



## TO EACH MEMBER OF THE COUNCIL

15 November 2017

Dear Councillor

### COUNCIL - Thursday 16 November 2017

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

**5. Petitions**

Attached is a petition regarding Section 106 monies being given to a community by a developer in order to help improve local facilities.

**10. Recommendations from The General Purposes Committee**

To consider recommendations from the meeting of The General Purposes Committee held on 26 November 2017 and answer questions asked under Part 4A Rule No 13.1 of the Council's Procedure Rules.

- (i) Wixams Joint Development Control Committee – Membership
- (ii) Executive Contract Approval Limits.

**13. Change of Membership on Committees**

In addition to the information set out on the agenda, please note the following changes to the membership of Committees:

- (iii) Social Care Health & Housing Overview and Scrutiny Committee – Councillor Johnstone removed as a substitute.
- (iv) Sustainable Communities Overview & Scrutiny Committee – Councillor Johnstone removed as a substitute.

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

Yours sincerely

Helen Bell  
Committee Services Officer  
email: [helen.bell@centralbedfordshire.gov.uk](mailto:helen.bell@centralbedfordshire.gov.uk)

## **This petition calls for a re allocation of Section 106 funds to Potton**

<b>Petition summary and background</b>	S106 monies are funds given to a community by a developer in order to help improve local facilities. When a development of 90 houses in Potton was recently approved, £42,000 of S106 for sport was allocated to a sporting facility in Biggleswade! Despite Potton Town Council, the developer and ward councillor Adam Zerny calling for this money to be allocated to Potton, CBC have refused. As Potton has a project in place for a similar facility, which also requires funding it seems unbelievable that money is given to a neighbouring town. We are appealing to Central Bedfordshire Council on behalf of the local community to re-allocate the funds to Potton.
<b>Action petitioned for</b>	We the undersigned are concerned residents who would urge our local council and property developers to act now.

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Central Bedfordshire Council

COUNCIL

16 November 2017

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**Recommendation from the General Purposes Committee:  
Wixams JDCC**

Report of Councillor Mrs Jane Lawrence, Chairman of the General Purposes Committee  
([jane.lawrence@centralbedfordshire.gov.uk](mailto:jane.lawrence@centralbedfordshire.gov.uk))

Advising Officers:

Sandra Hobbs, Senior Committee Services Officer  
([sandra.hobbs@centralbedfordshire.gov.uk](mailto:sandra.hobbs@centralbedfordshire.gov.uk))

Leslie Manning, Committee Services Officer  
([leslie.manning@centralbedfordshire.gov.uk](mailto:leslie.manning@centralbedfordshire.gov.uk))

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**Purpose of this report**

This report sets out recommendations by the General Purposes Committee to amend the Terms of Reference of the Wixams Joint Development Control Committee (Wixams JDCC) to reduce the number of Councillors appointed to the Committee from 9 to 6.

**RECOMMENDATIONS**

It is recommended that full Council:

- 1. Approves an amendment to the terms of reference of the Wixams Joint Development Control Committee to reduce the number of Councillors appointed to the Committee from 9 to 6 Councillors from Central Bedfordshire Council;**
- 2. Appoints 6 Councillors to the Wixams Joint Development Control Committee and up to 3 substitutes in line with political proportionality. Nominations received are Councillors Blair, Mrs Clark, Downing, Duckett, Matthews and Turner and nominations for the substitutes are Councillors Firth, Gomm and Morris;**
- 3. Authorises the amendment of the Constitution as detailed in Appendix A; and**
- 4. Resolves that the above recommendations are subject to similar amendments by Bedford Borough Council becoming effective after their full Council meeting on 6 December 2017.**

### Overview and Scrutiny Comments/Recommendations

1. This matter has not been considered by overview and scrutiny because it falls within the remit of the General Purposes Committee.

### Background

2. The current terms of reference for the Wixams JDCC requires that 18 councillors be appointed to the joint committee; the appointees being 9 Councillors from Central Bedfordshire Council and 9 Councillors from Bedford Borough Council.
3. Up to 4 named substitutes may also be appointed by each authority, although the number shall not exceed 50% of the total seats held by a political group on the joint committee with a minimum of 1 substitute per group.
4. On 27 June 2017 the Wixams JDCC agreed that the membership of the Committee should be reduced to 12 Councillors; 6 Councillors from each Authority, and that the terms of reference should be amended accordingly.
5. At the subsequent meeting of the General Purposes Committee on 26 October 2017 the proposed reduction in the joint committee's membership was considered. It was noted that the Wixams JDCC's support for a reduction in its membership had arisen because of the difficulty in ensuring sufficient levels of attendance. It had also been noted that the Leader of Central Bedfordshire Council and the Mayor of Bedford Borough Council had considered a possible reduction in membership and were both in favour.

