; they serve the whole Council and not particular groups or Members. This is particularly important for some officers, who occupy politically restricted posts and are therefore prevented by law from engaging in political activities beyond party membership.
- 2.3 Further, some officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer and Chief Financial Officer. Members must respect these responsibilities and accept that these officers may be required to give advice or make decisions which Members may not agree with or support.

Expectations

- 2.4 Members can expect and will receive from officers:-
- 2.4.1 A commitment to the Authority as a whole, and not to any political group;
 - 2.4.2 A working partnership;
 - 2.4.3 An understanding of and support for respective roles, workloads and pressures;
 - 2.4.4 Timely response to enquiries and complaints;
 - 2.4.5 Professional and balanced advice, based on evidence and including options, not influenced by political views or preference, which does not compromise the political neutrality of officers;
 - 2.4.6 Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
 - 2.4.7 Awareness of and sensitivity to the political environment;
 - 2.4.8 Respect, dignity and courtesy;
 - 2.4.9 Training and development in order to carry out their role effectively;

- 2.4.10 Integrity, openness, mutual support and appropriate confidentiality;
 - 2.4.11 Not to have personal issues raised with them by officers outside the agreed procedures;
 - 2.4.12 That officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly;
 - 2.4.13 That officers will at all times comply with the Code of Conduct for Officers.
- 2.5 Officers can expect and will receive from Members:-
- 2.5.1 A working partnership;
 - 2.5.2 An understanding of and support for respective roles, workloads and pressures;
 - 2.5.3 Political leadership and direction;
 - 2.5.4 Respect, dignity and courtesy;
 - 2.5.5 Integrity, openness, mutual support and appropriate confidentiality;
 - 2.5.6 Not to be subject to bullying, harassment or to be put under undue pressure. Members should have regard to the seniority of officers in determining what reasonable requests are, having regard to the relationship between Members and officers, and the position of officers, particularly at junior levels;
 - 2.5.7 That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
 - 2.5.8 That Members will at all times comply with the Code of Conduct for Members.

If these expectations are not met then difficulties are likely to arise and this may lead to complaints and the dispute resolution procedure in section 8 may need to be used.

- 2.6 The remainder of this Protocol addresses specific areas of Member-officer interaction

3. Working Arrangements

- 3.1 Members and officers work together on a regular basis in meetings, committees and less formal settings. It is inevitable that relationships will form and to ensure the principles of Member-officer relations are upheld, the following guidance applies.

Forms of Address and Conduct at Meetings

- 3.2 In formal Council, Executive, committee or sub-committee meetings:-
- 3.2.1 Members should normally be referred to by their office: e.g. Leader, Chairman or Councillor and, otherwise, normal courtesies shall be observed;
 - 3.2.2 Relations can be friendly and cordial but not over familiar, as the public or other Members and officers could perceive this as inappropriate or favouritism;
 - 3.2.3 Criticism should be constructive and not personal;
 - 3.2.4 Officers will not allow themselves to be drawn into a party political debate.
- 3.3 This guidance also applies to informal meetings to the extent that all present consider it necessary. Members and officers should ensure that their interaction does not embarrass others, suggest favouritism or personal dislike or otherwise damage working relationships.

Personal Relationships

- 3.4 If a friendship or closer relationship (including relatives) exists or forms between a Member and an officer, this needs to be addressed openly. Friendship is likely to be something closer than an acquaintance or work colleague and include some social interaction. In such situations:-
- 3.4.1 Members should seek advice from the Monitoring Officer and, if in doubt, must declare their interest at formal and informal meetings;
 - 3.4.2 Officers must raise the matter with their Assistant Director or Director to discuss appropriate action.

4. Supporting Political Groups and Individual Members

Support for Political Groups

- 4.1 Political groups (including the Cabinet) may ask the Chief Executive (or the relevant Director) for a briefing on Council business. If the Chief Executive or the Director agrees, the following principles will apply:-
 - 4.1.1 Only senior officers will give briefings (although they may be accompanied by junior officers with specialist knowledge);
 - 4.1.2 Briefings will cover Council business only and officers will not be asked or allow themselves to be involved in a political discussion or discussion of any other matter than the subject of the briefing;
 - 4.1.3 Briefings given to one group will be available to any political group, on request;
 - 4.1.4 Officers will respect the confidentiality of political group meetings;
 - 4.1.5 Officers may refuse to brief meetings attended by a non-member (except for other council officers), as they are not bound by the Code of Conduct's obligations of confidentiality and also, other than the above, officers must not attend political party meetings, as this may jeopardise their impartiality;
 - 4.1.6 Briefings are not a substitute for the provision of information and advice in formal Council meetings.
- 4.2 For clarity, briefings are restricted to the political groups within the Council and do not include any meeting arranged by a political party itself.

