

# Creating Central Bedfordshire

Priory House  
Monks Walk  
Chicksands  
Shefford SG17 5TQ

please ask for Mr John Phillipson  
direct line 01462 611034  
date 17 February 2009

## **NOTICE OF MEETING**

*Members of the Central Bedfordshire Shadow Council are hereby  
summoned to attend a meeting of the: -*

### **CENTRAL BEDFORDSHIRE SHADOW COUNCIL**

**Date: THURSDAY, 26 FEBRUARY 2009**

**Time: 5.00 p.m.**

**Venue: COUNCIL CHAMBER, PRIORY HOUSE,  
MONKS WALK, CHICKSANDS, SHEFFORD**

Jaki Salisbury  
Interim Chief Executive  
Central Bedfordshire Shadow Council

To: The Chairman and Members of the Central Bedfordshire Shadow  
Council

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME  
TO ATTEND THIS MEETING**

## **AGENDA**

**PRAYERS TO BE TAKEN BY  
REVEREND RICHARD ANDREWS,  
TEAM RECTOR AND PRINCIPAL MINISTER  
AT PRIORY CHURCH OF  
ST PETER, DUNSTABLE**

### **APOLOGIES**

The Chairman to ask for any apologies received in advance of the meeting. The Chairman to ask the meeting if there are any other apologies to be recorded.

### **MINUTES**

The Chairman to invite the Council to approve the signing of the Minutes of the Meeting of the Shadow Council held on 8 July 2008 (Minute Nos. SC/08/11 to SC/08/15).

### **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** thereof in relation to: -

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

### **CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS**

The Chairman to make any announcements or communications.

### **VACATION OF OFFICE**

To advise the Shadow Council that Bedfordshire County Council has declared the seat in the Plantation Division of the County Council vacant owing to the failure of County Councillor Paul Walley to attend any meeting of the County Council for a period of six consecutive months and that Cllr Walley has therefore has also ceased to be a Member of the Shadow Council.

(Report of the Monitoring Officer attached – pages 5.1 to 5.2)

## **MEMBERS' ALLOWANCES SCHEME 2009/10**

To approve and adopt a Scheme of Members' Allowances for Central Bedfordshire Council for the year commencing 1 April 2009, having regard to the recommendations of the Independent Remuneration Panel and a revised Scheme proposed by the Shadow Executive at its meeting on 20 January 2009.

(Report of the Director of Corporate Resources attached – pages 6.1 – 6.44)

## **CENTRAL BEDFORDSHIRE DRAFT CONSTITUTION AND INTERIM GOVERNANCE ARRANGEMENTS**

To approve and adopt the Constitution of Central Bedfordshire Council together with the interim governance arrangements during the period 1 April to 7 June 2009.

(Report of the Constitution and Governance Working Group attached – pages 7.1 to 7.2)

Please note that the Constitution can be viewed by taking the following link:

[Mid Beds District Council - Library document - Draft Central Bedfordshire Council Constitution](#)

## **RECOMMENDATIONS OF THE SHADOW EXECUTIVE AND ANY QUESTIONS RAISED UNDER FULL COUNCIL PROCEDURE RULE NO. 8.1 IN RELATION TO THOSE RECOMMENDATIONS**

### **(a) SHADOW EXECUTIVE – 20 JANUARY 2009**

(i) *Reserves Policy*  
*Minute No. SE/08/77*

The Shadow Executive considered the report of the Director of Corporate Resources, which asked for an appropriate policy for the level of general fund reserve for 2009-10 be agreed.

The Portfolio Holder (Corporate Resources) informed the Committee that the level of reserves had been calculated using the information available.

In response to questions regarding the level proposed in paragraph 17, the Portfolio Holder and Director of Corporate Resources confirmed that the figure was realistic and had been risk assessed. The level would be reviewed each year with a target of £6m to £7m reserves once transitional costs had been repaid. It had been noted that until the three legacy authorities had closed down their accounts an accurate review would not be possible. It was agreed that this be done as soon as possible after account closure.

Reason for decision: To agree an appropriate policy for the level of general fund reserves during 2009/10.

**RECOMMENDED**

**that the Shadow Council:-**

- (a) approves the reserves policy for 2009/10 as set out in the report of the Director of Corporate Resources;**
- (b) approves the setting of the minimum General Fund Reserve level for 2009/10 at £4.68m for Central Bedfordshire as indicated in paragraph 17 of Appendix 1 to the report of the Director of Corporate Resources; and**
- (c) determines that the Authority will review the reserves policy following the closure of the accounts of the three legacy authorities.**

<b>(b)</b>	<b>SHADOW EXECUTIVE – 17 FEBRUARY 2009</b>
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- NOTES: 1. *This Agenda has been despatched prior to the Executive's meeting on 17 February 2009. However it is anticipated that recommendations on the following items will be submitted for Council approval:-*
- (a) Treasury Management Strategy*
  - (b) Capital Programme and Investment Strategy*
  - (c) Revenue Budget 2009/10 and Medium Term Financial Plan*
2. *The recommendations will be circulated as soon as possible after the Shadow Executive's meeting, together with any comments of the Scrutiny Committee upon the budget following its meeting on 19 February. The Chairman will permit these recommendations to be dealt with as urgent items of business to allow the setting of the Budget and Council Tax within the statutory timescales.*
3. *The Chairman has exercised his authority under Council Procedure Rule No. 2 to vary the order of business to take this item in conjunction with the report on the Council Tax at item 9.*

## **COUNCIL TAX 2009/10**

To report the Budget Proposals of the Executive from its meeting of 17 February 2009 and present the Formal Council Tax Resolution.

(Report of the Director of Corporate Resources attached – pages 9.1 to 9.17)

## **APPOINTMENT OF MEMBERS AND CHAIRMAN TO COMMITTEES FROM APRIL TO JUNE**

To receive and consider the report of the Monitoring Officer on recommendations of the Group Leaders in relation to the appointment of Members and substitutes to Committees and other forums and the appointment of the Chairmen and Vice-Chairmen of certain Committees of the Council between April – June 2009.

(Report of the Monitoring Officer attached – pages 10.1 to 10.13)

## **CALENDAR OF MEETINGS APRIL 2009 - MAY 2010**

To approve the Calendar of Meetings for Central Bedfordshire April 2009 – May 2010.

(Report of the Monitoring Officer attached – pages 11.1 – 11.4)

## **APPOINTMENT OF INDEPENDENT PERSONS TO THE CENTRAL BEDFORDSHIRE STANDARDS COMMITTEE**

To endorse the appointment of the five independent persons to the Standards Committee.

(Report of the Monitoring Officer attached – pages 12.1 – 12.3)

## **APPOINTMENT OF TOWN/PARISH MEMBERS TO THE CENTRAL BEDFORDSHIRE STANDARDS COMMITTEE**

To endorse the appointment of five Town/Parish Members to the Central Bedfordshire Standards Committee.

(Report of the the Monitoring Officer attached – pages 13.1 – 13.3)

Note:

**This information can be provided in an alternative format or language on request (08452 30 40 40 )**

- ◆ যদি অনুরোধ করেন তাহলে অন্য কোনও আকারে বা ভাষায় এই তথ্য আপনি পেতে পারেন (08452 30 40 40) (Bengali)
- ◆ 你可以要求以另一種格式或語言提供這些訊息 (08452 30 40 40) (Chinese)
- ◆ ਇਹ ਜਾਣਕਾਰੀ ਬੇਠਤੀ ਕੀਤੇ ਜਾਣ 'ਤੇ ਕਿਸੇ ਹੋਰ ਸ਼ਕਲ ਜਾਂ ਬੋਲੀ ਵਿਚ ਮਿਲ ਸਕਦੀ ਹੈ। (08452 30 40 40) (Punjabi)
- ◆ یہ معلومات آپ کے درخواست کرنے پر متبادل ڈیٹا یا زبان میں مہیا کی جاسکتی ہیں۔ (08452 30 40 40) (Urdu)
- ◆ Questa informazione puo' essere fornita su richiesta in un altro formato o un'altra lingua telefonando al numero (08452 30 40 40) (Italian)
- ◆ Informację tą można uzyskać również w innym formacie lub innym języku dzwoniąc pod numer (08452 30 40 40) (Polish)

<p><b>SHADOW COUNCIL</b></p>
<p><b>26 FEBRUARY 2009</b></p>

<b>SUBJECT</b>	<p><b>VACATION OF BEDFORDSHIRE COUNTY COUNCIL OFFICE BY FAILURE TO ATTEND MEETINGS</b></p> <p>(To advise the Shadow Council that Bedfordshire County Council has declared the seat in the Plantation Division of the Council vacant owing to the failure of County Councillor Paul Walley to attend any meeting of the County Council for a period of six consecutive months and that Cllr Walley has therefore also ceased to be a member of the Shadow Council.)</p>
<b>REPORT OF</b>	<b>Monitoring Officer</b>
<i>Contact Officer: Kathrin John (01462 611033)</i>	

**IMPLICATIONS**

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	None
<b>LEGAL</b>	Sections 85 and 86 (1) (c) of the Local Government Act 1972.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADES UNION</b>	None
<b>HUMAN RIGHTS</b>	None

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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<b>RECOMMENDATION(S):</b>
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1. That the Shadow Council notes that Cllr R P Walley, County Councillor for the Plantation Division, has ceased to be a member of the County Council having failed to attend any meeting of the Authority for a period of six consecutive months and has therefore also ceased to be a member of Central Bedfordshire Shadow Council.
  
2. That the Shadow Council notes that the County Council has declared the seat vacant under Section 86 (1) (c) of the Local Government Act 1972 but that, in accordance with the Bedfordshire (Structural Changes) Order 2008, there is no need to hold a by-election to fill the casual vacancy.

## **Background**

1. Bedfordshire County Council at its meeting held on 12 February 2009 noted that Councillor R P Walley, County Councillor had ceased to be a member of the County Council having failed to attend any meeting of the Authority for a period of six consecutive months.
2. The Council accordingly declared the seat vacant but noted that, in accordance with the Bedfordshire (Structural Changes) Order 2008, no election shall be held to fill any vacancy arising after 30 September 2008.
3. Cllr Walley was a member of Central Bedfordshire Shadow Council by virtue of his membership of Bedfordshire County Council and his membership of the Shadow Council has now also therefore ceased.
4. The Bedfordshire (Structural Changes) Order provides that, where before 30 September 2008 a by-election is held to fill a casual vacancy arising in any Central electoral division (ie: division of the County Council), or in any ward of either Mid or South Bedfordshire, the person elected at the by-election shall be a member of the shadow authority. As the casual vacancy has arisen after 30 September, there is no requirement for a County Council by-election to fill the vacancy.

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***Background Papers:*** None

***Location of Papers:*** N/A

***File Reference:*** N/A



<b>SHADOW COUNCIL</b>
<b>26 FEBRUARY 2009</b>

<b>SUBJECT</b>	<b>MEMBERS' ALLOWANCES SCHEME 2009/10</b>  (To approve and adopt a Scheme of Members' Allowances for Central Bedfordshire Council for the year commencing 1 April 2009, having regard to the recommendations of the Independent Remuneration Panel and a revised Scheme proposed by the Shadow Executive at its meeting on 20 January 2009.)
<b>REPORT OF</b>	<b>Head of Legal and Democratic Services</b>
<i>Contact Officer: Rob Mills Tel. 0845 849 6274</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	The revised Scheme proposed by the Shadow Executive is estimated to cost £1,243,682. Estimated employer contributions to the Local Government Superannuation Scheme would cost a further £75,000, assuming 33% take-up based on current County Council experience.  Provision has been made in the overall budget for members' costs.
<b>LEGAL</b>	The Bedfordshire (Structural Changes) Order 2008 requires the shadow authority to formulate proposals for the scheme of members' allowances to be adopted by Central Bedfordshire Council. The recommendations of the Independent Remuneration Panel appended to this report accord with the provisions of The Local Authorities (Members' Allowances) (England) Regulations 2003 which govern such schemes, as do the revised proposals since put forward by the Shadow Executive.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None
<b>HUMAN RIGHTS</b>	None
<b>KEY ISSUE</b>	Yes
<b>BUDGET/POLICY FRAMEWORK</b>	Yes

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
None

**RECOMMENDATIONS:**

**That the Shadow Council**

- (a) considers whether to adopt a Scheme of Members' Allowances for Central Bedfordshire Council for the year commencing 1 April 2009 as outlined in Appendix A.2 and as recommended in the full Scheme set out at Appendix C, at an estimated cost of £1,243,682;**
- (b) resolves that all Central Bedfordshire councillors should be given access to the Local Government Pension Scheme, based on the sum of basic allowance and any special responsibility allowance that may be payable, at an estimated cost of £75,000;**
- (c) requests the Independent Remuneration Panel to review the Scheme in the autumn of 2009 in the light of further evidence of the demands and responsibilities placed upon Members of the new Council and of similar unitary authorities; and**
- (d) agrees to amend retrospectively the Scheme of Members' Allowances for the year commencing 1 April 2008, adopted by the Shadow Council on 8 July 2008, to enable the payment of a special responsibility allowance to those members nominated by the Shadow Council to serve as observer members of the Bedfordshire Police Authority or the Bedfordshire and Luton Combined Fire Authority who are not already members; the allowance to be paid pro rata to the period of appointment at the rate set for existing members by those two authorities.**

**Background**

1. Article 18(5) of The Bedfordshire (Structural Changes) Order 2008 places a duty on the Shadow Council to formulate proposals for the scheme of members' allowances to be adopted by Central Bedfordshire Council. This must be done in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003 (the 2003 Regulations).
2. In addition to a basic allowance for all members of an authority, the 2003 Regulations enable the inclusion within a scheme of the following allowances:
  - (a) special responsibility allowance (SRA) to such members of the authority as have significant special responsibilities;
  - (b) dependants' carers' allowance in respect of expenses incurred in arranging for the care of their children or dependants whilst attending meetings and other duties specified in the 2003 Regulations;
  - (c) travelling and subsistence allowance; and

(d) co-optees' allowance.

3. A scheme must also set out which members of the authority are to be entitled to pensions under the Local Government Superannuation Scheme; and whether the basic allowance or the special responsibility allowance, or both, may be treated as amounts in respect of which such pensions are payable.
4. The Regulations place a duty upon the Council to establish an Independent Remuneration Panel which is required to report with recommendations on the levels of allowances payable, the means by which those levels may be adjusted, whether any allowances may be backdated, and which members may have access to the Local Government Superannuation Scheme. The Council must have regard to the Panel's recommendations before making or amending a scheme of members' allowances.

### **The Report of the Independent Remuneration Panel**

5. At the first meeting of the Shadow Council in April 2008 the Interim Chief Executive was authorised to appoint two members from each of the Independent Remuneration Panels of Bedfordshire County Council, Mid Bedfordshire District Council and South Bedfordshire District Council for the purpose of making recommendations to the Shadow Council (i) on a Members' Allowances' Scheme for the year commencing 1 April 2008, and (ii) on a Scheme for the year commencing 1 April 2009.
6. The Panel's report and recommendations in respect of the year commencing 1 April 2008 were submitted to the Shadow Council on 8 July 2008, where they were adopted with minor amendments.
7. The Panel met again on 26 September and 10 October 2009 to take written and verbal evidence from members on, and to consider a scheme of members' allowances for the year commencing 1 April 2009. This includes both the period between 1 April and 8 June 2009 (on which date the newly elected councillors will take office), during which the shadow authority will continue in being with 124 members, and the period following the election of the new 66-member authority.
8. The Panel issued its final report and recommendations in December, including a draft Scheme for the shadow authority to consider. A summary of the allowances recommended by the Panel is attached at Appendix A.1. The Panel's covering report giving its rationale for making its recommendations is attached at Appendix B.