### Allocation and Appointments of Seats

6. At Annual Council on 18 May 2017 the allocation of seats and substitutes to the Wixams JDCC was approved in accordance with the political balance rules. The table below sets out the current and revised allocation of seats.

<b>A2. Joint Committee (proportionate but not part of the overall seat allocation)</b>					
	Total seats	Cons	Ind	Lab	LD
<b>Current</b>	9 (4)	8 (3)	1 (1)	0 (0)	0 (0)
<b>Revised</b>	6 (3)	6 (3)	0 (0)	0 (0)	0 (0)

7. If the revised terms of reference are approved by full Council it will be necessary to appoint 6 Councillors to sit on the Wixams JDCC and up to 3 substitutes. **Nominations received are Councillors Blair, Mrs**

**Clark, Downing, Duckett, Matthews and Turner and nominations for the substitutes are Councillors Firth, Gomm and Morris.**

### **Bedford Borough Council**

8. As the Wixams JDCC is a joint committee with Bedford Borough Council, the terms of reference in both Councils' Constitutions should be the same. The recommendations were considered by Bedford Borough Council's General Purposes Committee on 31 October 2017 where the Committee resolved to recommend to their full Council meeting on 6 December 2017 the reduction in membership from 18 to 12.
9. If Bedford Borough Council rejects the recommendations to change the Joint committee's membership and update the terms of reference the current arrangements will remain in operation.

### **Council Priorities**

10. The proposed action will enable the Wixams JDC C to support the following Council priorities:
  - Enhancing Central Bedfordshire
  - Creating stronger communities

### **Corporate Implications**

#### **Legal Implications**

11. The Council's Constitution sets out the terms of reference of committees and joint committees, which should be fit for purpose. The recommendations arising from the General Purposes Committee reflect the need to amend the membership of the Wixams JDCC. In addition the Constitutions of both Councils should contain identical terms of reference for the joint committee to ensure clarity and consistency.

#### **Financial and Risk Implications**

12. There are no financial and risk implications.

#### **Equalities Implications**

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

14. Report authors will be encouraged to work with the Corporate Policy Advisor (Equality & Diversity) in order to ensure that relevant equality implications are identified.

#### **Implications for Work Programming**

15. None.

#### **Conclusion and next Steps**

16. Approval of the General Purposes Committee's recommendations will contribute towards enabling the Wixams JDCC's membership and terms of reference to be updated. It will also be necessary to insure that identical provision is included in the Constitutions of each participating Council.

#### **Appendices**

Appendix A – Proposed amendment to the terms of reference.

#### **Background Papers**

None



## Appendix A

### Extracts from the Terms of Reference for the Wixams Joint Development Management Committee

Proposal to amend the Wixams Joint Development Management Committee Terms of Reference to reduce the membership from 18 Councillors to 12 Councillors; 6 from Bedford Borough Council and 6 from Central Bedfordshire Council.

#### Point 6. Membership:

- ~~18~~ 96 Central Bedfordshire councillors
- ~~6~~ 96 Bedford Borough councillors
- See Standing Orders 2 and 12 below in respect of composition of the joint committee and substitutes

#### Standing Order 2 – Size of Joint Committee

The Joint Committee will comprise ~~18~~12 Councillors, that is ~~6~~96 representing Bedford Borough Council and ~~6~~96 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.

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Central Bedfordshire Council

COUNCIL

16 November 2017

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**Recommendation from the General Purposes Committee:  
Executive Contract Approval Limits**

Report of Councillor Mrs Jane Lawrence, Chairman of the General Purposes Committee  
([jane.lawrence@centralbedfordshire.gov.uk](mailto:jane.lawrence@centralbedfordshire.gov.uk))

Advising Officers:

Charles Warboys, Director of Resources  
([charles.warboys@centralbedfordshire.gov.uk](mailto:charles.warboys@centralbedfordshire.gov.uk))

Denis Galvin, Assistant Director of Finance  
([denis.galvin@centralbedfordshire.gov.uk](mailto:denis.galvin@centralbedfordshire.gov.uk))

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**Purpose of this report**

This report sets out recommendations by the General Purposes Committee to amend the procurement threshold authorisation limits contained in Part 2 Article 12 of the Constitution.