5. The Management of Officers

5.1 Although officers will support, advise and respond to Members' requests, the law is clear that only other officers can manage officers. This means that:-

5.1.1 day to day management of officers is the responsibility of managers and ultimately the Chief Executive, acting as Head of the Paid Service;

5.1.2 officers will comply with all reasonable requests from members but individual Members cannot instruct officers to do any piece of work or take any course of action;

5.1.3 officers will not seek any Member's support in any employment or other dispute or a Council appointment or promotion except in so far as is provided at paragraph 1.2 of the Officer Employment Procedure Rules at **Part H4** of the Constitution;

5.1.4 Members are responsible for the recruitment and appointment of the Chief Executive, Directors, the Chief Finance Officer and the Monitoring Officer, in accordance with the Council's Officer Employment Procedure Rules;

5.1.5 officers are responsible for the recruitment of all other officers;

5.1.6 a Member's role in any formal action against an officer or grievance involving an officer is limited to reporting an officer's actions to their manager and/or as a witness (except where the Officer Employment Procedure Rules at **Part H4** of the constitution provide otherwise);

5.1.7 when representing the Council at meetings about industrial relations matters, Members must remember that they represent the Council as an employer and are not there to represent the officers. This applies in particular to meetings with trade union representatives. If any Member considers that they cannot undertake this task from this perspective, they should withdraw from this role.

6. Access to Information

6.1 To carry out their duties effectively, Members must have broad access to Council information. The following principles apply here:-

6.1.1 Members' access to information will be compliant with their statutory and common law rights (see **Appendix A** for details);

6.1.2 Officers will not withhold information from a Member who is entitled to receive it (see **Appendix A** for details);

6.1.3 Where confidential, personal or otherwise sensitive information is provided to a Member, they will deal with that information in accordance with the Members' Code of Conduct at **Part F2** of the Constitution;

6.1.4 Any disputes relating to access to information will be referred to the Monitoring Officer for determination;

6.1.5 Further information on access to information is available at **Appendix A.**

6.1.6 Use of IT Systems

a) Members are bound by the terms of the Council's Acceptable Use Policy when using Council systems and must sign the Policy prior to accessing systems and data;

b) under no circumstances should Council information identified as RESTRICTED be forwarded from Council email addresses to external email addresses. Great care must be taken when sending an email marked as PROTECTED outside the Council's network to ensure that it is addressed only to authorised recipients;

c) access to Council email from a fixed location, such as a home or workplace address, will be provided, using a personally owned device such as a laptop or personal computer, and the Council's Citrix system and a two-factor authentication token;

- d) Members may synchronise their Council email and calendars with their smartphone or tablet devices providing the approved mobile device management solution has been installed and configured on the device. Members agree that the Council can wipe the Council email and calendar information from the smartphone / tablet device if it is lost or stolen. This application does not provide the Council with access to any other data stored on the device.

Members' Enquiries

- 6.2 Members' enquiries may be communicated by any means.
- 6.3 Officers will make every effort to provide a substantive response to a Member enquiry within **2 working days**, but if a substantive response cannot be provided officers will acknowledge receipt of the enquiry. If it is not possible to provide a substantive response within 5 working days, officers must explain:-
 - 6.3.1 The reason for the delay;
 - 6.3.2 What action is being taken to pursue the enquiry; and
 - 6.3.3 The timescale within which a substantive response will be sent, which must be within 15 days, unless agreed otherwise by the Member and officer.
- 6.4 Directors are responsible for ensuring that Member enquiries are dealt with promptly and accurately in their Directorates.
- 6.5 Where an enquiry imposes a disproportionate burden on an officer's work, this should be explained and discussed with the Member concerned and senior management to agree an alternative deadline and/or response.
- 6.6 Members' enquiries, which are in fact constituent complaints, will be handled under the Council's Complaints Procedure.
- 6.7 This Members' enquiry procedure supplements and does not replace Members' statutory and common law rights to information.
- 6.8 Co-opted and independent Members' right of access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.