### **Consideration by the Shadow Executive**

9. The Shadow Executive on 20 January 2009 considered the financial implications of the Panel's recommendations and recommended:

“that the Shadow Council:

- (a) notes that the Shadow Executive, having taken careful consideration of the recommendations of the Independent Remuneration Panel and additional information provided since the review, would support a revised scheme of members’ allowances for the year commencing 1 April 2009, including a basic allowance of £11,220 and additional special responsibility allowances for specified Vice-Chairmen and for Assistant Portfolio Holders, as set out in the amended summary circulated at the meeting by the Portfolio Holder for Corporate Resources, and subject also to a flat rate Special Responsibility Allowance of £2,525 (i.e. 7.5% of the Leader’s allowance) for each Minority Group Leader, at an estimated total cost of £1,200,000.
  - (b) notes that the Shadow Executive endorses the conclusion of the Independent Remuneration Panel that all Central Bedfordshire Councillors should be given access to the Local Government Pension Scheme, based on the sum of members’ basic and Special Responsibilities Allowances, at an estimated cost of £75,000.
  - (c) approves a scheme of members’ allowances for the year commencing 1 April 2009 as proposed by the Shadow Executive at (a) and (b) above.”
10. The Executive noted that the Minority Group Leader’s allowance should apply to any Group having at least 7 members, as recommended by the Independent Remuneration Panel.
11. A summary of the revised Scheme proposed by the Shadow Executive is attached at Appendix A.2.

### **Draft Scheme of Members' Allowances 2009/10**

12. A draft Scheme including details of the recommended approved duties, travel and subsistence allowances and dependants' carers' allowance is attached at Appendix C for the Shadow Council's consideration. The rates of basic allowance and special responsibility allowance, and the duties for which special responsibility allowances would be payable, are as proposed by the Shadow Executive on 20 January 2009.

13. The costs of adopting the Scheme in full in 2009/10 are:

	£
(a) Basic Allowance	740,520
(b) Special Responsibility Allowances	328,887
(c) NI Employer's Contributions	120,000
(d) Dependants' carers' allowance (estimate)	2,000
(e) Travel and subsistence allowances (estimate)	33,000
(f) Co-optees' allowance (estimate)	5,250
(g) Civic allowances	14,025
SUB-TOTAL	<u>1,243,682</u>
(h) Superannuation (estimated employer's contribution, assuming 33% take-up)	75,000
TOTAL	<u>1,318,682</u>

14. The overall cost of £1,318,682 in 2009/10 compares with a total cost of £1,371,123 in 2008/09 across the three legacy authorities (the allowances schemes currently operated by the two district councils plus 60% of the County Council's current scheme), being a reduction of £52,441 or 3.82%.

### **Co-optees', Travel/Subsistence and Carers' Allowances**

15. The scheme as recommended by the Panel provided for the payment of a co-opted member's allowance to any person appointed to a committee or panel of Central Bedfordshire Council. While paragraph 9.1 of the Panel's covering report includes mention of independent members of both schools admission and exclusion appeals and adoption, fostering and permanence panels, these are not co-opted members serving on Council committees and will be subject to different payment arrangements. They have therefore not been included in the final draft Scheme attached.

16. The sum of £5,250 provided in the budget for co-opted members' allowances is an estimate based on the recommended rate of £75 for a half day and £150 for a full day, and may increase according to the number of meetings actually held. The cost of travel, subsistence and dependants' carers' allowances will likewise vary according to actual mileage, usage, etc.

### **Access to the Local Government Superannuation Scheme**

17. The Pensions Regulations 2003 amended the Local Government Pension Scheme Regulations 1997 to enable members of local authorities to be eligible to belong to the pension scheme, acting on the recommendations of its Independent Remuneration Panel. In essence councillors who joined the scheme would be treated as employees and benefits would be payable according to their period of membership of the scheme.
18. The councillors' "pay" in any year may include basic allowance and any special responsibility allowance. The Panel's role is to recommend which members in the local authority are to be entitled to pensions, and also whether basic allowance, or special responsibility allowance, or both, should be treated as amounts in respect of which pensions are to be payable. An eligible councillor would have to positively elect to join the pension scheme. The retirement age for a councillor under the scheme is 70.
19. Any member is eligible to participate in the scheme if the local authority so decides and such members have been recommended by the Independent Remuneration Panel. The government, in introducing the 2003 regulations, indicated that the provisions for pensions take into account the commitment of local councillors, and their contribution to public life. Members of local authorities may have lower personal or occupational pension provision than they might otherwise have had, due to missing out on full-time employment, promotion or other opportunities on account of their public duties. The pensions regulations sought to address any disincentive from serving in local politics.
20. The entitlement for councillors to join the Local Government Pension Scheme varies in the three legacy authorities. Bedfordshire County Council allows its councillors to join the pension scheme and 17 out of 52 are currently in membership. Six former councillors have deferred benefits. There is no similar provision for councillors who serve on either Mid Bedfordshire or South Bedfordshire District Council.
21. If it is agreed that all Central Bedfordshire councillors should have access to the Local Government Superannuation Scheme, provision will be required for employer's contributions. The cost of doing so will depend on take-up, which is clearly unpredictable in advance. A provisional sum of £75,000 has been included in the draft budget at this stage, assuming 33% take-up based on current County Council experience.

### **Retrospective Amendment to the 2008/09 Scheme – Members Appointed as Observers to the Police and Fire Authorities**

22. At the time the Shadow Council approved the Central Bedfordshire Members' Allowances Scheme for the year commencing 1 April 2008 the arrangements for Member representation on the Police and Fire Authorities were not known. It was subsequently confirmed that in both cases Central Bedfordshire Members were to be appointed as observers until 31 March 2009. Whilst not having a vote (unless already appointed by the County Council as a voting member), those members would have a say in debating the Police and Fire Authorities' budget proposals for 2009/10.
23. At the time of writing, the allocation of seats to the Police Authority has still not been settled but five Central Bedfordshire Members have been appointed as observers to the Fire Authority, only one of whom is an existing County Council Member.
24. The Panel was aware that existing Members of the Police and Fire Authorities received allowances from those authorities (as will voting members from 1 April 2009). While the Police and Fire Authorities' own allowances schemes do not provide for the remuneration of Members appointed to serve as observers during the period to 31 March 2009, the Independent Remuneration Panel took the view that they should be similarly remunerated. Paragraph 19 of the Panel's report gives details.
25. If approved, the allowance will be paid pro rata to the period of actual appointment based on the following annual rates:

Bedfordshire Police Authority - £8,487

Bedfordshire and Luton Combined Fire Authority - £2,856

Regulations allow for such amendments to be backdated to the beginning of the year in which they are made.

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**Background Papers:**           None

#### **Appendices:**

- Appendix A.1: Summary of Recommendations of the Independent Remuneration Panel
- Appendix A.2: Revised Scheme Proposed by Shadow Executive on 20 January 2009
- Appendix B: Report and Recommendations of the Independent Remuneration Panel
- Appendix C: Draft Members' Allowances Scheme for the year commencing 1 April 2009

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**Appendix A.1**

**Members' Allowances Scheme 2009/10  
Summary of Recommendations of the Independent Remuneration Panel**

		<b>£ p.a.</b> (all pro rata to period of holding office)
<b>Basic Allowance:</b> (all councillors)		
	1 April 2009 - 7 June 2009 (124 councillors)	5,269
	8 June 2009 – 31 March 2010 (66 councillors)	9,900
<b>Special Responsibility Allowances:</b> (max. one per member except for (a) Deputy Leader if appointed to another position and (b) Licensing/ Regulation Committee Chairman if the same person)		
	Leader (basic allowance x 3)	29,700
		Percentage of Leader's SRA
	Deputy Leader	15% 4,455
	Portfolio Holders	60% 17,820
	Overview & Scrutiny Committee Chairman	40% 11,880
	Development Mgmt. Committee Chairman	40% 11,880
	Audit Committee Chairman	30% 8,910
	General Purposes Committee Chairman	15% 4,455
	Standards Cttee Chairman (independent)	15% 4,455
	Licensing Committee Chairman	7.5% 2,227.50
	Regulation Committee Chairman	7.5% 2,227.50
	Luton & S. Beds Joint Committee Chairman (while a CBC member)	40% 11,880
	Lead Member of TTF (if continuing after 1/4/09)	3,655
	Member of TTF (if continuing after 1/4/09)	1,828
	Minority Group Leaders	148 for each member of the group (minimum of 7 members to qualify)

<b>Civic Allowances:</b>		
	Chairman of the Council (basic allowance x 100%)	9,900
	Vice-Chairman of the Council (basic allowance x 25%)	2,475
<b>Travel Allowances:</b>		
	Car or motorcycle (all engine sizes)	46.9p per mile
	Addition for one Member passenger	12p per mile
	Addition for each further Member passenger	6p per mile
	Pedal cycle	20p per mile
	Public transport	Actual cost
	Taxi (only in cases of urgency or where no public transport is reasonably available)	Actual cost
<b>Subsistence Allowances:</b>		
	Breakfast	6.28
	Lunch	8.65
	Tea	3.42
	Dinner	10.72
<b>Dependants' Carers' Allowance:</b>		
	Child care & non-specialist care	£5.73 per hour (national minimum wage)
	Specialist care	Up to £17.19 per hour
<b>Co-opted Members' Allowance:</b>		
	Up to and including 4 hours' duration	£75.00 per meeting
	Over 4 hours' duration	£150.00 per meeting
<b>Access to Local Government Pension Scheme:</b>		
	Based on basic allowance	recommended
	Based on special responsibility allowances	recommended

## Appendix A.2

### Members' Allowances Scheme 2009/10 Revised Scheme Proposed by Shadow Executive on 20 January 2009

		£ p.a. (all pro rata to period of holding office)
<b>Basic Allowance:</b> (all councillors)		
	1 April 2009 - 7 June 2009 (124 councillors)	5,971
	8 June 2009 – 31 March 2010 (66 councillors)	11,220
<b>Special Responsibility Allowances:</b> (max. one per member except for (a) Deputy Leader if appointed to another position and (b) Licensing/Regulation Committee Chairman if the same person)		
	Leader (basic allowance x 3)	33,660
		Percentage of Leader's SRA
	Deputy Leader	15% 5,049
	Portfolio Holders	60% 20,196
	Portfolio Holder Assistants	7.5% 2,525
	Overview & Scrutiny Committee Chairman	32.5% 10,940
	Overview & Scrutiny Committee Vice-Chairman	7.5% 2,525
	Development Mgmt. Committee Chairman	40% 13,464
	Development Mgmt. Committee Vice-Chairman	7.5% 2,525
	Audit Committee Chairman	32.5% 10,940
	Audit Committee Vice-Chairman	7.5% 2,525
	General Purposes Committee Chairman	15% 5,049
	Standards Cttee Chairman (independent)	15% 5,049
	Licensing Committee Chairman	7.5% 2,525
	Regulation Committee Chairman	7.5% 2,525
	Luton & S. Beds Joint Committee Chairman (while a CBC member)	40% 13,464
	Lead Member of TTF (if continuing after 1/4/09)	3,655
	Member of TTF (if continuing after 1/4/09)	1,828
	Minority Group Leaders	2,525

<b>Civic Allowances:</b>		
	Chairman of the Council (basic allowance x 100%)	11,220
	Vice-Chairman of the Council (basic allowance x 25%)	2,805
<b>Travel Allowances:</b>		
	Car or motorcycle (all engine sizes)	46.9p per mile
	Addition for one Member passenger	12p per mile
	Addition for each further Member passenger	6p per mile
	Pedal cycle	20p per mile
	Public transport	Actual cost
	Taxi (only in cases of urgency or where no public transport is reasonably available)	Actual cost
<b>Subsistence Allowances:</b>		
	Breakfast	6.28
	Lunch	8.65
	Tea	3.42
	Dinner	10.72
<b>Dependants' Carers' Allowance:</b>		
	Child care & non-specialist care	£5.73 per hour (national minimum wage)
	Specialist care	Up to £17.19 per hour
<b>Co-opted Members' Allowance:</b>		
	Up to and including 4 hours' duration	£75.00 per meeting
	Over 4 hours' duration	£150.00 per meeting
<b>Access to Local Government Pension Scheme:</b>		
	Based on basic allowance	recommended
	Based on special responsibility allowances	recommended

**Report and Recommendations of the  
Independent Remuneration Panel –  
Scheme of Members' Allowance for the Year  
Commencing 1 April 2009**

1 Introduction

1.1 At the first meeting of Central Bedfordshire Shadow Council, held on 10 April 2008, authority was given to establishing an Independent Remuneration Panel for the purpose of making recommendations as to a Scheme of Members' Allowances for the Shadow Council for the year commencing 1 April 2008 and for Central Bedfordshire Council for the year commencing 1 April 2009.

1.2 The three constituent authorities each nominated two Members of their own Independent Remuneration Panels to serve on the Central Bedfordshire Panel.

1.3 The persons appointed to the Central Bedfordshire Independent Remuneration Panel were:-

Person Appointed	Nominating Authority
Mr C Bell	Mid Bedfordshire District Council
Dr R Bender	South Bedfordshire District Council
Mrs K Johnson	Bedfordshire County Council
Mr G Lambert	Bedfordshire County Council
Mrs P Mathieson	South Bedfordshire District Council
Mr A Painter M.B.E.	Mid Bedfordshire District Council

1.4 Before the panel met on 4 June 2008 to consider recommendations for the period of the Shadow Council, for the year commencing 1 April 2008, the under-mentioned documents were provided to all members of the Panel with a request that they be retained for use in connection with consideration of the Scheme of Members' Allowances for the year commencing 1 April 2008 and for the year commencing 1 April 2009.

(a) A summary of the Statutory Guidance issued by the Secretary of State concerning The Local Authorities (Members' Allowances) (England) Regulations 2003.

- (b) A suggested Members' Allowances Scheme prepared to indicate the provisions that may be included within a Scheme of Allowances, such as:-
- Renunciation.
  - Part-year entitlements.
  - Suspension/Repayment of Allowances.
  - Claims and Payments.
  - Approved Duties (for which Travelling and Subsistence allowances would be payable).

The suggested Scheme also included the following allowances that may be paid in accordance with the Regulations, although monetary values were not included:-

- Basic Allowance – payable to all Members of the authority.
  - Special Responsibility Allowance – payable to those Members holding a position of significant responsibility.
  - Travelling and Subsistence Allowances
  - Dependants' Carers' Allowances
  - Co-opted Members' Allowances
- (c) A Summary of the main points of the Schemes of Members' Allowances for the year commencing 1 April 2008, as adopted by Bedfordshire County Council, Mid Bedfordshire District Council and South Bedfordshire District Council.
- (d) Information issued by the Local Government Association concerning the results of a survey conducted in the winter of 2006, setting out the average level of each type of allowance paid by authorities, both on a regional level and according to local authority type.
- (e) A copy of the current Members' Allowances Scheme of Bedfordshire County Council.
- (f) A copy of the current Members' Allowances Scheme of Mid Bedfordshire District Council.
- (g) A copy of the current Members' Allowances Scheme of South Bedfordshire District Council.
- (h) Background notes on the Scheme of Members' Allowances adopted by Bedfordshire County Council.
- (i) Background notes on the Scheme of Members' Allowances adopted by Mid Bedfordshire District Council, including details of the formula used by the Panel to calculate the Basic Allowance.

- (j) Background notes on the Scheme of Members' Allowances adopted by South Bedfordshire District Council, including details of the formula used by the Panel to calculate the Basic Allowance.
- (k) Details of the level of allowances paid by all other unitary authorities within the Family Group into which the Audit Commission have placed Central Bedfordshire.