**RECOMMENDATIONS**

It is recommended that full Council:

- 1. Approves an amendment to Part 2 Article 12 of the Constitution to increase the Executive contract approval threshold for capital to £750K financial commitment from £500K whole life cost;**
- 2. Approves an amendment to Part 2 Article 12 of the Constitution to increase the Executive contract approval threshold for revenue to contracts where the total contract value exceeds £1M and the contract exceeds 5 years in duration (including contract extension periods) and the contract value per annum is in excess of £300K from £200K per annum.**

**Overview and Scrutiny Comments/Recommendations**

1. This matter has not been considered by overview and scrutiny because it falls within the remit of the General Purposes Committee.

## **Background**

2. At the meeting of the General Purposes Committee on 26 October 2017 Members noted that, at present, revenue contracts with an annual value in excess of £200K and capital contracts in excess of £500K required approval by the Executive. Members further noted that the thresholds for approval had not been updated since the Council was formed in 2009 over which period inflation had eroded the real value of money.
3. The General Purposes Committee was also advised that there were 55 contracts which would require approval by the Executive between 2017/18 and 2021/22, as they were in excess of the current thresholds of £200K per annum for revenue and £500k whole life cost per annum for capital. The aim of the General Purposes Committee's recommendations is, therefore, to streamline the process for contract approvals, thereby enabling the Council's business to operate more efficiently with fewer reports being taken to Executive.
4. The Director of Resources had assured the Committee that high value contracts would still be submitted for tender and lay within the public domain. He had also pointed out that when the budget was approved it was projects rather than the specific contracts. Revenue in particular was considered by the Council in great detail.
5. A Member had commented that that a figure £300K per annum for revenue contracts was significant because a number were 5 year contracts.

### **Executive capital contract threshold**

6. Under existing arrangements a formal business case process exists, which requires approval from the relevant Executive Member and the Executive Member for Corporate Resources.
7. Provided that the contract spend is within the budget agreed by full Council for that capital scheme then it is proposed that the threshold above which capital contracts require Executive approval be increased to £750K financial commitment from £500K whole life cost.
8. This proposal will result in a decrease in the forecast number of capital contracts requiring Executive approval in 2017/18 and 2018/19, from 14 contracts to 10.

### **Executive revenue contract threshold**

9. In relation to revenue contracts it is proposed that Executive approval for contracts will be required where the total contract value exceeds £1M and the contract exceeds 5 years in duration (including contract extension periods) and the contract value per annum is in excess of £200K.

If approved the forecast number of revenue contracts requiring Executive approval, over the 5 year period 2017/18 to 2021/22, decreases from 39 to 19.

### **Council Priorities**

The proposed action will support the following Council priorities:

- Enhancing Central Bedfordshire

### **Corporate Implications**

#### **Legal Implications**

The Council's Constitution sets out the decision making powers of the Council, Committees, Members and Officers which should be fit for purpose.

The Constitution defines certain decisions as key decisions, who can take key decisions and the process when making a key decision. The starting point is that all key decisions are taken by the Executive unless otherwise set out in the Constitution or they have been delegated. Accordingly the definition should be clear to ensure consistency and transparency in decision making.

#### **Financial and Risk Implications**

Increasing the thresholds is not seen as representing any significant increase in risk.

#### **Equalities Implications**

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council's contracting procedures take account of equality requirements.

#### **Summary**

The aim of the above recommendations is to streamline the process for contract approvals and thereby enable the Council's business to operate more efficiently with fewer reports being taken to Executive. Subject to approval these proposals will reduce the number of contracts which require Executive approval by a minimum of 19 (46%), assuming the £300K per annum threshold is adopted for revenue.

The recommendation is that the following authorisation thresholds apply for Executive approval of contracts:

- Capital contracts in excess of £750K financial commitment will require Executive approval.
- Revenue contracts where the total contract value exceeds £1M and the contract exceeds 5 years in duration (including contract extension periods) and the contract value is in excess of £300K per annum will require Executive approval.

### **Appendices**

Appendix A – Extract from Constitution (Tracked Changes)

Appendix A

**PART 2 ARTICLE 12 - DECISION MAKING**

**1. Key Decisions**

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

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,

1.2.1 savings are significant if they exceed £200,000 per annum (revenue) or £500,000 whole life cost (capital),

1.2.2 expenditure is significant if it exceeds:

1.2.2.1 in respect of revenue contracts:

(i) £300,000 per annum; and

(ii) £1m total cost; and

(iii) 5 years duration (including contract extension periods); or

1.2.2.2 £750,000 financial commitment (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;

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- 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 4F of the constitution.