7. Media Relations and Publicity

7.1 The Council's Communications Service leads on all media and publicity events. The following principles are relevant to Member-officer relations and the media:-

7.1.1 Members and officers will comply with the Council's Media and Publicity Protocol when speaking for or on behalf of the Council;

7.1.2 Members are free to speak to the media on any matter on behalf of a political party or as an individual but should make this clear in any statement made;

7.1.3 Officers must also act in accordance with the Code of Conduct for Officers when speaking about the Council in public.

8. When things go wrong: dispute resolution

8.1 The Council's experience is that Members and officers work well together and with few formal complaints. However, it is still necessary to have a clear process to handle complaints.

8.2 The key principle for dispute resolution is that both Members and officers are committed to informal, non-adversarial solutions. Where a dispute arises, the first step should be for both parties to seek to resolve any differences informally between themselves or, where necessary, with the assistance of a manager.

8.3 When an informal resolution is not possible, the following processes will apply.

Formal complaints about officers

8.4 Members should make any formal complaints about officers to their Director or the Chief Executive, copied to the Monitoring Officer. The matter will be investigated and the Member will be informed of the complaint's progress and outcome.

8.5 In appropriate cases, breaches of this Protocol may also constitute offences under the Code of Conduct for Officers and in such cases, disciplinary action may be taken.

- 8.6 Members must remember that the decision to take formal action against an officer and the action taken is the sole responsibility of management. A Member's evidence will be considered but Members must:-
- 8.6.1 respect the confidentiality of the investigation and disciplinary process;
 - 8.6.2 not seek improperly to influence the action taken against an employee;
 - 8.6.3 accept the management decision.

Formal complaints about Members

- 8.7 An officer's complaint about a Member should be reported to the Chief Executive and copied to the Monitoring Officer and the officer's Head of Service or Director.
- 8.8 The Monitoring Officer will, where appropriate, investigate the complaint and report the outcome to the Chief Executive, the Member, the officer and officer's Director or Head of Service.
- 8.9 In appropriate cases, the Monitoring Officer will notify the relevant political group leader of the complaint and his/her findings.
- 8.10 The Monitoring Officer will seek to find a resolution to the complaint which is mutually acceptable to the Member and officer concerned. If this is not possible then the Monitoring Officer will recommend necessary actions.
- 8.11 If the Monitoring Officer considers that in breaching the terms of this Protocol, the Member may have breached the Code of Conduct for Members, then an appropriate referral will be made.

Interaction with the Members' Code of Conduct and the Whistleblowing Policy

- 8.12 A complaint against a Member may disclose evidence of a breach of the Code of Conduct. The Protocol's aim is, in part, to provide guidance and resolve disputes informally and thereby prevent Code of Conduct complaints. However, an officer's use of the dispute resolution procedure in this Protocol does not prohibit them from making a complaint under the Code of Conduct about the same matter.

8.13 Equally, officers and members are not prevented by this Protocol from using the Council's Confidential Reporting Policy (also known as 'Whistleblowing'), particularly for matters involving potential fraud, deception or other criminality.

9. Monitoring and Review

9.1 The Protocol will be monitored and reviewed by the Council's General Purposes Committee on an annual basis.

10. Further sources of information

Topic	Source
Employment and appointment of officers	Officer Employment Procedure Rules Officer Terms and Conditions of Employment
Member conduct	The Code of Conduct for Members The Monitoring Officer www.standardsboard.co.uk Planning and Licensing Codes of Good Practice
Officer conduct	Code of Conduct for Officers
Media and Publicity	Media and Publicity Protocol Statutory Recommended Code of Practice on Local Authority Publicity
Complaints	Corporate Complaints Policy
Whistleblowing	Confidential Reporting Policy and Anti-Fraud Strategy
Members' Access to Information	Appendix A. Access to Information Procedure Rules
Freedom of Information and Data Protection	Freedom of Information and Data Protection Acts www.informationcommissioner.gov.uk



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F1 THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

1. Introduction

- 1.1 This Code of Conduct ("the Code") has been adopted by the Council as required by Section 27 of the Localism Act 2011 ("the Act").
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("Members") and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the Nolan Committee's Seven Principles of Public Life):

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership

2. Who does the Code apply to?

- 2.1 The Code applies to all members of the Council and to all co-opted members of any committee, sub-committee or joint committee of the Council.