## 2 The Report of the Panel

- 2.1 This report sets out the recommendations of the Independent Remuneration Panel concerning the Members' Allowances Scheme for Central Bedfordshire Council for the year commencing 1 April 2009.
- 2.2 The Panel were aware that Central Bedfordshire Council would come into being on 1 April 2009, being the day on which Mid Bedfordshire and South Bedfordshire District Councils together with Bedfordshire County Council would be wound up and dissolved.
- 2.3 The Panel noted that the 124 Councillors of the predecessor authorities who represented the electoral areas that would be within Central Bedfordshire would continue to be Members of the Shadow Council until the fourth day after the local government election day in 2009. By the time the second meeting of the Panel was held on 10 October 2008, it was known that the Secretary of State had placed an Order before Parliament to postpone the ordinary local government elections due to be held on 7 May 2009 and for them to be combined with the European Parliamentary elections on 4 June. As a result it was known that the membership of the Council would not reduce to 66 Members until the ordinary elections had taken place on 4 June.
- 2.4 The Panel were aware that the Scheme under consideration would commence, in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003 on 1 April 2009, but that the committee structure of the new authority may not be fully established until the first annual meeting of the Council after the elections held in June 2009. The Panel were content that this was not a material consideration for their deliberations as the Scheme of Members' Allowances would provide for the payment of allowances on a part-year basis, with the payment being made pro rata to the number of days for which the office or position was held.

3 The Panel Meeting held 26 September 2008.

The following Panel Members and officers were in attendance at the meeting:

Mr C Bell

Mrs K Johnson

Mr G Lambert

Mrs P Mathieson

Mr A Painter M.B.E.

Stephen Cooke      Electoral/Members' Services Manager, Mid Bedfordshire  
District Council

Rob Mills            Committee and Scrutiny Manager, South Bedfordshire  
District Council

An apology for absence was received from Dr R Bender.

Mr C Bell was appointed Chairman for the ensuing year.

4 Additional Information provided to the Panel

4.1 Prior to the meeting all Members of the Shadow Council were invited to make a written submission to the Panel concerning the Scheme of Members' Allowances for the year commencing 1 April 2009, and, if they so wished, to attend the meeting to explain their submission. Those Councillors who were Members of both a District Council and the County Council were specifically requested to give their estimate of the likely time commitment for Members of Central Bedfordshire Council. Councillors with dual membership were considered better placed to provide an estimate as to the likely time commitment of a Member of the new Unitary Authority. The Leaders of Political Groups represented on the Shadow Council were also invited to make any submission and/or make a personal presentation to the Panel.

4.2 Written submissions were received from three Members who served on a District Council only and three Members who represented both a District Council and the County Council. A submission was also received from the Leader of the Labour Group. Copies of all submissions received were provided to the Panel.

4.3 In addition the Panel were provided with the following information:-

- (a) The Draft Role Descriptions that were under consideration by the Member Development Champions. The Role descriptions included the role and responsibilities of Ward Councillors together with those posts with special responsibilities.



- (b) An update to the Members' Allowances paid by the other Unitary Authorities within the Audit Commission's Family Group. The figures had been updated to show increases for the year 2008/2009 as not all authorities had approved increases to their Scheme at the time that the comparison document was prepared for the Panel when they met to consider their recommendations for a Scheme of Allowances for the Shadow Council for the year commencing 1 April 2008.
  - (c) Details of the Luton and South Bedfordshire Joint Committee and the special responsibility allowance that had been paid to its Chairman by South Bedfordshire District Council during the year commencing 1 April 2008 and previously, when the Chairman was a representative of South Bedfordshire District Council, which arrangement was likely to continue for some time after 1 April 2009.
  - (d) Details of the Civic Allowances paid by the three existing Authorities to their Chairman and Vice-Chairman to meet the expenses of those offices. Whilst this allowance was not covered by The Local Authorities (Members' Allowances) (England) Regulations 2003 and did not form a part of the Scheme of Members Allowances, the Panel were asked to comment upon the level of these allowances as from 1 April 2009.
- 4.4 The Panel then heard presentations from the Leader of the Council and the Leader of the Labour Group concerning the Scheme of Allowances for the period commencing 1 April 2009.
- 4.5 The final presentation to the Panel was made by Councillor Male, on behalf of the Conservative Group, who tabled a detailed document proposing that the Scheme of Allowances be linked to the remuneration package of the Chief Executive. The submission contained a detailed proposal as to how the salary package of the Chief Executive may be used to provide a figure to calculate the level of the basic allowance paid to all Members and also for the special responsibility allowance paid to the Leader of the Council. The submission also provided details as to how the special responsibility allowance of the Leader of the Council may be used to set the level of the allowance for all other positions for which a special responsibility allowance is recommended.
- 4.6 Having heard the presentations and considered the written submissions of Members, the Panel felt that it was necessary to consider a number of matters of general principle before considering recommendations as to the level of any of the allowances within the Scheme.

## 5 The Scheme in General

- 5.1 The Panel considered how the level of the basic allowance may be calculated and discounted the proposal made on behalf of the Conservative Group, to set allowances as a proportion of the remuneration package of the Chief Executive. Members of the Panel were unaware of any other salary or scale of allowances that was linked to the payment of a chief executive. It was considered that such an approach may appear arbitrary and lack transparency. For that reason the Panel decided to adopt a formula by which the basic allowance may be calculated. This approach was considered to be both open and transparent. It was further decided that the formula should take account of the likely time commitment of all Members and the addition of a monetary value would then produce a figure for the allowance.
- 5.2 The Panel were conscious of the Statutory Guidance issued by the Secretary of State which emphasised that it was important that some element of the work of Members should continue to be voluntary and that some hours are not remunerated. The guidance stated “this must be balanced against the need to ensure that financial loss is not suffered by elected members, and further, that despite the input required, people are encouraged to come forward as elected members and their service to the community is retained”. After careful consideration the Panel felt that a reduction of one third, to reflect the voluntary nature of the work of Members, would be appropriate.
- 5.3 The Panel also felt that it would be appropriate to use the Local Government Association’s Daily Rate figure to provide the monetary value for the calculation formula. The figure had been set by the Local Government Association to compensate members attending day-long meetings and had been based upon the median annual increase in average pay rates for full-time employees, as measured by the Annual Survey of Hours and Earnings. The daily rate figure for 2008/2009 was £142.77.
- 5.4 The Panel concluded that the formula used to calculate the basic allowance should be; the average number of hours committed by Members divided by 7.5 to reflect the working day, multiplied by 52 (weeks per year), multiplied by the Local Government Association daily rate and reduced by one third to reflect the voluntary nature of the duties. Given the limited time remaining at this stage of the meeting, the Chairman undertook to produce, from the evidence provided in Members’ submissions and presentations, the average number of hours likely to be required of all Members of the Unitary Authority and report on this to the next meeting of the Panel.

- 5.5 The Panel then considered the question of the reduction in the number of Members following the local government elections in 2009. It was considered that it would be appropriate to calculate the basic allowance on the basis of the 66 Members that would be elected on 4 June 2009. The Panel felt that the monthly cost of the basic allowance for the 66 newly elected Members should be used as the monthly cost for payment of basic allowance for the period in which there were 124 Members. The total monthly cost being divided by 124. The Panel considered that this approach was reasonable as there would be many more Members to carry out the representational role prior to the elections being held and the monthly cost of the basic allowance would be the same both before and after the local government elections.
- 5.6 For Special Responsibility Allowances the Panel felt that there should be no more than one such allowance paid to any Member. However due to the possibility of the Deputy Leader of the Council being a Portfolio Holder, the Panel felt that there should be exceptions to this general principle. The exceptions agreed by the Panel are set out in paragraph 14.4(i) to this report.
- 5.7 The Panel noted that information had not been received from all authorities within the Audit Commission's Family Group concerning access for Members to the Local Government Pension Scheme. It was therefore requested that further information to be obtained on this subject for consideration at its next meeting.

## 6 Travel and Subsistence Allowances

- 6.1 The Panel recalled that in making recommendations to the Shadow Council with regard to Travelling and Subsistence Allowances for the year commencing 1 April 2008, it had been agreed to set rates in accordance with those paid to local government staff, as shown below:-

### Mileage Allowances

Car or Motorcycle Engine Size	Per Mile
Not exceeding 999 cc	42.9p
1000 to 1199 cc inclusive	46.9p
Over 1200 cc and over	58.7p

In addition an additional allowance of 3p per mile where another Member, to whom a travelling allowance would be payable, is conveyed and an additional 2p for a second and each subsequent Member.

### Subsistence Allowances

Breakfast allowance	£6.28
Lunch allowance	£8.65
Tea Allowance	£3.42
Dinner allowance	£10.72

Claims for subsistence allowances are regulated as to the number of hours away from home and time of the day, as detailed within Schedule 3 to the Scheme of Members' Allowances.

- 6.2 The Panel felt it appropriate that allowances for Members should be linked to the rates paid to staff as fixed nationally by the National Joint Council for Local Government Staff. It was noted however that the Scheme of Members' Allowances adopted by Bedfordshire County Council fixed the payment of all mileage allowances at the figure specified for vehicles with an engine size up to 1199 cc. The Panel felt that for environmental reasons the Council should be recommended to adopt this approach to the payment of Members' mileage allowances. The Panel recommended that mileage rates should be as shown in sub-paragraph (a) below but that as an incentive to car sharing, the Panel also recommended that allowances for conveying other Members on approved duties should be significantly increased to those shown in sub-paragraph (b) below:-

#### Mileage Allowances

- (a) Irrespective of car or motorcycle engine size 46.9p per mile
- (b) An additional allowance of 12p per mile where another Member, to whom a travelling allowance would be payable, is conveyed and an additional 6p for a second and each subsequent Member.

## 7 Approved Duties

- 7.1 The Panel noted that Schedule 2 to the Members' Allowances Scheme for the year commencing 1 April 2008, listed the duties for which Members may claim travelling and subsistence allowances. The inclusion of the information within the Schedule had been to take account of the exceptional circumstances that existed as a result of the creation of the Shadow Council and had excluded reference to the appointment of Members to serve on outside bodies. The Panel also noted that Transitional Task Forces had been included within the Schedule for the period of the Shadow Council, but that Task Forces and similar bodies should be included within Schedule 2 for the year commencing 1 April 2009, in case such bodies were established by the new Authority.

7.2 As a result it was recommended that the list of approved duties within Schedule 2 to the Scheme of Members' Allowances be amended for the year commencing 1 April 2009 as follows:

- (a) That all references to the word "Shadow" be removed from the Scheme and that the word "Transitional" be omitted before the words "Task Forces".
- (b) That the list of approved duties include a provision to enable the payment of both travel and subsistence allowances incurred in connection with 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.

## 8 Dependants' Carers' Allowance

8.1 The Panel noted that the Shadow Council when considering the Scheme of Allowances for the year commencing 1 April 2008, amended the recommendation made by the Panel in relation to Dependants' Carers' Allowances so that the maximum hourly allowance for care of a non-specialist nature, be linked to the national minimum wage figure, being £5.52 at 1 April 2008, rising to £5.73 as from 1 October 2008.

8.2 As there was no evidence to suggest that the provisions contained within the Scheme of Allowances for the year commencing 1 April 2008, were inappropriate the Panel recommended the following:-

- (a) that where care is required for children or is of a non-specialist nature for dependant relatives; the maximum hourly payment be at the rate set and from time to time amended by the Department for Business Enterprise and Regulatory Reform as the National Minimum Wage for workers aged 22 and over, being the sum of £5.73 per hour as from 1 October 2008; and,
- (b) that where specialist care services are required, and the Director of Corporate Resources is satisfied that such care is necessary, the maximum hourly rate be up to three times the rate for non-specialist care (£17.19 per hour as from 1 October 2008).

## 9 Co-opted Members Allowance

9.1 The Panel noted that Co-opted Members would be required to serve on the following bodies:-

- (a) Standards Committee.
- (b) The Overview and Scrutiny Committee dealing with education matters, including representatives of the Church and Parent Governors.

- (c) School Appeal and Exclusion Panels.
- (d) Adoption, Fostering, and Permanence Panels.

9.2 For the period of the Shadow Authority the only Co-opted Members were those appointed to the Standards Committee for whom an allowance of £120 per meeting or training event had been recommended and duly approved and adopted by the Shadow Council.

9.3 Given the increase in the number of Co-opted Members and the likely differences in time commitment depending on the body concerned, the Panel recommended the adoption of a more flexible approach to the payment of the allowance, to take into account the possible differences in the number and duration of meetings. The Panel noted for example that School Appeal and Exclusion Panels often met for a full day to consider a number of appeals.

9.4 For this reason the Panel felt that the allowance for Co-opted Members should be paid according to attendance and also that the rate paid should depend upon the duration of the meeting, as shown below:-

- (a) For a meeting of up to 4 hours duration                      £75
- (b) For a meeting lasting for more than 4 hours                      £150

## 10 Adjournment of the Meeting

10.1 At this time the meeting was adjourned until the 10 October, a date that had already been set in case the Panel was unable to complete its deliberations at a single meeting.

## 11 The Panel Meeting held 10 October 2008.

The following Panel Members and officers were in attendance at the meeting:

Mr C Bell (Chairman)

Mrs K Johnson

Mr G Lambert

Mrs P Mathieson

Mr A Painter M.B.E.

Stephen Cooke            Electoral/Members' Services Manager, Mid Bedfordshire District Council

Rob Mills                      Committee and Scrutiny Manager, South Bedfordshire District Council

An apology for absence was received from Dr R Bender.

12 Additional Information provided to the Panel

12.1 The Panel was informed that the Secretary of State had placed before Parliament an Order to combine the local government elections due to be held on 7 May with the European Parliamentary elections due to be held in June 2009. The first election of Councillors to Central Bedfordshire Council would therefore not take place until 4 June 2009, with those elected taking office on 8 June.

12.2 A resume of the decisions taken at the meeting of the Panel held on 26 September was circulated and included additional information, in accordance with the request of the Panel, relating to access to the Local Government Pension Scheme for those Councillors who were Members of authorities within the Audit Commission's Family Group that Central Bedfordshire will join.

13 Basic Allowance

13.1 The Chairman reported that he had collated the information relating to time commitment provided by Members to the meeting of the Panel held on 26 September. Following minor changes, the figures set out in the table below were agreed:

Activity	Weekly	Monthly	Quarterly
Attend Full Council Meeting (inc. travel time)			4
Prepare for Council Meeting			2
Group Meeting			5
Attend Committee, Sub-Committee, Panel, etc. Meetings (inc. travel time)		8	
Prepare for Committee, Sub-Committee, Panel, etc. Meetings		4	
Constituency Surgeries			3
Constituency Casework (includes e-mails, telephone calls, etc with residents & ward/parish organisations)	7.5		
Reading agendas, minutes, reports & other papers	2.5		
Other Bodies ( e.g. school governor)		6	
Total Hours	10	18	14
	x52	x12	x4
Total Hours Annually	520	216	56
Total Hours (520 + 216 + 56) = 792			
Weekly Average (792 / 52)			15.2

- 13.2 The Panel therefore agreed that the average time figure to be added to the formula constructed at the adjourned meeting should be 15 hours per week which would provide a basic allowance of £9,900, calculated as shown below:

Average hours = 15  
 Divide by hours in average working day =7.5  
 Multiply by 52 weeks  
 Multiply by Local government Association Daily Rate £142.77  
 Less one third to reflect voluntary nature of the duties

- 13.3 The Panel then compared the figure produced by the formula against the average basic allowance paid by all other members of the Audit Commission’s Family Group. It was noted that the figure of £9,900 was greater than the Family Group average figure of £8,054. The highest basic allowance in the Group being £11,976 and the lowest being £5,980. It was also noted that the Family Group figures were for the year commencing 1 April 2008 and would be likely to increase, in line with the rate of inflation, for the year commencing 1 April 2009.
- 13.4 The Panel then compared the figure produced by the formula with the basic allowances paid in 2008/2009 by the three constituent authorities, details of which are shown below:

Authority	Basic Allowance – 2008/2009
Bedfordshire County	£9,385
Mid Bedfordshire District	£6,450
South Bedfordshire District	£3,838

- 13.5 It was noted that the figure of £9,900 was greater than the basic allowance paid by Bedfordshire County Council for the current financial year which the Panel considered to be appropriate given the additional services for which the Unitary Authority would be responsible. The Panel also took into consideration that the electoral arrangements for the unitary authority provided at least two councillors per ward whereas the County Council’s electoral divisions were in the main represented by a single councillor.
- 13.6 Finally for the purpose of comparability the Panel considered the allowances paid to Members by the Bedfordshire Police Authority and the Bedfordshire and Luton Combined Fire Authority which were as set out in the table below.