3. When does the Code apply?

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.

4. What standards of conduct are Members expected to observe?

Selflessness

- 4.1 Members must always act in the public interest.
- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves, or any other person, an advantage or disadvantage.
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

Integrity

- 4.4 Members must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

Objectivity

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer, where such advice is provided pursuant to their statutory duties.

Accountability

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

Local Government Act 1972
Employment Rights Act 1996
Data Protection Act 1998
Freedom of Information Act 2000
Bribery Act 2010
Equality Act 2010
Localism Act 2011

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply (e.g. in respect of Member/Officer Relations, ICT, Member Allowances etc).

Openness

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Constitution.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

Honesty

- 4.12 Members must declare any disclosable pecuniary interests or conflicts of interest that may arise in respect of their responsibilities as a member of the Council.
- 4.13 Members must at all times ensure that their claims for expenses, allowances, and their use of facilities and services provided by the Council, are strictly in accordance with the rules laid down on these matters.

Leadership

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 Members should value the Council's officers and work alongside them to achieve the Council's objectives.
- 4.17 In their dealings with the Council's employees, Members must have regard to the Council's Protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

5. Register of Interests

- 5.1 The Council's Monitoring Officer maintains a register of interests of members and co-opted members of the Council.

- 5.2 The Council has determined which interests Members are required to enter in the register of interests, including those disclosable pecuniary interests prescribed by regulations. These interests are listed in **Part F1 Appendix A** of the Council's Constitution.
- 5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.
- 5.4 On taking office, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.
- 5.5 As an over-riding obligation, Members are required to abide by the law and the Nolan Committee's Seven Principles of Public Life in determining whether any additional interests should be disclosed.
- 5.6 Members must disclose, when they are present at meetings of the Council, the Executive and all committees, sub-committees and joint committees, if they have a pecuniary or other interest in an item of business on the agenda of the meeting and the nature of that interest, and where the interest constitutes a disclosable pecuniary interest, to withdraw from the meeting during consideration of that item of business. A dispensation has been granted in respect of Member representations prior to leaving the meeting, the details of which are set out in Appendix A, Schedule 1 paragraph 2.

Appendix A

DISCLOSABLE PECUNIARY INTERESTS

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member of Central Bedfordshire Council, Members must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions:

- “the Act” means the Localism Act 2011
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest
- “director” includes a member of the committee of management of an industrial and provident society
- “land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
- “M” means the person M referred to in section 30 of the Act
- “Member” includes a co-opted member
- “relevant authority” means the authority of which M is a member

- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act
- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

2. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

3. Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

4. Non participation in case of disclosable pecuniary interest

If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.

Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5. Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

The details of dispensations are set out in Schedule 1 below.

6. Offences

It is a criminal offence to:-

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- as an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Schedule 1

Dispensations to Members of the Council

1. A general dispensation has been approved and granted to all members of the Council under section 33 of the Localism Act 2011 allowing them to participate and vote at meetings when the following items of business are under discussion:
 - (a) an allowance, payment or indemnity given to all Members;
 - (b) setting the Council Tax or precept;
 - (c) housing, where they are a tenant of the Council, provided that the item of business does not particularly relate to their tenancy or lease;
 - (d) services provided by the Council to school pupils (such as school meals and transport) where the Member is a parent or guardian of a child in full-time education, or is a parent governor of a school, unless the item of business relates specifically to the school which the child attends.
2. A dispensation has been granted where a Member has a disclosable pecuniary interest in an item on the agenda of a meeting, permitting the Member to make representations, answer questions and give evidence relating to the business and then to leave the meeting before any discussion of the matter takes place, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Note: This dispensation cannot apply to hearings conducted by the Licensing Sub-Committee where a separate statutory procedure regarding the right to speak applies.
3. Subject to paragraph 4 below, the dispensations set out at paragraphs 1 and 2 above shall apply to that period between the date on which the dispensation is granted and the first ordinary meeting of the General Purposes Committee following the election of a new Council.
4. These dispensations will be reviewed in the light of experience and having regard to the requirements set out in section 33 of the Act.
5. Specific requests for dispensations should be made in writing for determination by the Monitoring Officer in consultation with the Chairman of the General Purposes Committee.

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F5 MONITORING OFFICER PROTOCOL

1. General Introduction to Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in Central Bedfordshire Council.
- 1.2 The Monitoring Officer owes a personal duty to the Council as a whole in carrying out his/her statutory functions, which cannot be discharged through intervening officers.
- 1.3 The Monitoring Officer undertakes to discharge statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, he/she will provide appropriate cautionary advice to members so as to protect and safeguard, so far as is possible, Members and officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.4 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:-
 - 1.4.1 Complying with the law of the land (including any relevant Codes of Conduct);
 - 1.4.2 Complying with any General Guidance issued, from time to time, by the General Purposes Committee and/or advice of the Monitoring Officer;
 - 1.4.3 Making lawful and proportionate decisions; and
 - 1.4.4 Generally, not taking action that would bring the Council, their offices or professions into disrepute.
- 1.5 The Monitoring Officer is available for Members and officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Procedure Rules, policy framework, terms of reference, scheme of delegations etc.)

2. Working Arrangements

- 2.1 Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities on the Monitoring Officer and safeguard the statutory interests of the Council. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, co-operate with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members, Directors and Assistant Chief Executives are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-
 - 2.2.1 Be alerted by Members and officers to any issue(s) that may become of concern to the Council, including, in particular, issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - 2.2.2 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, committee meetings and/or Corporate Management Team;
 - 2.2.3 Have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Executive, committee meetings and Corporate Management Team;
 - 2.2.4 In carrying out any investigation(s) have unqualified access to any information held by the Council and to any officer/Member who can assist in the discharge of his functions;
 - 2.2.5 Ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - 2.2.6 Meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

- 2.2.7 Report from time to time to the General Purposes Committee, which will make recommendations to Council, on any necessary or desirable changes to the Constitution following consultation, in particular, with the Head of Paid Service and Chief Finance Officer;
- 2.2.8 As per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources he/she requires to discharge his/her statutory functions;
- 2.2.9 Develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, after consultation with the Chairman of the General Purposes Committee, if appropriate, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- 2.2.10 Maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality;
- 2.2.11 Give informal and, if necessary, cautionary advice to Members and officers – but not so as to issue any formal warning notices - and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Standards Sub-Committee;
- 2.2.12 In consultation, as necessary, with the Chairmen of the Council and the Executive, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- 2.2.13 Make arrangements to ensure effective communication between his/her office and the Clerks of Town and Parish Councils on Monitoring Officer and Code of Conduct issues;
- 2.2.14 Have sufficient resources to enable his/her to address any matters concerning his/her Monitoring Officer functions;
- 2.2.15 Be responsible for preparing any training for Members on ethical standards and Code of Conduct issues;
- 2.2.16 Appoint deputies and keep them briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer; and
- 2.2.17 Deal with any formal complaints about any Member's conduct.

2.3 To ensure the effective and efficient discharge of the arrangements set out in 2.2 above, Members and officers will report any breaches of statutory duty or Council policies or procedures and ultra vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

2.4 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the Monitoring Officer role.

3. Sanctions for Breach of The Code Of Conduct for Members and this Protocol

3.1 Complaints alleging any breach of the Code of Conduct for Members must be referred to the Monitoring Officer. Complaints against any breach of this Protocol by a Member will be referred to the relevant Group Leader. Complaints against any breach of this Protocol by an officer may be referred to the relevant Director or Assistant Chief Executive and/or the Head of Paid Service.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description	Source
1. Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2. Advice on ultra vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	
3. Report on any maladministration or injustice where the Local Government Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
4. Appointment of Deputy	Section 5 Local Government and Housing Act 1989
5. Report on resources	Section 5 Local Government and Housing Act 1989
6. Receive copies of Confidential Reporting Code allegations of misconduct	Confidential Reporting Code
7. Investigate and report on any misconduct in compliance with legislation.	Chapter 7 Localism Act 2011
8. Establish and maintain registers of Members' interests and gifts and hospitality	Section 81 LGA 2000, Chapter 7 Localism Act 2011 and Code of Conduct for Members (and Employees, once introduced)
9. Advice to Members on interpretation of Code	
10. Key role in promoting and maintaining high standards of conduct through support to the General Purposes Committee	
11. Liaison with the "Independent person"	Chapter 7 Localism Act 2011
12. Ethical framework functions in relation to parish councils	Chapter 7 Localism Act 2011
13. Refer relevant matters to Standards Sub-Committee for determination	Chapter 7 Localism Act 2011