Authority	Basic Allowance	Special Responsibility Allowances
Bedfordshire Police	£8,487	Chairman £16,974
Bedfordshire and Luton Combined Fire	£2,856	Chairman £14,277

13.7 The Panel noted particularly the level of the basic allowance paid by the Police and Fire Authorities and given the much wider role of a unitary councillor in comparison, felt that these figures supported the level of the basic allowance that had been calculated in respect of Central Bedfordshire by the formula adopted.

13.8 The Panel therefore recommended that the basic allowance paid to all Members for the period commencing on the fourth day after the local government election day on 4 June 2009, be £9,900 per annum, paid pro rata to the number of days served. The Panel also recommended that for the period from 1 April 2009 until the fourth day after the election day, based on the principle agreed at paragraph 5.5 above, each Member be paid the sum of £5,269 per annum, pro rata to the number of days served.

#### 14 Special Responsibility Allowances

14.1 The Panel noted the criteria within the statutory guidance concerning the payment of special responsibility allowances which stated, that a local authority may make provision within its scheme for the payment of such allowances to those councillors who have significant responsibilities. It was also noted that where one political group is in control, and where an authority has decided to pay special responsibility allowances, the authority must make provision for the payment of a special responsibility allowance to at least one member of a minority group.

14.2 The Panel recalled that when considering the payment of special responsibility allowances for the period of the Shadow Council, the figure set for the Deputy Leader of the Council, reflected the exceptional circumstances that existed during the transition period, together with the unusually high number of Members. Whilst the Deputy Leader was not at that time associated with a portfolio, it was felt that the position would be highly influential in the creation of Central Bedfordshire Council and the special responsibility allowance, of 75% of the Leader's allowance, recommended by the Panel reflected this.

14.3 The Panel also recalled that in making its recommendations for all posts considered to have significant responsibilities, it was understood that exceptional circumstances existed in creating a new authority within a one year period and for that reason the Panel had included within its report a caution that the recommendations for special responsibility allowances for the year of transition could not be taken as a guide or precedent as to the level of allowances that may be recommended for the year commencing 1 April 2009.

14.4 The Panel then referred to the Draft Role Descriptions that were under consideration by the Member Development Champions and gave consideration as to the posts for which the payment of a special responsibility allowance would be appropriate. The table below sets out the posts recommended by the Panel for the payment of this allowance.

- (a) Leader of the Council
- (b) Deputy Leader of the Council
- (c) Portfolio Holders
- (d) Overview and Scrutiny Committee Chairmen
- (e) Development Control Committee Chairman/Chairmen
- (f) Audit Committee Chairman
- (g) General Purposes Committee Chairman
- (h) Standards Committee Chairman
- (i) Licensing Committee Chairman
- (j) Regulation Committee Chairman
- (k) Minority Group Leaders
- (l) Lead Members of Transitional Task Forces
- (m) Members of Transitional Task Forces
- (n) Luton and South Bedfordshire Joint Committee Chairman

#### Notes

In determining the positions for which a special responsibility allowance was considered appropriate by reason of significant additional responsibility the Panel wished it to be noted:

- (i) that an exception to the principle of paying only one special responsibility allowance to any Member be made in the case of the Deputy Leader of the Council and also any Member who may be appointed as Chairman of both the Licensing Committee and the Regulation Committee,

- (ii) that whilst the Council remained undecided as to the number of Development Control Committees that should be established, the Panel felt that should there be two or more such Committees the responsibility of the Chairman of each would be at the same level as a Chairman appointed for a single Development Control Committee. As a result the allowance for each Chairman of a Development Control Committee, should there be two or more, should be at the level indicated in paragraph 14.7 of this report.
- (iii) that the allowance for the Chairman of the Standards Committee was recommended in the knowledge that the Chairman must be an Independent Co-opted Member and that the allowance in paragraph 14.7 below should be paid to the Chairman of the Committee and not the allowance mentioned in paragraph 9.4 above.
- (iv) that the allowances made available in the Scheme for the year commencing 1 April 2008, in respect of the Chairmen and Members of Transitional Task Forces, be retained within the Scheme of Allowances for the year commencing 1 April 2009, in case the work of those bodies should continue after that date.
- (v) that where the Chairman of the Luton and South Bedfordshire Joint Committee was a representative of Central Bedfordshire Council, a special responsibility allowance should be paid in view of the significant responsibility of this post which it was also noted rotated annually between the two constituent authorities.

14.5 Having determined the posts for which it was considered there was significant additional responsibility the Panel considered how the allowance may best be calculated. It was decided that it would be appropriate to set the allowance for the Leader of the Council and then to set an allowance for each other post as a proportion of the Leader's allowance.

14.6 After careful consideration the Panel determined that the value of the allowance paid to the Leader of the Council should be set at three times the level of the basic allowance making an allowance of £29,700.

14.7 The allowances for the other posts considered appropriate for the payment of a special responsibility allowance were as set out below:

Position	Percentage of Leader's allowance	Value of Allowance
Leader of the Council		£29,700
Deputy Leader of the Council	15%	£4,455
Portfolio Holders	60%	£17,820
Overview and Scrutiny Committee Chairmen	40%	£11,880

Development Control Committee Chairman/Chairmen	40%	£11,880
Audit Committee Chairman	30%	£8,910
General Purposes Committee Chairman	15%	£4,455
Standards Committee Chairman	15%	£4,455
Licensing Committee Chairman	7.5%	£2,227.50
Regulation Committee Chairman	7.5%	£2,227.50
Luton and South Bedfordshire Joint Committee Chairman	40%	£11,880
Lead Members of Transitional Task Forces	Continuation of the allowance set for the period of transition	£3,655
Members of Transitional Task Forces	As above	£1,828
Minority Group Leaders	See Note below	

Note:

In respect of the Leaders of Minority Groups the Panel felt that for a Minority Group Leader to qualify for a special responsibility allowance, they must have at least 7 Members within their Group. The allowance would then be calculated on the basis of 0.5% of the Leader's allowance (£148) for each Member of the Group.

## 15 Access to the Local Government Pension Scheme

- 15.1 The Panel noted from the additional information that had been obtained from the 15 Unitary Councils within the Family Group, that all but four provided access for their Members to the Local Government Pension Scheme. Approximately one third of Members of the authorities had taken advantage of this opportunity. It was also noted that of the constituent authorities, Bedfordshire County Council had provided access for its Members to the Pension Scheme whilst the two District Councils had not.
- 15.2 It was noted that the anticipated rate for employers' contributions as from 1 April would be 21.9%.
- 15.3 The Panel considered the additional cost of employer contributions that would be required as a result of providing access for Members to the Local Government Pension Scheme but felt that it would be potentially discriminatory not to make this benefit available to those Members under the age of 70 years (statutory maximum age limit) who wished to become a "councillor member" of the Scheme.

15.4 The Panel recommended that all Councillors of Central Bedfordshire be given the opportunity, subject to meeting the statutory age criteria, and that both basic and special responsibility allowances be taken into account for pension purposes.

## 16 Civic Allowances

16.1 The Panel was advised that the payment of allowances to the Chairman and Vice-Chairman of the Council were not subject to the Members' Allowances Regulations and were set and paid as civic allowances, in accordance with sections 3(5) and 5(4) to the Local Government Act 1972. The purpose of the allowances was explained to the Panel which was requested to consider making a recommendation to the Council as to the level of these civic allowances for the year commencing 1 April 2009.

16.2 The level of the allowances paid by the constituent authorities for the year commencing 1 April 2008 was noted as:

Authority	Chairman's Civic Allowance	Vice-Chairman's Civic Allowance
Bedfordshire County	£13,811	£5,520
Mid Bedfordshire District	£5,520	£1,560
South Bedfordshire District	£8,565	£3,212

16.3 The Panel recommended that the level of the allowances be set by reference to the basic allowance paid to all Members and that the allowance for the Chairman be set at 100% of the basic allowance (£9,900) and that the allowance for the Vice-Chairman be set at 25% of the basic allowance (£2,475).

## 17 Overview

17.1 Having completed its considerations the Panel wished it to be noted that it had not attempted to calculate the total cost of implementing its recommendations. The Panel was aware that the budgetary implications of adopting the Scheme, as recommended, would be a matter for consideration by the Shadow Executive prior to the adoption of a Scheme being considered by the Shadow Council. The Panel felt that the Shadow Executive would wish to ensure the affordability of the Scheme, measure the cost against those of the Schemes currently adopted by the constituent authorities and finally ensure that the recommendations were in harmony with any information contained within the bid made to the Government to create the Unitary Authority.

17.2 The Panel also commented upon the difficulty of making its recommendations due to the lack of positive information as to the time commitment that will be required of the 66 Members of the new authority and to some degree the level of responsibility for each of the posts for which a special responsibility allowance had been recommended. For those reasons the Panel felt that information should be collected during the first year of operation of the new authority to enable a fundamental review of the Scheme to be carried out before recommendations are made for the year commencing 1 April 2010.

18 The Scheme as Recommended

18.1 A copy of the Scheme as now recommended by the Panel is attached as an Appendix to this report.

19 Amendment to the Scheme of Members' Allowances for the Year Ending 31 March 2009

19.1 The Panel was requested to consider making a recommendation to the Shadow Council to amend the Members' Allowances Scheme for the year ending 31 March 2009 to enable the payment of an allowance to those Members nominated by the Shadow Council to serve as observer members of the Bedfordshire Police Authority or the Bedfordshire and Luton Combined Fire Authority. Whilst both the Police and Fire Authorities had approved schemes of Members' Allowances, they would be unable to pay any allowances to observer members nominated by the successor authorities.

19.2 It was noted that the appointment of observer members to the Police Authority had been delayed as a result of the number of observer members that each of the successor authorities may appoint having been referred to the Home Secretary for determination. It was understood that observer members would not have voting rights for the period ending 1 April 2009, when Central Bedfordshire would come into being.

19.3 The Panel recommended that the Scheme of Members' Allowances for the Year Ending 31 March 2009 be amended to enable both a special responsibility allowance, and travelling and subsistence allowances to be paid to observer members appointed to either the Bedfordshire Police Authority or the Bedfordshire and Luton Combined Fire Authority.

19.4 In considering the value of the special responsibility allowance, the Panel recommended that this be at the rate set for the basic allowance for existing members of Bedfordshire Police Authority and Bedfordshire and Luton Combined Fire Authority and paid pro rata according to the number of days for which the appointment would be valid, subject to no additional payment being made where an existing Member of either the Bedfordshire Police Authority or the Bedfordshire and Luton Combined Fire Authority is appointed by the Shadow Council as an observer member.

19.5 The Panel noted that the basic allowances paid by Bedfordshire Police Authority and Bedfordshire and Luton Combined Fire Authority for the year ending 31 March 2009 were:

(a)	Bedfordshire Police Authority	£8,487
(b)	Bedfordshire and Luton Combined Fire Authority	£2,856

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# **Creating Central Bedfordshire**

## **Draft Members' Allowances**

### **Scheme for the year commencing**

**1 April 2009**

## **MEMBERS' ALLOWANCES SCHEME**

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# CENTRAL BEDFORDSHIRE COUNCIL

## MEMBERS' ALLOWANCES SCHEME

The Central Bedfordshire Shadow Council, in exercise of the powers conferred by The Bedfordshire (Structural Changes) Order 2008 and 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 for the financial year commencing on 1 April 2009.

### 2. **Definitions**

In this scheme,

2.1 "Councillor" means a member of the 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 or a Panel.

### 3. **Basic Allowance**

3.1 The basic allowance payable to all Councillors shall be at the rates set out below:

- (a) for the period from 1 April 2009 until 8 June 2009 the allowance shall be paid pro rata to an annual sum of £5,971
- (b) for the period from 8 June 2009 until 31 March 2010 the allowance shall be paid pro rata to an annual sum of £11,220

### 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 paragraph 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 exceptions noted below, no Councillor may receive more than one special responsibility allowance:
- (a) 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, and
  - (b) if the same Councillor is appointed as the Chairman of both the Licensing Committee and the Regulation Committee, that Councillor may be paid the special responsibility allowances for both posts 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 Councillor to basic, and special responsibility allowances where in the course of the year commencing 1 April 2009 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 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 payments 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 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 entitlements 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.

9.2 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**

With the exception of the Chairman of the Standards Committee, for whom a special responsibility allowance is payable, each person appointed to a Committee or Sub-Committee 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. **Annual Review**

This scheme will be reviewed by an independent remuneration panel in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003, prior to 1 April 2010.

## SCHEDULE 1

### SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:-

	£
Leader of the Council	£33,660
Deputy Leader of the Council	£5,049
Portfolio Holders	£20,196
Portfolio Holder Assistants	£2,525
Overview and Scrutiny Committee Chairmen	£10,940
Overview and Scrutiny Committee Vice-Chairmen	£2,525
Development Management Committee Chairman	£13,464
Development Management Committee Vice-Chairman	£2,525
Audit Committee Chairman	£10,940
Audit Committee Vice-Chairman	£2,525
General Purposes Committee Chairman	£5,049
Standards Committee Chairman	£5,049
Licensing Committee Chairman	£2,525
Regulation Committee Chairman	£2,525
Luton and South Bedfordshire Joint Committee Chairman	£13,464
Lead Members of Transitional Task Forces	£3,655
Members of Transitional Task Forces	£1,828
Minority Group Leaders (see Note 1)	£2,525

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.



## **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 or training.

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 Portfolio Holders.
- (c) Chairman's Briefing meetings for Council, Executive, Committees, Sub-Committees, Task Forces etc. for Chairmen and Vice-Chairmen, Portfolio Holders, other 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, Portfolio Holders, Group Leaders, with the Chief Executive, Deputy Chief Executive, Directors, Heads of Staff, 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 Shadow Council (or substituting for either office holder) when the official car is not used.

- 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 by Councillor's Own Car**

If the use of a councillor's own vehicle (i) results in substantial saving of his/her time, or (ii) is in the interests of the council, or (iii) is otherwise reasonable, a councillor may claim:-

	per mile
For a car or motorcycle irrespective of engine size	46.9p

The above rate, which is fixed at the same level as the rate prescribed by the National Joint Council for local government staff, for a vehicle with an engine size of up to 1199cc, will be amended during the year ending 31 March 2010 in line with any change recommended by the National Joint Council for the payment of local government staff.

If a councillor conveys other councillors, (to whom a travelling allowance would be payable, he/she may claim an additional 12p per mile for the first councillor and 6p per mile for the second and each subsequent councillor.

A councillor may claim for the mileage necessarily and reasonably incurred in travelling to and returning from meetings, site visits, etc. from his/her normal place of residence.

A councillor may claim the actual amount spent on parking fees, and expenses incurred for the purpose of overnight parking whilst away from home. Receipts must be obtained and included with the claim.

#### **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 April 2009)

Councillors may claim the amounts actually spent up to those shown below:-

Breakfast allowance (more than 4 hours away from normal place of residence before 11 am)	£6.28
Lunch allowance (more than 4 hours away from normal place of residence, including the lunchtime between noon and 2.30 pm)	£8.65
Tea allowance (more than 4 hours away from normal place of residence including the period 3 pm to 6 pm)	£3.42

**Or**

Evening meal allowance (more than 4 hours away from normal place of residence, ending after 7 pm)	£10.72
---	--------

When main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the times specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

The limitations on reimbursement are:

- (a) for breakfast, an absence of more than 4 hours, before 11 am.
- (b) for lunch, an absence of more than 4 hours, including the period between 12 noon and 2 pm.
- (c) for dinner, an absence of more than 4 hours, ending after 7 pm.

## **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 Enterprise and Regulatory Reform or its successor as the National Minimum Wage for workers aged 22 and over, being the sum of £5.73 per hour as from 1 October 2008;
  - (b) where specialist care services are required, and the Director of Corporate Resources is satisfied that such care is necessary, the hourly rate will be up to three times the rate for non-specialist care, £17.19 per hour as from 1 October 2008.
2. Councillors shall be reimbursed up to a maximum of 12 hours per week, 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.

<b>SHADOW COUNCIL</b>
<b>26 FEBRUARY 2009</b>

<b>SUBJECT</b>	<b>CENTRAL BEDFORDSHIRE CONSTITUTION AND INTERIM GOVERNANCE ARRANGEMENTS</b>  (To approve and adopt the Constitution of Central Bedfordshire Council together with the interim governance arrangements during the period 1 April to 7 June 2009.)
<b>REPORT OF</b>	<b>Constitution and Governance Working Group</b>
<i>Contact Officer: Kathrin John Tel: 01462 611033</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None arising directly from consideration of this report.
<b>FINANCIAL</b>	The implications relating to the new Scheme of Members' Allowances were dealt with earlier on this agenda.
<b>LEGAL</b>	Local Government Act 2000 and supporting guidance, Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Bill.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	Account has been taken of the provisions of the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Bill.
<b>TRADES UNION</b>	None
<b>HUMAN RIGHTS</b>	No proposals are believed to conflict with the Human Rights Act.

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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<b>RECOMMENDATION(S):</b>
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<p>The recommendations are set out at Document 2 of the report of the Constitution and Governance Working Group (enclosed separately).</p>
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## **Background**

1. The recommendations made by the Constitution and Governance Working Group in relation to the adoption of the Constitution are set out in the report of the working group, which together with supporting documents including a full copy of the draft Constitution and the draft Ethical Handbook has been circulated separately to all Members of the Shadow Council with this agenda.
2. Members are asked to note that the draft Constitution and Ethical Handbook have yet to be fully formatted in the corporate housestyle / branding. The document will also be subject to further proofreading prior to publication.

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***Background Papers:*** Local Government Act 2000 and supporting guidance, Local Government and Public Involvement Health Act 2007 and the Local Democracy, Economic Development and Construction Bill

***Location of Papers:*** Priory House, Monks Walk, Shefford

***File Reference:*** N/A





# Report of the Constitution and Governance Working Group

12 February 2009



# Report of the Constitution and Governance Working Group Document Index

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**Report of the Constitution and Governance Working Group  
January 2009**

**Executive Summary**

1. The Corporate Resources Transitional Task Force established the Constitution and Governance Working Group to formulate the new Constitution for Central Bedfordshire and to recommend a draft document to the Council for approval. The terms of reference of the working group are attached at document no. 4.
2. The report of the working group is attached at document no. 3
3. The working group established at an early stage that it was minded to follow the proposals set out in the Joint Proposal for Unitary Local Government in Central Bedfordshire unless good evidence could be provided to justify why a departure from those proposals was in the best interest of the Authority.
4. The report outlines the methodology used by the working group in undertaking its task which included a series of five consultations sent to all Members of the Council on the key principles under consideration, namely:
  - Format of the Constitution
  - Initial proposals for governance arrangements
  - Full Council meetings
  - Executive meetings
  - Rules for decision making
  - Overview and Scrutiny
  - Budget and Policy Framework and Procedure Rules
  - Responsibility for Functions
  - Times of Council meetings
  - Development Management
  - Ethics and Standards

The responses to each consultation were considered by the working group at its next meeting and taken into account in determining how to proceed in respect of the principles.
5. The draft Constitution now before the Council has been developed over an eight month period. The accompanying report highlights the key principles considered by the working group now embodied within the draft Constitution.

6. In line with the provisions within the Joint Proposal for Unitary Local Government in Central Bedfordshire, the draft Constitution provides for an indirectly elected "strong" leader model. Under the "strong" leader model, the leader has power to appoint and remove executive members, determine portfolios and delegate executive functions. The working group has therefore been mindful of the need to ensure that appropriate checks and balances are in place to counter the increased power of the executive through the strong leader model. The working group has also taken the view that establishing a governance structure in which decisions can be taken quickly and with minimum of bureaucracy, should be balanced by the need to ensure clear accountability for decision making and to preserve the role of elected councillors in determining matters of policy and strategy and being consulted in respect of decisions which clearly impact on or significantly affect their ward.
7. The working group's report sets out its proposals in more detail but in summary, the draft Constitution now before Members provides for:-
- An indirectly elected leader (initial 2 year term to 2011 with a four year term thereafter)
  - Provision for the Council to dismiss the leader on the basis of a notice of motion to Council submitted by 10 members (if the motion is approved)
  - Adoption of the statutorily required "strong leader" model whereby the leader has the power to:-
    - Determine the size and composition of the Executive (ie; appoint (and dismiss) the deputy leader and other members to serve upon the Executive)
    - Determine the portfolio structure and to vary that structure at any time and allocate portfolios to individual members of the Executive
    - Delegate executive functions to an individual Portfolio holder, committees of the Executive or an officer.
  - The right for all members of the Council to speak once on any item being considered by the Executive with further speaking being at the discretion of the Leader

- Enhanced opportunities for Member participation in full Council meetings including:-
  - Written questions
  - Oral question time for questions to the leader, portfolio holders, chairman of any committee or representative on the Police and Fire Authorities
  - Ward presentations
  - Strategic policy debates
  - Notices of motion
  
- Budget and Policy Framework comprising strategic plans and policies most closely related to the Council's identified aims and priorities and sufficient to provide checks and balances to the increased power of the Executive.
  
- Full Council responsibility for adopting and amending the Constitution with a Constitution Advisory Group in place to review and make recommendations thereon to full Council.
  
- Five overview and scrutiny committees aligned to the organisational structure as follows:-
  - Business Transformation Overview and Scrutiny Committee
  - Children, Families and Learning Overview and Scrutiny Committee
  - Corporate Resources Overview and Scrutiny Committee
  - Social Care, Health and Housing Overview and Scrutiny Committee
  - Sustainable Communities Overview and Scrutiny Committee
  
- An Overview and Scrutiny Management Panel comprising the chairmen and vice-chairmen of each of the above committees to co-ordinate the work of the committees
  
- A comprehensive call-in procedure allowing call in by either:-
  - An individual member where a decision has particular significance for that member's ward; or
  - The chairman of the relevant overview and scrutiny committee; or
  - Any two members of the relevant overview and scrutiny committee; or
  - Any three non-executive members of the Council.

- The establishment of a range of regulatory and other committees including:-
    - Development Management Committee
    - Regulation Committee
    - Licensing Committee
    - Standards Committee
    - Appeals Committee
    - Audit Committee
  - A Scheme of Officer Delegation which includes general limitations and conditions and sets out the circumstances in which officers are expected to consult with/or inform members.
  - A public participation scheme providing for:
    - Public questions and statements, (both general and specific to agenda items)
    - Deputations; and
    - Petitions (including provision for petitions to be debated, for the relevant body to decide the course of action to be taken to respond to the petition and for the lead petitioner to request that the adequacy of the response be reviewed by the relevant overview and scrutiny committee)
    - A separate scheme of public participation for Development Management Committee
  - A Protocol on Member/Officer Relations which defines the timescales within which officers will endeavour to provide a substantial response to a Member's enquiry.
8. The draft Constitution has been subject to an external "health check" by Clear Lloyd-Jones of Rockpools who was able to offer an assurance that the document meets statutory requirements and is fit for purpose for a unitary authority of the size and nature of Central Bedfordshire.
9. In addition to considering the draft Constitution, it is necessary for the Council to determine the governance arrangements which will operate in the period from 1 April to the elections in June 2009. DCLG has indicated that its policy intention is that the Shadow Executive shall continue in its current form during this second transitional period. This is due to be confirmed by amendment order shortly. However the Council will be exercising full local authority powers from 1 April and therefore needs to establish certain regulatory committees. The proposals for governance during the second transitional period are set out in paragraph 8 of the working group's report.



**Recommendations**

1. That the draft Central Bedfordshire Constitution, as now submitted at document no. 7, be approved and implemented either with effect from 1 April 2009 or 8 June 2009, as appropriate, as provided in recommendation 3 below.
2. (a) That the Ethical Handbook, now submitted at document 8, be approved and implemented with effect from 1 April 2009; and  
  
(b) That in so doing, the Council specifically resolves to adopt the Indemnity for Members and Officers of the Council, as set out in Part 6 of the Ethical Handbook.
3. That the interim governance arrangements for the period 1 April to 7 June 2009, as set out in the Schedules attached at document no. 6, be adopted.
4. That a Constitution Advisory Group be established to advise the Council upon any amendments required to the Constitution.
5. That in the period 1 April to 7 June, the Monitoring Officer, in consultation with the Advisory Group, be authorised to amend the Constitution to reflect any urgent, statutory consequential or other necessary changes which may be required in the light of experience of operation, and which will not admit of delay to the Annual meeting of the Council in June 2009.
6. That the principle of establishment of a small number of positions (up to 5) of Assistant Portfolio holders, whose role is to support the Portfolio holder workloads but not to substitute in any Executive decision making capacity, be supported.

## Report of the Constitution and Governance Advisory Group

### 1. *Introduction*

- 1.1 The Corporate Resources Task Force, at its meeting held on 2 May 2008, agreed to appoint a working group to formulate the draft Constitution for Central Bedfordshire.
- 1.2 The working group comprises Cllr Steve Male (Chairman), Cllrs Maurice Jones (Corporate Resources Portfolio holder), Cllr David Jones and Cllr Paul Record. Cllr David Lawrence has acted as substitute for Cllr Record. Cllr Alan Shadbolt has also attended the majority of meetings.
- 1.3 The terms of reference of the working group are attached at document no 4. Whilst the terms of reference provide for the Working Group to report via the Corporate Resources Transitional Task Force in view of time constraints it was agreed that the Working Group's recommendations would be submitted direct to the Council.
- 1.4 The working group has met on 9 occasions and the agenda and notes of its meetings can be inspected on the Library section of the public committee system area of the Central Bedfordshire website at <http://committees.midbeds.gov.uk:9071/ecCatDisplay.asp?sch=doc&cat=12865&path=0>

### 2. *Methodology*

- 2.1 At its first meeting the working group considered the mechanism for development and approval of the constitution. The working group noted that whilst ordinarily in developing or reviewing the constitution the opportunity would be taken to seek the views of a range of Council bodies such as the Executive and Scrutiny Committee, the situation in Central Bedfordshire was unique and given the very short timescales available before vesting day and the vast amount of work to be undertaken, the Shadow Executive and Scrutiny Committee would be required to adopt a very strategic approach to their duties.
- 2.2 The working group recognised however that it was essential that all members of the Council should be given an opportunity to make an input into the formulation of the draft Constitution. It was therefore concluded that the working group should develop proposals in relation to the key principles to be considered in respect of the Constitution and that a consultation upon those principles should then be sent to all members of the Council. The working group would then revisit those principles at its next meeting in the light of the responses received from members to that consultation.

2.3 Accordingly consultation took place upon the following areas:-

*First Consultation – 6 August 2008*

- Format of Constitution
- Initial proposals for governance arrangements

*Second Consultation – 27 August 2008*

- Full Council meetings
- Executive meetings
- Rules for decision making

*Third Consultation – 6 October 2008*

- Overview and Scrutiny function
- Budget and Policy Framework Procedure Rules
- Responsibility for Functions
- Times of Council meetings

*Fourth Consultation – 4 November 2008*

- Development Control

*Fifth Consultation – 7 November 2008*

- Ethics and Standards
- Budget and Policy Framework

2.4 Copies of the consultation, the comments received from Councillors and the response of the Working Group are attached at document no 5.

2.5 The working group also agreed that for maximum transparency the agenda, reports and notes of its meetings should be published on the Central Bedfordshire website.

2.6 The working group established at its first meeting that it was minded to follow the proposals set out in the Joint Proposal for Unitary Local Government in Central Bedfordshire unless good evidence could be provided to justify why a departure from those proposals was in the best interests of the Authority.

The working group noted that the proposal provided for:-

- An indirectly elected leader (initial 2 year term to 2011 with a 4 year term thereafter).

- The adoption of the “strong leader” model with the leader having the power to appoint the executive and determine their portfolio responsibilities. Under such a model the leader also has the power to delegate functions.
- An executive comprising 8 members (leader, deputy leader and 6 executive members).
- Portfolios in the following areas:-
  - Sustainable Communities
  - Children, Young People and Families
  - Social Care, Health and Housing
  - Customers and Community Engagement
  - Corporate Resources
  - Safer and Stronger Communities
- Major decisions being taken by the executive collectively but delegation to individual executive members being part of the structure, to ensure efficient decision making.
- A strategic overview and scrutiny committee plus 5 committees aligned to the themed executive portfolios.
- Regulatory and other committees such as planning committee, licensing and regulation committee and audit committee.
- No formal structure of area committees at this time.
- Full Council enabling all members to participate in determining the budget and policy framework and also providing enhanced opportunities for public involvement and participation.
- Enhanced role for community input into decision-making via community networks and role of front line councillors etc.

### 3. *Structure and Format of the Constitution*

- 3.1 The working group considered the structure and format that should be adopted for the Central Bedfordshire Constitution. In so doing they noted that the Mid and South Bedfordshire Constitutions mirrored the structure and format of the former DETR Modular Constitution which all authorities are required to have regard to in preparing their own Constitutions.

3.2 It was noted that Bedfordshire County Council had recently completed a fundamental review of its Constitution. Part of that review had included a re-working of the format of the document to try to simplify it and make it more user friendly. Whereas in the Modular Constitution provisions relating to, for example, the Executive may be found in Parts 2, 3 and 4, the County Council Constitution grouped together common areas so that they were all located in one place.

3.3 The working group therefore concluded that they should build upon the significant work already undertaken by the County Council in developing its Constitution but should seek to simplify the document even further.

#### 4. *Review of Best Practice*

4.1 At the outset of its task, the working group received a review of the three constitutions of each of the constituent authorities to establish any areas of consistency or best practice.

4.2 A review of the constitutions of those authorities within Central Bedfordshire's Audit Commission Family Group was also received, again to try to identify any best practice principles in operation in those unitary authorities.

#### 5. *The Draft Constitution*

5.1 The Draft Constitution is now presented for Members' consideration (enclosed separately as document no 7). The document is split into 11 parts. Document no. 5 sets out the key principles considered by the working group and, which, with some adjustments, are embodied within the draft Constitution. However the key provisions are highlighted for the Council's attention below:

#### 5.2 PART A THE CONSTITUTION

##### Part A.4 Citizens and the Council

5.2.1 In line with the aims in the Joint Proposal for Unitary Government in Central Bedfordshire, the working group was firmly of the view that the Constitution should provide enhanced opportunities for public involvement and participation in meetings of the Council.