	Description	Source
14.	Advise on any indemnities and insurance issues for members/officers	Regulations under LGA 2000
15.	Deal with any local filtering arrangements introduced by legislation.	Local Government Act 2007

H2 MANAGEMENT STRUCTURE

The Council's Senior Management Structure is published on our website:-

<http://www.centralbedfordshire.gov.uk/council/transparency/senior-officers/overview.aspx>

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PART K

Members' Allowances

Scheme for the years commencing

1 April 2013

1 April 2014

1 April 2015

1 April 2016

1 April 2017

MEMBERS' ALLOWANCES SCHEME

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CENTRAL BEDFORDSHIRE COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Central Bedfordshire Council, in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

1. **The Scheme**

This scheme may be cited as the Central Bedfordshire Council Members' Allowances Scheme, and shall have effect as from 1 April 2011.

2. **Definitions**

In this scheme,

2.1 "Councillor" means a member of Central Bedfordshire Council who is a Councillor;

2.2 "Co-opted Member" means a person appointed by Central Bedfordshire Council to serve as a member of a Committee, Sub-Committee or Panel.

3. **Basic Allowance**

Subject to paragraphs 5, 6 and 7, there shall for each year be a basic allowance of £10,995.60 paid to each Councillor.

4. **Special Responsibility Allowances**

4.1 A special responsibility allowance shall be paid to those Councillors who hold a position of special responsibility in relation to the Authority as specified in Schedule 1 to this Scheme.

4.2 Subject to paragraphs 5, 6, and 7 the amount of each such allowance shall be the amount specified against the special responsibility in Schedule 1.

4.3 Other than for the exception noted below, no Councillor may receive more than one special responsibility allowance:

- the Deputy Leader of the Council may be paid one additional special responsibility allowance, if appointed to any other position included within Schedule 1 to this Scheme.

5. **Renunciation**

A Councillor may by notice in writing, given to the Monitoring Officer, elect to forego any part of his or her entitlement to an allowance under this Scheme.

6. **Part-year Entitlements**

6.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Central Bedfordshire councillor to basic, and special responsibility, allowances where in the course of the year commencing 1 April 2012 this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

6.2 If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods

6.2.1 beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

6.2.2 beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under the scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

6.3 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.

6.4 Where this Scheme is amended as mentioned in sub-paragraph 6.2 and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph 6.2.1, the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his or her term of office as a Councillor subsists bears to the number of days in that period.

- 6.5 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the numbers of days in that year.
- 6.6 Where this Scheme is amended as mentioned in sub-paragraph 6.2 and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 6.2.1 of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

7. Suspension/Repayment of Allowances

- 7.1 The Monitoring Officer, in consultation with the Chairman of the Council is authorised:-
- 7.1.1 to withhold payment of allowances to any Councillor who is suspended or partly suspended in accordance with the provisions of Part III of the Local Government Act 2000;
- 7.1.2 to seek repayment of allowances paid to a Councillor in respect of any period during which the Councillor concerned is suspended, partly suspended, has ceased to be a Councillor, or is in any other way not entitled to receive the allowance paid to him or her.

8. Claims and Payments

- 8.1 A claim for any travelling, subsistence or dependants' carers' allowances under this scheme shall be made in writing within two months of the date of the meeting in respect of which the entitlement to the allowance arises.
- 8.2 A claim for an allowance under paragraph 8.1 above shall include, or be accompanied by, a statement signed by the claimant that he or she has not made and will not make any other claim in respect of the matter to which his or her claim relates.

9. Payment of Allowances

9.1 Payments shall be made:-

9.1.1 in respect of basic and special responsibility allowances, subject to sub-paragraph 9.2, in instalments of one-twelfth of the amount specified in this Scheme on the same day of each month as that on which salary is paid to staff;

9.1.2 in respect of travelling, subsistence and dependants' carers' allowances, on the same day of each month as that on which salary is paid to staff, in respect of claims received on or before the third working day of that month.

9.1.3 In respect of ICT allowances, subject to sub-paragraph 9.2 below, in instalments over a 4-year Council term as set out in Schedule 5, subject to the provision of appropriate receipts.

9.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

10. Travelling and Subsistence

Details of, and entitlement to, travelling and subsistence payments in respect of approved duties are set out in Schedules 2 and 3.

11. Dependants' Carers' Allowances

Details of, and entitlement to, dependants' carers' allowances are set out in Schedule 4.