Section A.4 of the Constitution therefore provides the following opportunities for public engagement in meetings of the Council, Executive and committees:-

- Public questions and statements (both general and specific to agenda items)
- Deputations; and
- Petitions

5.2.2 A separate scheme is also proposed for public participation in meetings of the Development Management Committee.

5.2.3 Since the working group originally considered its proposals relating to receipt and consideration of petitions, the Local Democracy, Economic Development and Construction Bill has been introduced into Parliament. This Bill sets out specific requirements for local authorities in terms of receipt and handling of public petitions. The Petitions Procedure has been re-drafted to take account of, as far as is practicable at this time, the requirements of the Bill. The scheme therefore provides that petitions can be submitted and discussed by the Council, Executive or any committee and that the body considering the petition must consider the steps it will take to respond to the petition. Where the petition organiser is dissatisfied with the response, he or she has the right to ask that the matter be referred to the relevant overview and scrutiny committee in order that the adequacy of the response may be reviewed.

5.2.4 It should be noted that further guidance and a model petitions scheme is to be produced by the Government once the Bill is enacted and thus the Council's scheme will need to be reviewed in the light of that guidance and to reflect the requirement for provision of an e-petitions facility. This review will need to be conducted as a wider corporate review of the new duty to promote public involvement in local democracy.

#### Part A5 Review and Revision of the Constitution

5.2.4 The working group strongly advocate that a standing advisory group of the Council (the Constitution Advisory Group) should be established to review the constitution and to make recommendations thereon to the Council. The Monitoring Officer, after consultation with the Constitution Advisory Group, should be authorised to make urgent amendments, amendments to give effect to any decision of the Council or changes in the law and minor amendments such as to correct errors.

### 5.3 Full Council

#### 5.3 PART B THE COUNCIL

##### Part B2 The Budget and Policy Framework

5.3.1 Throughout the process of its review, the working group has been careful to ensure that the appropriate checks and balances are in place in the Council's decision making structures. It recognises that the Policy Framework is a key mechanism for ensuring that all Members of the Council can influence the strategic direction of the Council. It therefore asked to receive a full list of expected Central Bedfordshire high-level plans, policies and strategies, with an indication of their importance and impact. The working group's rationale therefore has been to select those plans, policies and strategies which are sufficiently high level and strategic in nature, most closely related to the council's identified aims and priorities and sufficient to provide sufficient checks and balances to the increased power of the Executive through the strong leader model. Those plans and strategies which form part of the Policy Framework will be developed via the overview and scrutiny process and will be subject to approval by the Full Council.

##### Part B5 Full Council Procedure Rules

5.3.2 In line with the Joint Proposal for Unitary Government in Central Bedfordshire and the provisions of the Local Government and Public Involvement in Health Act 2007, the draft constitution provides for an indirectly elected Executive Leader whose initial term of office will run until May 2011, thereafter reverting to a four year term. The working group considered that a provision should be included for the dismissal of the Executive Leader by the Council. Council Procedure Rule No. 2.4 therefore provides that dismissal of the Leader can be made on the basis of a motion signed by 10 Members of the Council which will then be debated by Full Council.

5.3.3 A key principle adopted by the working group was that there should be extended opportunities at Full Council meetings for engagement by all Members of the Council and to hold Executive members and other office holders to account.

5.3.4 The Council Procedure Rules therefore provide for:-

- Written questions to the Chairman, an Executive member, the chairman of any committee or representative on the Police or Fire Authorities with 7 clear working days notice.
- An oral question time of 30 minutes for questions to the Leader or an Executive member
- An oral question time of 15 minutes for questions to a committee chairman or a member representing the Council on the Police or Fire Authority.
- Provision for ward presentations of 10 minutes duration by members of the Council
- Provision for Strategic Policy Debates, called by the Leader after consultation with the Chairman, Portfolio holders, Chairmen of Overview and Scrutiny Committees and Group Leaders, of a duration not exceeding 45 minutes.
- Notices of motion with 7 clear working days notice; and
- A requirement for an annual report of the Leader outlining policy priorities for the coming year.

5.3.5 The working group has taken the view that the Full Council should be a forum for holding Executive members and other office holders to account and that therefore in the normal course of events, officers should not be called upon to speak at Council meetings, save for the Monitoring Officer to provide procedural advice to the Council or the Chief Finance Officer or Head of Paid Service in exercise of their statutory roles.

## 5.4 THE EXECUTIVE

### Part C1 Executive Arrangements

5.4.1 As indicated earlier, the working group has adhered to the proposals contained in the Joint Proposal for Unitary Government in Central Bedfordshire except where it has good evidence to divert from those proposals.

5.4.2 Part C of the Constitution therefore provides for the adoption of a strong leader model in advance of the requirements of the Local Government and Public Involvement in Housing Act 2007. The leader will be elected by the Council for an initial two year term to May 2011 and will thereafter be elected for a four year term.



5.4.3 In accordance with the provisions of the “strong leader model” the leader will be permitted to:-

- Determine the size and composition of the Executive (ie; appoint (and dismiss) the deputy leader and other members to serve upon the Executive)
- Determine the portfolio structure and to vary that structure at any time and allocate portfolios to individual members of the Executive
- Delegate executive functions to an individual Portfolio holder, committees of the Executive or officers

5.4.4 It should be noted that the working group has not considered any functions which might be delegated to individual members of the Executive as it is considered that this is a matter for the leader to determine.

## Part C2 Key Decisions and the Forward Plan

5.4.5 The working group has recognised that the determination of the thresholds for key decisions (ie: those significant decisions which must be included on the Executive’s forward plan and either decided collectively in a meeting of the Executive, or if delegated to a committee, Portfolio holder or officer, which must be formally recorded and subject to call-in) is another major mechanism for providing a check and balance on the power of the Executive.

5.4.6 The statutory definition of a Key Decision is an Executive decision which is likely:-

- (a) To result in the Council incurring expenditure which is or the making of savings which are significant, having regard to the Council’s budget for the service or the function to which the decision relates.
- (b) To be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the Council.

5.4.7 With reference to the definition of “significant” in 5.4.6 (a) above, research has been conducted into the financial thresholds used by other unitary authorities within Central Bedfordshire’s Audit Commission family group which indicated an average threshold figure of £250,000.

5.4.8 The working group has concluded that the threshold for key decisions under 5.4.6 (a) above, should initially be set at £200,000 or 10% of the budget for the cost centre concerned, whichever is the smaller. The definition set out in Part C2 of the Constitution provides certain exclusions (for example in respect of any expenditure already identified in the budget or service plan for the service concerned, implementation of an approved capital project etc).

5.4.9 With regard to part (b) of the definition above, the working group takes the view that a decision can be significant for one ward (eg: closure of a village school) and is therefore proposing that key decisions include decisions significant in terms of their effect on communities living or working in an area comprising one or more wards in the area of the Council.

#### Part C4 Executive Procedure Rules

5.4.10 The working group strongly believe that all members of the Council should be able to speak at meetings of the Executive. Rule 8.2 of the Executive Procedure Rules therefore provides for any member to speak once on any item being considered by the Executive with further speaking being at the discretion of the leader

5.4.11 Consideration has also been given to the establishment of a small number of positions (up to 5) for assistant portfolio holders whose role would be to support the portfolio holder workloads but not to substitute in any Executive decision making capacity. The working group believes that this scheme which appears to be operating well at Bedfordshire County Council should be introduced in Central Bedfordshire and would increase the number of members with experience of Executive procedures and functions. Whilst, as an informal arrangement, provision for assistant portfolio holders is not specifically provided for in the Constitution (save in the Overview and Scrutiny Procedure Rules to exclude an assistant portfolio holder from sitting upon the corresponding overview and scrutiny committee for the portfolio which they are supporting), the Member Development Champions group has developed a role definition to provide a description of the proposed role and remit of assistant portfolio holders.

## 5.5 PART D OVERVIEW AND SCRUTINY

### Part D1 Overview and Scrutiny Arrangements and Terms of Reference

5.5.1 At its first meeting the working group noted that the Joint Proposal for Unitary Government in Central Bedfordshire provided for a strategic overview and scrutiny committee supported by the following themed overview and scrutiny committees: -

- Social Care, Health and Housing
- Children, Young People and Families
- Sustainable Development
- Safer and Stronger Communities
- Corporate Resources

5.5.2 The working group recognised that the organisational structure approved by the Shadow Executive no longer followed the themes set out above and following careful consideration concluded that, notwithstanding the provisions in the bid document, it was more logical for the overview and scrutiny structure to follow the organisational structure and that the following five overview and scrutiny committees should be established:-

- Social Care, Health and Housing
- Children, Families and Learning
- Sustainable Communities
- Business Transformation
- Corporate Resources

5.5.3 The scope for working in partnership with Bedford Borough Council to jointly exercise the Council's NHS scrutiny duty was considered. However the working group took the view that Central Bedfordshire should conduct its own integrated health and social care scrutiny aligned to the needs of Central Bedfordshire residents and the new authority's proposed organisational structure and inviting representatives of the new LINK arrangements for Central Bedfordshire to attend meetings as observers.

5.5.4 The proposal for a strategic parent overview and scrutiny committee was also considered. However this proposal was discounted on the basis that it could potentially “water down” the role of the themed committees. Instead the working group preferred to support the structure of 5 themed overview and scrutiny committees each with the power to consider call-ins relating to their terms of reference.

5.5.5 Recognising the need for co-ordination of the work of the overview and scrutiny committees however, the working group concluded that this role should be conducted informally by Overview and Scrutiny Management Panel consisting of the chairmen and vice-chairmen of the overview and scrutiny committees.

#### Part D2 Overview and Scrutiny Procedure Rules

5.5.6 The draft call-in provisions are set out in Rule No. 10 of the Overview and Scrutiny Procedure Rules. The working group again recognised that this provision is a key mechanism in holding the Executive to account and therefore felt that there should be as few barriers to call-in as possible.

5.5.7 The Working Group values the role of task forces in undertaking in depth investigations and Part D1 (Overview and Scrutiny Arrangements) therefore provides for overview and scrutiny committees to appoint task forces to conduct such investigations as required.

5.5.8 The scheme provides that any valid call-in should be automatically referred to the relevant overview and scrutiny committee with the Monitoring Officer’s powers to reject call-in as invalid being confined to call-ins that are frivolous, vexatious or clearly outside the call in scheme, if the decision is urgent, if a similar decision has been called in before or if the correct procedure has not been followed.

5.5.9 Decisions can be called in by either:-

- An individual member where a decision has particular significance for that member’s ward; or
- The chairman of the relevant overview and scrutiny committee; or
- Any two members of the relevant overview and scrutiny committee;
- Any three non-executive members of the Council.

5.5.10 The working group believes that meetings of overview and scrutiny committees should be scheduled on the same frequency as meetings of the Executive to enable call-ins to be dealt with expeditiously but that meetings can be cancelled where there is a lack of business.

## 5.9 PART E REGULATORY AND OTHER COMMITTEES

### Part E2 Committee Terms of Reference

5.9.1 The working group recommends the establishment of the following committees:-

- Development Management
- Licensing (and Licensing Sub Committee)
- Regulation
- Audit
- General Purposes (and Appointments Sub Committee)
- Appeals
- Standards (and Standards Sub Committees)

5.9.2 The following bodies are also proposed for the purposes of consultation with employees:-

- Employee Partnership Committee
- Joint Consultative and Negotiating Committee for Primary and Secondary Education

5.9.3 The terms of reference of these committees are set out in part E2 of the Constitution. The Terms of Reference of the Standards Committee are set out at part F1 of the Constitution, and the principles for which are outlined at paragraph 5.10 of this report.

5.9.4 Particular discussion and consultation took place around the proposals for development management in terms of numbers and functions of committees, number of meetings, location of meetings, membership etc. The working group was guided by the detailed consideration already given to this matter by the Sustainable Communities Transitional Task Force and the Chairman of the Task Force and Sustainable Development Portfolio holder were invited to attend the working group's meeting when this matter was discussed and to put forward their views. The TTF produced a series of proposals which the working group agreed to use as a basis of consultation with all members and can be viewed at document no. 5.

- 5.9.5 Additionally, in view of the considerable divergence of views which existed upon this matter, a workshop for all members of the Council was held on 13 November at which the Director of Sustainable Communities and his staff put forward various options for consideration and discussion by members.
- 5.9.6 The views of members expressed at the workshop and the responses to the consultation were taken into account by the group in reaching their view that on the basis of all the evidence presented, there should be one Development Management Committee for Central Bedfordshire. Whilst the majority of members of the working group initially supported a proposal for the committee to meet at one venue on a three weekly basis, one member of the group maintained the view that meetings should rotate between Chicksands and Dunstable. In the light of further evidence of dissatisfaction amongst many Members at the proposal for meetings to be held at a single venue and in line with the commitment in the Unitary Bid document to be closer to our communities, the working group have concluded that meetings should rotate between Dunstable and Chicksands and that to ensure adherence to necessary targets for processing applications, meetings should be scheduled twice-monthly. Business, should as far as practicable, be scheduled according to the venue at which the meeting is to be held. There should also be provision for the Chairman of the Committee and the Monitoring Officer to vary the venue according to particular circumstances. Whilst not within their remit, the working group also supported the concept of web casting meetings and have requested officers actively to investigate this.
- 5.9.7 It will be noted that the structure provides for separate Licensing and Regulation Committees. Following the transfer to local authorities of liquor licensing, there has been some ambiguity as to whether a Licensing Act 2003 committee can also exercise other regulatory functions. However legal advice and guidance from the Department of Media Culture and Sport has indicated that separate committees should be established to discharge the liquor licensing and Gambling Act 2005 functions (Licensing Committee) and the regulatory functions such as hackney carriage and private hire licensing and other business related licensing. Authorities are advised to get round the inconvenience and inefficiency this causes by making the membership of both committees the same and convening meetings of the committees concurrently. The working group has therefore adopted this position.

## 5.10 PART F ETHICAL GOVERNANCE

### Part F.1 The Standards Committee

5.10.1 Following consultation with the existing members of the Central Bedfordshire Shadow Standards Committee, the working group is recommending that a Standards Committee of 15 be appointed comprising 5 elected members, 5 independent persons and 5 parish members. This size and composition will give sufficient flexibility to form the pool from which to appoint the Standards Sub Committees required to fulfil the Council's new duty to assess, review and hear complaints that a member or co-opted member of Central Bedfordshire Council or a Town and Parish Council has failed or may have failed, to comply with the Code of Conduct.

5.10.2 The Chairman of the Standards Committee must be one of the independent members. The working group has considered the role of that Chairman at Council meetings and has concluded that, as a co-opted member, the Chairman of the Standards Committee should not have a constitutional right to present reports or respond to questions at meetings of the Full Council, although the Council Chairman may on occasion wish to seek a suspension of Council Procedure Rules for this purpose. Instead a Deputy Chairman, to be an elected member of Central Bedfordshire, should present reports and recommendations of the Standards Committee at meetings of the Council. The working group recognises that there is also an argument for allowing the Chairman to present reports at Council but feels that, at this time, this option should not be pursued although this should perhaps be reviewed in the light of experience.

### Parts F2 Codes of Conduct and Protocols – F6

5.10.3 The working group received a number of codes and protocols which it was recommended should be considered for inclusion in the Constitution. Members concluded that only the key codes and protocols (eg: Code of Conduct for Members and Protocol for Member Officer Relations) should be included in the main Constitution and that the remaining documents should be included in a separate "Ethical Handbook" which is also now submitted for Member approval at document no. 8

5.10.4 Particular attention is drawn to the Protocol for Member/Officer Relations (Part F4) which, at paragraphs 6.2 – 6.9 sets out the standards of service which members are entitled to expect in receiving responses to their enquiries. Specifically every effort is to be made to provide a substantive response to a Member's enquiry within 2 working days. If a substantive response cannot be provided, officers will be expected to acknowledge receipt of the enquiry and if it is not possible to provide a substantive response within 5 working days, officers must explain:-

- the reason for the delay;
- what action is being taken to pursue the enquiry; and
- the timescale within which a substantive response will be sent, which must be within 15 days unless agreed otherwise by the member and officer.

## 5.11 PART G DECISION MAKING AND ACCESS TO INFORMATION

### Part G1 Decision Making

5.11.1 Members' attention is particularly drawn to paragraph 2 of Part G1 – Decision Making. Responding to comments from members as part of the consultation, the working group have emphasised that there is a presumption in favour of openness and an expectation that committee reports will be drafted so that wherever practicable, any exempt information will be extracted and placed in an appendix so that the remainder of the report can be considered in public. A provision has also been included in the principles of decision making to require all decisions to be evidence-based.

### Part G2 Access to Information Procedure Rules

5.11.2 The law requires that the forward plan of key decisions should be prepared to cover a period of 4 months. It is proposed in Rule 14.1 of the Access to Information Procedure Rules that in Central Bedfordshire, the forward plan should cover a period of 12 months. This proposal will assist the Executive in forward planning and will also assist the overview and scrutiny committees in preparing their work programmes.



## 5.12 PART H OFFICERS OF THE COUNCIL

### Part H3 Scheme of Delegation to Officers

5.12.1 The working group together with members of the Management Team gave particular consideration to the general conditions and limitations around the Scheme of Delegation, recognising the need to balance efficiency of decision making against accountability for decision making and the requirement to ensure that relevant Members (eg: ward members, portfolio holders, group leaders and committee chairmen) are consulted or informed as appropriate. The working group was particularly concerned to ensure that the Scheme of Delegation specifies the circumstances in which officers exercising delegated powers would be expected to consult with or inform relevant Members (for example to consult with the relevant ward members where a decision is required in relation to a matter which has a clear impact on or significantly affects a ward). The general conditions and limitations of the Scheme of Delegation are set out at paragraph 2 of that scheme.

5.12.2 It is recognised that the scheme is detailed in some areas (particularly in respect of the regulatory functions delegated to officers) and will almost inevitably require review in the light of experience.

## 5.13 PART I FINANCE, CONTRACTS AND LEGAL MATTERS

### Parts 12 Codes of Financial and Procurement Governance and 13

5.13.1 Having initially received very detailed and operational Financial and Procurement Procedure Rules, the working group concluded that only strategic documents should be included in the Constitution. These documents would be supported by more detailed and operational procedure rules which would be available on the intranet, but would not form part of the Constitution.

5.13.2 The working group therefore proposes that the Codes of Financial and Procurement Governance, which are high-level, strategic documents should be included in the Constitution.

5.13.3 With reference to the Code of Financial Governance, particular consideration was given to the virement levels to be approved. These levels are set out in paragraph 4.6 of the Code. The working group has noted the concerns of the Director of Corporate Resources that given the complex task which has been undertaken in constructing budgets for Central Bedfordshire, the virement provisions, given that they are cumulative sums, may be unworkably restrictive. The working group holds the view that firm controls should be in place to manage virements but is mindful of the concerns of the Director and therefore propose, as set out in paragraph 6.3 of the Code, that during the period 1 April – 7 June 2009, the revenue budget allocations can be transferred outside the scheme of virement with the agreement of the Director (Chief Finance Officer) and the relevant Portfolio holder.

## 5.14 PART J PARTNERSHIP ARRANGEMENTS

### Part J2 Joint Arrangements

5.14.1 Details of the joint arrangements to be established for Central Bedfordshire are set out in Part J2 as follows:-

- Luton and South Bedfordshire Joint Planning and Transportation Committee
- Wixams Joint Development Control Committee
- Houghton Regis Town Centre Management Committee
- Dunstable Town Centre Management Committee
- Leighton-Linslade Town Centre Management Committee
- Joint Waste Disposal Project Board (joint officer arrangement established under Section 101 (5) of the Local Government Act 1972 and approved by Shadow Executive on 30 September 2008.)

5.14.2 In recommending the list above, the working group was aware that different arrangements are in place for town centre management in South and Mid Bedfordshire. In Mid Bedfordshire, town centre partnerships are treated as “outside bodies”, whilst in South Bedfordshire, formal joint committees between the District and Town Councils are constituted albeit that they are essentially advisory bodies. The working group considered a recommendation that for a number of reasons, including the Audit Commission’s requirement for separate accounting, audit and risk procedures for joint committees, the three South Bedfordshire Management Committees should, with effect from 1 April 2009 be treated as outside bodies. The views of local ward members and the relevant Town Councils were sought on this proposal and in the light of their responses and in the absence of any clear direction at this time on proposals for Community Area Networks, the working group felt it had no option but to continue the present arrangements and to retain the South Bedfordshire Town Centre Management Committees as formal joint committees. The working group does however wish to address the clear anomaly which exists in the way in which town centre partnerships operate between South and Mid Bedfordshire and have requested the Director of Business Transformation, in conjunction with the Director of Sustainable Communities, to conduct a review of the arrangements for market town management and town centre partnerships in Central Bedfordshire as a whole in the wider context of the proposals for Community Area Networks.

Part J3 Partnerships Protocol

5.14.3 Members will be aware that the Citizens’ Services Partnership (CSP) Joint Authority Scrutiny reported its conclusions and recommendations to the three constituent authorities (South Bedfordshire and Mid Bedfordshire District Councils and Bedfordshire County Council). The scrutiny report highlighted a number of governance, project management and organisational issues concerning partnership working. The recommendations were referred to the working group for consideration.

5.14.4 The working group has proposed the approval of a Partnerships Protocol which not only embodies the recommendations of the joint scrutiny but also provides general principles for the governance of present and future partnerships. By being a part of the Constitution for Central Bedfordshire, the protocol will also be visible and accessible to officers, members, partner organisations and the public.

5.14.5 The first recommendation made by the CSP joint scrutiny required that arrangements for all existing partnerships be reviewed. The working group therefore suggests that within 12 months of the inception of Central Bedfordshire, all partnership arrangements are reviewed in the light of the Partnerships Protocol and that a report be prepared for the relevant overview and scrutiny committee on the outcomes of the review.

#### 5.15 PART K MEMBERS' ALLOWANCES

5.15.1 The Scheme of Members' Allowances will be included in Part K of the Constitution following approval of the Scheme by the Council.

#### 6. *Time and Location of Meetings*

6.1 The working group as part of its third consultation with all Members put forward a proposal with regard to timing of meetings. It proposed that all formal meetings of the Council should be held during the day, except full Council meetings which should be held in the evening, subject to the committee chairman having discretion to change the time of a meeting to suit the issues involved on the agenda.

6.2 Responses were received from some Members who were concerned at the proposal to hold day time meetings which it was felt would be a bar to attendance by councillors and members of the public in employment. The working group discussed the effect of meeting times on the public and elected members, including consideration of the performance of members and officers at evening meetings and that some members of the public were equally disenfranchised by evening meetings as other members of the public might be by day time meetings. One member of the working group registered his strong opposition to the principle of day time meetings but the majority of the working group confirmed that, on balance, day time meetings appeared to be the most effective and efficient method of conducting business in a unitary authority of the nature of Central Bedfordshire.

6.3 Other than in the case of the Development Management Committee (see paragraph 5.9.4 – 5.9.6 above) the working group did not specifically address the question of location of meetings. The Constitution as drafted broadly provides for meetings to be held at the venues agreed<sup>[aa1]</sup> in the Annual Calendar of Meetings unless the chairman or committee agrees otherwise.

## 7. *External “Health Check” of the draft Constitution*

7.1 Claer Lloyd-Jones of Rockpools solicitors was requested to undertake a “health check” of the Constitution. Whilst Ms Lloyd-Jones suggested some minor amendments (which have now been incorporated), she was pleased to be able to give the working group her assurance that the draft Constitution complied with statutory requirements and was “fit for purpose” for a unitary authority of the size and nature of Central Bedfordshire.

## 8. *Interim Governance Arrangements – April – June 2009*

8.1 The working group has also considered the interim governance arrangements to apply from 1 April to the June elections.

- 8.2 The Shadow Constitution adopted by the Shadow Council at its inaugural meeting in April 2008 was designed to provide governance arrangements initially until 31 March 2009, thereafter to be reviewed in the light of whatever arrangements were required to cover the “second transitional” period from 1 April until the full constitutional arrangements are put in place for the new Authority after the elections.
- 8.3 With elections to the new authority now to be held on 4 June 2009, the period concerned is essentially the two months of April and May.
- 8.4 The Bedfordshire (Structural Changes) Order 2008 made on 27 March 2008 established the basis for the operation of the shadow authority in preparation for unitary status, including the appointment of its 124 councillors until the fourth day after the 2009 election (defined in the Order as the “shadow period”); the creation of a leader and cabinet executive; the appointment of the leader and deputy leader of the shadow authority and a specific provision that the shadow authority’s functions under the order would be delegated to and discharged by the Shadow Executive unless otherwise required by law.
- 8.5 Implicit in the Order was that the shadow arrangements, and in particular the shadow executive arrangements, would broadly continue until the new 66-member authority took office four days after the election. DCLG has confirmed that this is indeed its policy intention and that an amendment order will be made imminently to confirm the continuation of the shadow period and the shadow executive arrangements in their current form until after the elections.
- 8.6 The schedules attached at document no. 6 sets out the working group’s proposals for operation of the governance arrangements in the two month interim period, recognising that in view of the continuation of the shadow executive in its present form, it is not possible to simply implement the full Constitution from 1 April 2009. Essentially therefore, what is proposed is a hybrid arrangement applying parts of the full Constitution or Shadow Constitution as appropriate, as detailed in the schedules.

8.7 Any Member who wishes to confirm which part (Full or Shadow) applies in a particular circumstance should begin with the relevant section in the Full Constitution (listed from Part A to Part K) and cross-refer to Schedule 1, where each of those Parts from A to K is listed under a heading to the left of the page. Reading across in that same row, the **right hand column** shows which wording should apply between April and June 2009 – whether the Full Constitution or the Shadow Constitution. In some cases the right hand column shows that the Shadow Constitution should apply with amendments or additions, and the detail in those cases can be seen in the cross-referenced notes in Schedule 2.

8.8 In summary Schedule 1 provides for:-

8.8.1 Shadow Council

The Council's most important task constitutionally is to approve the Budget and Policy Framework which the Executive is then charged with implementing. The overall framework for 2009/10 is before the Council for approval at this meeting.

The Structural Changes No. 2 Order, made on 5 November 2008, provides that the statutory plans forming part of the Budget and Policy Framework need not be in place until March 2010 (March 2011 in the case of the Sustainable Communities Plan). Decisions on policies, strategies and budget issues will therefore be for the new Council to take later in the year. The shadow constitutional provisions relating to the Budget and Policy Framework will therefore suffice in the interim period.

The Constitution will need to recognise the Chairman of the Council's ceremonial as well as constitutional role from 1 April 2009.

Whilst no provision has been made for the Council to meet in April/May, the working group recommends that the full public participation procedures set out in part A4 of the full Constitution should apply from 1 April, in the event that it is necessary to convene a meeting.

### 8.8.2 Shadow Executive

The composition of the Shadow Executive will continue in accordance with current arrangements. However, the Executive will be exercising full local authority powers from 1 April 2009.

Schedule 1 proposes that the new definition of a key decision should be applied from 1 April and that the full provisions in relation to public participation and the ability for any member of the Council to speak once on an agenda item should likewise apply from 1 April.

### 8.8.3 Overview and Scrutiny Committee

The working group was persuaded that to constitute the 5 overview and scrutiny committees before the new 66-member council has been elected would be unproductive as there would be little continuity into the new authority and the new committees established at the first annual meeting would wish to design their own work programmes and operating styles.

The schedule therefore proposes that the current terms of reference of the Shadow Scrutiny Committee be amended to include scrutiny of any executive or non-executive function and other statutory powers of overview and scrutiny committees. Co-opted members (up to three parent governors and two diocesan representatives) will need to be appointed in case education matters are to be scrutinised.

Additionally it is felt that in addition to the general Scrutiny Committee, it will be necessary to establish the Social Care, Health and Housing Overview and Scrutiny Committee for the specific purpose of reviewing and scrutinising health services, in particular NHS provision in Central Bedfordshire as it is anticipated that NHS scrutiny matters will remain on-going during the transitional period.



The schedule provides for the full public participation arrangements to apply from 1 April. It additionally provides for the wider call-in scheme set out in the full Constitution to apply during the transitional period, to ensure that there is full provision for scrutiny of the Executive's decisions during this period.

#### 8.8.4 Other Committees

Schedule 1 provides for a number of committees (including the Development Management, Audit, Licensing and Regulation Committees) to be constituted and fully operational from 1 April.

The schedule further proposes that the new Committee Procedure Rules (including provision for substitutes) as set out in the full Constitution should apply from 1 April.

#### 8.8.5 Other Arrangements

The following parts of the full Constitution are proposed in the schedule for application from 1 April:-

- Part F – Ethical Governance
- Parts H2 – H3 (including new Scheme of Delegation to Officers)
- Part I – Finance, Contracts and Legal Matters (including new Codes of Financial and Procurement Governance)
- Part J – Joint Arrangements
- Part K – Members' Allowances



## Constitution and Governance Member Working Group

### Terms of Reference

1. To formulate the draft Constitution and democratic structures for Central Bedfordshire Council for recommendation to the Corporate Resources TTF and full Council, having regard to:-
  - (i) Statutory requirements and restrictions (including the new provisions within the Local Government and Public Involvement in Health Act 2007);
  - (ii) The proposed governance framework and principles set out in the proposal bid for unitary local government in Central Bedfordshire;
  - (iii) Performance, effectiveness and any particular strengths of the existing Constitutions of the constituent authorities;
  - (iv) Innovations or best practice which can be identified from the Constitutions of any of the authorities falling within the Council's Audit Family group;
  - (v) The following key principles:-
    - (i) Structures and Constitution that are simple to understand and operate;
    - (ii) Processes which are open and transparent – clarity as to who is responsible for decisions;
    - (iii) Decisions are taken quickly and responsively with maximum use of delegation opportunities, processes are streamlined, bureaucracy is minimised and unnecessary duplication removed to enable business to be dealt with more efficiently, balanced by the need to preserve the role of elected councillors to:-
      - determine matters of policy and strategy;
      - make decisions in respect of matters which may be publicly or politically contentious; and
      - be consulted in advance in respect of key decisions having a significant or permanent impact on their ward.
    - (iv) Decision making structures focus on the Council's priorities;

- (v) Effective Overview and Scrutiny driving service improvement;
  - (vi) Opportunities are available for involvement by all members;
  - (vii) Opportunities are available for public involvement and community and partner engagement.
2. To consider the mechanism and timetable for the approval of the draft Constitution, including any consultation with Members of the Shadow Council.
  3. To consider governance arrangements during the period 1 April 2009 to the local elections in 2009.
  4. To provide periodic updates to the Corporate Services TTF in respect of progress in respect of its task.

# Creating Central Bedfordshire

## CONSTITUTION AND GOVERNANCE MEMBER WORKING GROUP

### CONSULTATION ON PRINCIPLES FOR THE CENTRAL BEDFORDSHIRE COUNCIL CONSTITUTION

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## 1. FIRST CONSULTATION – 6 AUGUST 2008

### 1. Introduction

This document is a summary of the current thinking of the Constitution and Governance Member Working Group. It is intended that these decisions and principles be maintained and circulated to Members to ensure they are kept apprised of the development of the new Central Beds Constitution for the new Council effective after 1 April 2009. This will allow for Members to monitor the development of the new Constitution and input their thinking as appropriate.

### 2. Format of the constitution

Bedfordshire County Council recently undertook a fundamental review of its constitution, with a view to making the document more 'user-friendly' and accessible to Members and the public. The new revised County Council constitution provides for all the information on a particular decision making body to be found in one chapter, rather than having to look through several chapters. The recommendations being drawn up will use this format and look for opportunities to further improve the document's usability.