12. Co-opted Members' Allowance

Each person appointed to a committee or sub-committee or panel of Central Bedfordshire Council, as a co-opted Member, shall be paid in respect of each meeting or training event attended each year an allowance, as shown below:

- | | |
|--|------|
| (a) where the meeting or training event is of up to 4 hours | £75 |
| (b) where the meeting or training event is for more than 4 hours | £150 |

13. ICT Allowances

Details of, and entitlements to, ICT allowances are set out in Schedule 5.

14. Annual Review

This scheme will be in force until such time as the Council decides to request the Panel to make further recommendations regarding allowances, and/or updates the scheme.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable from the date shown, and the amounts of those allowances:-

	From	£		From	£
Leader of the Council	1.4.11	32,986.80		1.12.11	31,337.40
Deputy Leader of the Council	1.4.11	4,948.02		1.12.11	5,013.98
Executive Members	1.4.11	19,792.08		1.12.11	18,802.44
Deputy Executive Members	19.5.11	6,267.48		1.12.11	6,267.48
Executive Members without Portfolio	19.5.11	10,654.72		1.12.11	10,654.72
Overview and Scrutiny Committee Chairmen	1.4.11	10,721.20		1.12.11	10,654.72
Development Management Committee Chairman	1.4.11	13,194.72		1.12.11	13,161.71
Development Management Committee Vice-Chairman	1.4.11	2,474.50		1.12.11	2,506.99
Audit Committee Chairman	1.4.11	10,721.20		1.12.11	10,654.72
General Purposes Committee Chairman	1.4.11	4,948.02		1.12.11	5,013.98
Licensing Committee Chairman	1.4.11	2,474.50		1.12.11	2,506.99
Minority Group Leader (see notes 1 and 2)	1.4.11	2,474.50		1.12.11	2,506.99

Note 1: The allowance will be payable to the Leader of any duly constituted minority group that has 7 or more members. In the event of no minority group having 7 or more members, and no other special responsibility allowance being paid to a member of a duly constituted minority group, the allowance shall be paid to the leader of the largest minority group.

Note 2: The election in November 2011 resulted in two minority groups with an equality of membership. On the recommendation of the Independent Remuneration Panel it was agreed (Council 24.01.13) that while that balance remained, each of the two minority group leaders would receive the special responsibility allowance payable to the minority group leader.

SCHEDULE 2

APPROVED DUTIES

- A. Attendance at meetings of the forums below is an approved duty for the purpose of the payment of travelling and subsistence allowances:

Council

Executive, committees, sub-committees, joint committees and panels
site meetings where duly authorised

Task Forces and similar bodies

in-house seminars and training sessions

meetings (when representing the Council) with other Authorities, organisations etc or specific visits arranged by the Executive, a committee, sub-committee or Task Force in respect of its functions

meetings with the External Auditor concerning management matters

- B. The following shall be approved duties for the purpose of paying travelling and subsistence allowances:-

- (a) meetings of Group Leaders
- (b) meetings of Chairmen, Vice-Chairmen, Leader and Deputy Leader and Executive Members
- (c) Chairman's Briefing meetings for Council, Executive, committees, sub-committees, Task Forces etc for Chairmen and Vice-Chairmen, Executive Members, Deputy Members of the Executive, Lead or Deputy Lead Members (or their representatives)
- (d) Individual or joint formal meetings between the Members holding the following offices:- Chairmen, Vice-Chairmen, Leader, Deputy Leader, Executive Members, and Group Leaders with the Chief Executive, Deputy Chief Executive, Directors, senior officers or their representatives to discuss official Council business
- (e) Attendance at any training course, seminar or conference approved by or on behalf of the Member Development Champions
- (f) Attendance at the Council Offices for newly elected Members for such matters as the signature of Declaration of Acceptance of Office and having photographs taken
- (g) Undertaking civic visits as Chairman or Vice-Chairman of the Council (or substituting for either office holder)
- (h) Absence overnight (except in London) from usual place of residence – up to £36.70 per night (this allowance includes accommodation and breakfast).

- (i) No overnight expenses to be paid for daily approved duty visits to London
 - (j) Attendance by Councillors for the purpose of meeting officers up to an average, calculated over the Council year, of four visits per month (travel only).
- C. Attendance at all outside bodies where the Member is attending as the Council's duly appointed representative (whether appointed for a fixed term or authorised on an ad hoc basis), subject to no such allowances being claimed by the Member from the outside body concerned.

SCHEDULE 3

TRAVELLING AND SUBSISTENCE

Travel Allowances

With effect from 1 December 2011, the car mileage rate per mile for Members be based on the same rates that apply to the officers of the Council (i.e. the HRMC rate) with the exception of the training mileage rate where Members be allowed to continue to claim mileage for attending training courses at the rate of 45p per mile subject to exclusion of the business mileage lump sum.

The rates to apply are set out below:

Car Mileage Allowances	Rate per mile
Business Mileage up to 10,000 miles	45p
Business Mileage over 10,000 miles	25p
Motor Cycle Allowances	Rate per mile
Motor cycle rate	24p

- VAT receipts for fuel purchases that cover the journeys undertaken by Members on 'approved duties' must accompany claims in all cases;
- mileage allowances to be indexed to the same rates that are applicable to officers;
- car parking permits allowing free parking on approved duties in Council operated car parks be withdrawn from 1 December 2011;
- Councillors be reimbursed the cost of car parking fees whilst on approved duties, subject to appropriate receipts accompanying claims in all cases.

Travel by Public Transport or Rail

The ordinary or any concessionary fare may be claimed. Advantage should be taken of cheap or concessionary rates whenever reasonably practicable.

Travel by Other Means – Taxi, Hire Car, Pedal Cycle etc.

Claims for taxi journeys shall not exceed:-

- (a) in cases of urgency, or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
- (b) in any other case, the amount of the fare for travel by appropriate public transport.

Where journeys are by pedal cycle, the allowance will be at the rate of 20p per mile.

Subsistence Allowances (from 1 October 2013)

Subsistence Allowances and conditions by which they can be claimed by Councillors undertaking approved duties be based and indexed to the same rates that apply to Officers of the Council.

Allowance	Rates (£)	Condition
Breakfast	4.50	before 10.00am
Lunch	6.25	10.00am – 4.30pm
Evening meal	7.64	after 5.00pm

Payments will only be made upon the production of receipts in all cases.

SCHEDULE 4

DEPENDANTS' CARERS' ALLOWANCES

A Councillor may claim a Dependants' Carers' Allowance in accordance with the provisions set out below:-

1. The rate payable for Dependants' Carers' Allowance shall be decided upon the following criteria:-
 - (a) where care is required for children or is of a non-specialist nature for dependant relatives; at the rate set and from time to time amended by the Department for Business , Innovation and Skills or its successor as the national minimum wage for workers aged 22 years and over;
 - (b) where specialist care services are required, and the Monitoring Officer is satisfied that such care is necessary, the hourly rate will be up to three times the rate for non-specialist care,
2. Councillors shall be reimbursed up to a maximum of 52 hours per month, in respect of provision of care for any of the following who are at the time part of the claimant's household living with him/her and would normally be looked after by him/her, whilst the claimant is undertaking an approved duty*.

(*NOTE: "Approved duty" is a duty defined in Schedule 2 of this Scheme of Members' Allowances)

 - Children under the age of 14
 - Elderly persons (aged 60 or over)
 - People with disabilities
 - People with learning disabilities
3. In addition to living as part of the claimant's household, the dependant must be unable to be left unsupervised by the carer.
4. Only one claim may be allowed per household for any given period of time.
5. The rates referred to in 1 above shall be the **total** maximum payable per hour and not payable **per** dependant.
6. The claimant must produce a receipt for payments he/she has made and must sign a form to state that the costs were properly and necessarily incurred in the course of, or to permit, him/her undertaking his/her duties as a Councillor.

SCHEDULE 5

ICT ALLOWANCES

The following allowances may be paid following the purchase of ICT equipment/support for Council-related use on production of appropriate receipts, to be concluded within a 4-year Council term.

Where a Council Member does not remain a Member for the full term the purchased equipment or the value of the allowance paid for that equipment must be returned to the Council.

Nature of allowance	Monthly amount	Total 4-year cost (48 payments)
Equipment allowance	£12.50	£600
PC support and consumables allowance	Initial payment of £19.80 and 47 payments of £16.60	£800
Fixed line and Broadband allowance	Initial payments of £34.90 and 47 payments of £33.30	£1,600
Mobile phone allowance	£25	£1,200
Total	Up to a maximum of an initial payment of £92.20 and 47 payments of £87.40 over a 4-year Council term.	£4,200

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