### 3. Following the principles outlined in the Joint Proposal

The principles for governance and strategic leadership set out in the Joint Proposal for Central Bedfordshire will broadly be followed. However, where alternatives to those in the Joint Proposal are recommended, evidence will be provided in support of these departures.

### 4. Governance

The Working Group broadly supports the development of the Constitution on the basis of the following principles, subject to further consideration at future meetings:-

- 4.1 Indirectly elected Leader model (initial 2 year term to 2011 with a four year term thereafter).
- 4.2 Adoption of strong leader model with power to appoint cabinet, determine portfolios and delegate functions subject to the provision for suitable powers for removal of the Leader.
- 4.3 A cabinet comprising as many members as the leader sees fit up to the statutory maximum of 10 (including the Leader and Deputy Leader).

- 4.4 Specific portfolio responsibilities determined by the Leader, in line with the strong Leader model, having due regard to the working groups views that executive member portfolios would reflect the organisation structure, along with some cross-cutting portfolios where appropriate.
  - 4.5 Major decisions should be taken by the cabinet collectively but delegation to individual cabinet members may be part of the structure where appropriate to assist efficient decision making.
  - 4.6 The constitution should provide adequate checks and balances to the extended powers of the Leader.
  - 4.7 Overview and Scrutiny committee structure should be aligned to the Authority's organisational structure.
  - 4.8 Inclusion of a suitable structure of regulatory and other committees.
  - 4.9 No formal structure of area committees initially in Central Bedfordshire.
  - 4.10 Extended opportunities for Full Council to monitor the Executive and Strong Leader and fulfil its remit as the primary body of the Council
  - 4.11 Enhanced opportunities for public involvement and participation.
  - 4.12 Enhanced role for community input into decision-making.
5. Further proposals
- Provision for: -
- 5.1 A reporting process that makes absolutely clear that where decisions were taken by elected members which were, for example, against the professional advice of officers, reasons are given.
  - 5.2 A mechanism that secures regular debate on matters of local concern, for example an annual report of the Leader followed by debate.
  - 5.3 Members' questions at Council without notice.
  - 5.4 Ward presentations at Council.
  - 5.5 Member discussion of Notices of Motion received at Council.

- 5.6 Members' questions that allow questions to be addressed to cabinet members on any relevant matter.
- 5.7 Debate at Council on petitions received, before being passed to Executive or other relevant committees.
- 5.8 A public questions process that provides as few barriers to participation as is reasonable.



**SHADOW AUTHORITY MEMBERS' COMMENTS ON FIRST CONSULTATION AND WORKING GROUP RESPONSES**

Councillor	Issue	Comments from Councillor	Response from Working Group
1. Fiona Chapman (MBDC)	Confidential papers	I have no quarrel with the outline proposed at present. Would it be wise to put in something now about "confidential" matters, and that these should be kept to the minimum?	The working group discussed minimising the need for confidential reports, and agreed to include an additional principle of decision making that makes specific reference to the expectation that reports must be drafted so that only the confidential aspects of them would be held as confidential, allowing the rest of the report to be considered in open session. The working group believe that this additional principle, alongside the public interest test (that the public interest in maintaining the exemption outweighs the public interest in disclosing the information), should help to ensure that decisions are taken in open session wherever possible.

Councillor	Issue	Comments from Councillor	Response from Working Group
2. Adam Fahn (SBDC)	Executive structure	<p>I like openness and most of this helps.</p> <p>My big idea is to have the full set of 8 portfolio holders but I think we need to ensure more involvement from “back benchers” who were elected on exactly the same terms as their “executive colleagues”.</p> <p>I would suggest we need to have 8 deputy portfolio holders or assistants and I would even like to see those 2 each have 2 selected councillors as sounding boards. So now a small team of 4 attached to each portfolio. This gives 32+2, i.e. 34 people more active involvement. Add to that say 8 on planning and 8 on licensing you have 50 people with some role, assuming no overlap, which could be a condition.</p> <p>This way you have more people feeling empowered themselves and then able to empower the residents. Also those still not “connected” would at least have a large number of people to go to, to get the point across or get information.</p>	<p>Whilst the working group did not agree in full with your suggestions regarding more full Executive involvement and engagement, it did see merit in introducing Executive Member Assistants, whose role it would be to support Executive Portfolio workloads, to provide for member development and succession planning, increased engagement and develop a larger pool of skilled members, subject to the need for clear direction that these roles will not involve substituting for Executive members in their decision-making capacity. Such a scheme has recently been introduced at the County Council, and is working well.</p> <p>As the working group is consulting on all major principles for the Central Bedfordshire constitution, this has formed part of the second member consultation.</p>

Councillor	Issue	Comments from Councillor	Response from Working Group
3. Ken Matthews (MBDC)	Debate on petitions	I'm broadly content with the principles although I do have reservations about petitions being debated at Full Council before being passed to relevant Committee. Grateful if you will pass this to the Sub-Group.	Noting your concerns (echoed by Councillor Turner) about petitions being debated at full Council before passed to the relevant committee, the working group feel that this is an important method for ensuring that petitions attain higher visibility. However, in order to ensure that any debate at council is better informed, the working group is recommending that a notice period of seven working days is to be required for submission of a petition. The debate at Council would not, at any rate, constitute the Council's substantive response to the petition, which would be provided by the Executive or relevant committee.
4. Julian Murray (SBDC)	Call-In	Already we are notified of the Shadow Executive's decisions, with the opportunity given for a call-in within a time limit.  What opportunity is to be given to call in a portfolio-holder's decision?	Regarding your question about call-in of individual portfolio holder's decisions, the working group can confirm that all Executive decisions, including those taken under delegated powers by individual portfolio holders, will be subject to the Access to Information rules and will be subject to call-in in the same way as Executive decisions.

Councillor	Issue	Comments from Councillor	Response from Working Group
5. Tricia Turner (MBDC)	Debate on petitions	<p>A petition arriving 'cold' to a Council meeting by the nature of its arrival is likely to produce an uninformed debate and could be in danger of achieving a one-sided argument. The interested public present may leave with an impression of a certain way forward, and be surprised if following a more informed discussion at Exec. a different outcome ensues.</p> <p>I suppose the plus could be the fact that certain specific information is flagged up as a requirement for the Exec. to have a properly informed debate.</p>	<p>Noting your concerns (echoed by Councillor Matthews) about petitions being debated at full Council before passed to the relevant committee, the working group feel that this is an important method for ensuring that petitions attain higher visibility. However, in order to ensure that any debate at council is better informed, the working group is recommending that a notice period of seven working days is to be required for submission of a petition. The debate at Council would not, at any rate, constitute the Council's substantive response to the petition, which would be provided by the Executive or relevant committee.</p>
6. Robin Younger (BCC)	Drafting the constitution	<p>Very recently, a small working group at County under the Chairmanship of Councillor Male, and including myself, went through the old County Council Constitution with our Monitoring and legal officers. We came up with a new and now published constitution.</p> <p>I would suggest it could be readily and speedily be adapted into a new Central Bedfordshire Constitution. Why re-invent the wheel.</p>	<p>Thanks for your response. You will be pleased to know that the working group (chaired by Cllr Male) are using the revised format of the BCC constitution and the good work undertaken in its preparation as the starting point for the Central Bedfordshire constitution. The working group are very much of the same view as you that there is no need to re-invent the wheel.</p>

## 2. SECOND CONSULTATION – 27 AUGUST 2008

### 1. Introduction

This is the second part of the ongoing consultation with all shadow authority members on the development of the new constitution for the Central Bedfordshire authority.

The working group is now considering the more detailed operation the constitution. Most recently, it has considered Full Council and Executive meetings and rules for decision making. The working group has agreed a number of principles in relation to this, which are outlined below, and invite members' comments and suggestions.

### 2. Full Council

#### (a) Review and revision of the constitution

That officers' ability to make revisions to the constitution be limited to urgent amendments, and that these changes are subject to consultation with the Chairman of the Council and the appropriate member group and subsequently reported for information to that member working group. Minor amendments that do not change the sense of the constitution, or are to correct textual errors, should be collected together for approval at a scheduled meeting of the appropriate member body.

#### (b) Dismissal of the Executive Leader

The working group, observing that recent legislation has increased further the powers of the Executive Leader, wished there to be a clearly outlined process for dismissal of the leader, which has been drafted as follows: -

"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."

#### (c) Member engagement at Full Council

- Written questions to the Chairman, an Executive member, the Chairman of any committee or sub-committee, or representative of the police or fire authority, with 7 clear working days notice.
- An Executive question time of 30 minutes, with questions on any issue asked without notice of the Leader or any Executive member.

- An oral question time of 15 minutes, with questions asked without notice of the Chairman of any council committee with regulatory or quasi-judicial powers;
- Provision for Ward Presentations of 10 minutes duration by members of the council.
- Provision for Strategic Policy Debates, called by the Leader after consultation with the Chairman, Portfolio Holders, Chairman of the overview and scrutiny committees and the Group Leaders, of duration not exceeding 45 minutes.
- Notices of motion with 7 days notice.
- The requirement of an annual report of the Leader, presented to and debated at full Council.

(d) Petitions

- 15 minutes debate on petitions at full Council before referral to the Executive or appropriate committee.
- 7 days advance notice of the submission of petitions.
- Requirement that the council responds to all petitions.
- Council to receive an annual report at its autumn meeting upon the action taken in respect of petitions.
- The overview and scrutiny function to have a clear role in relation to determining the adequacy of responses to petitions.
- That petitions may also be submitted directly to the Executive or Committee.

(e) Receiving reports at Council

- Recommendations requiring decision should be submitted to the Council in the form of the minutes containing the recommendation requiring approval and a suitable preamble, subject to the requirement that easy access is provided to all reports submitted to the body making the recommendation.
- Committee minutes should not be submitted to full Council meetings for information subject to the requirement that easy access is provided to all committee minutes.
- Reports on the Police and Fire Authorities should be submitted to the full Council in a manner which makes their receipt concise and useful to the Council.

(f) Public participation

In line with the principle that the public should experience as few barriers to participation at meetings as possible, to have a minimal notice period for questions and statements of 15 minutes before the start of the meeting.

3. Executive

- (a) With regard to the extent of any delegation to Executive portfolio holders, Key Decisions should only be taken by the full Executive, with other Executive decisions able to be taken by individual Executive members, subject to compliance with Access to Information Rules.
- (b) Any member of the Council should have the right to speak once on any item being considered by the Executive, with further speaking being at the discretion of the Leader.
- (c) A full scheme of public participation be included in line with the arrangements for public participation at full Council meetings.
- (d) A small number of positions (up to 5) for 'Executive Member Assistants' whose role would it be to support Executive Portfolio workloads, but not to substitute in any Executive decision-making capacity. The working group believes that this scheme, which appears to be operating well at Bedfordshire County Council, should be a part of Central Bedfordshire also, and would create succession and progression development and increase the pool of skilled members.

4. Accountable Decision Making

The proposed definition of a Key Decision be: -

A Key Decision means an executive decision which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are significant (namely more than £200,000 per annum, or 10% of the budget for the cost centre concerned per annum, whichever is the less) having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the area of the Council.

The financial threshold defined in above excludes:-

- (a) The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Strategy Statement approved separately by the Council;
- (b) Decisions to invite tenders, sign contracts or acquire or dispose of land or any interest in land, where the purpose of the decision is to:-
  - (i) fulfill the policy intention of a key decision;
  - (ii) implement an explicit policy within the approved Budget and Policy Framework;
  - (iii) implement a capital project named in the approved Capital Programme;
  - (iv) provide for the continuation of an established policy or service standard

subject in any case to the agreement of the Monitoring Officer and Chief Finance Officer as appropriate.

- (c) expenditure which is identifiable in either the approved Capital Programme or Revenue Budget.

For the purposes of the 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 significant number of people living or working in the wards affected.



## SHADOW AUTHORITY MEMBERS' COMMENTS ON SECOND CONSULTATION AND WORKING GROUP RESPONSES

	Councillor	Issue	Comments from Councillor	Response from Working Group
1.	Fiona Chapman (MBDC)	Removal of the Leader	<p>On a quick glance at the next tranche, "getting rid of the Leader" - isn't 10 members far too little a number? Could one not have a variable number, say, 4 more than the total membership of the main opposition party? This would mean that the main opposition party couldn't just instigate a leadership challenge to hold up business but would have to persuade members of another party to join them in challenging the leader.</p>	<p>The working group do acknowledge that there was a risk that this rule could be abused by persistent or vexatious motions, but noted that the current method at some of the existing authorities involved a smaller threshold of members to initiate action, and this had not resulted in abuse of the rule. In addition the working group commented that the suggested number of members required for a motion to remove of the leader contributed to the overall checks and balances required under the strong leader model.</p>
2.		Declarations of interest available on website	<p>I don't know when you will be getting to declarations of interest but I have had comment from members of the public that the interests of South Beds members (unlike those of Mid Beds and County members) are not available on the website. As this is public information, I believe it should be available.</p>	<p>The working group received confirmation from officers that the register of the new Central Bedfordshire Council Member's interests would be available on the Central Bedfordshire website.</p>

Councillor	Issue	Comments from Councillor	Response from Working Group
3. Ken Matthews (MBDC)	Debate on petitions	<p>Having considered the reply I am still of the opinion that debate at Full Council is both unnecessary and wasteful of time and resource (unless, of course, the matter in question is capable of being determined by Full Council). The reason I say this is because there is a high potential for the same arguments/points to be made in two forums, one of which will have no "teeth" to implement/take action. In my view it also provides an opportunity for "grandstanding" which adds absolutely nothing to smooth and businesslike transmission of council business. I can't see the added value of going over the same ground twice!!</p> <p>Additionally, surely the time for the debate to be "better informed" is when it comes to the Executive or other committee for determination?</p>	<p>The working group maintained their position, underlining that it allowed the public to see that issues raised via petitions were taken seriously. However, the working group agreed that the public participation scheme should be reviewed at a suitable time by the Constitution Advisory Group, to ensure that it is operating adequately.</p>

### 3. THIRD CONSULTATION – 6 OCTOBER 2008

#### 1. Introduction

This is the third part of the ongoing consultation with all shadow authority members on the development of the new constitution for the Central Bedfordshire authority. This part of the consultation deals with principles for the Overview and Scrutiny function, the Budget and Policy Framework Procedure rules, responsibility for functions, and times of council meetings.

#### 2. Overview And Scrutiny

- (a) Constitutional provisions relating to overview and scrutiny should take account of: -
- (i) the full range of existing powers available under legislation;
  - (ii) the commitment in the December 2007 unitary bid to improve and develop Overview and Scrutiny in Central Bedfordshire Council and develop further opportunities for public engagement; and
  - (iii) the new powers contained within the Local Government and Public Involvement in Health Act 2007, particularly regarding external scrutiny and the Councillor Call for Action.
- (b) Five themed Overview and Scrutiny Committees should be established, each conducting both scrutiny and overview, with terms of reference broadly aligned with the organisational structure agreed at the Shadow Executive meeting on 10 June 2008, i.e.:
- Business Transformation
  - Corporate Resources
  - Children, Families and Learning
  - Social Care, Health and Housing
  - Sustainable Communities
- (c) A single standing task group of the Sustainable Communities Overview and Scrutiny Committee should be established with responsibility for overview and scrutiny of the two local development frameworks and the Luton and South Beds major growth area proposals, subject to careful drafting of this group's remit.
- (d) Co-ordination of the Overview and Scrutiny function should be conducted informally by the chairman and vice-chairman of the Overview and Scrutiny committees, and that an overarching strategic, or management, Overview and Scrutiny committee is not required.
- (e) Hearing of call-in should be exercised by all Overview and Scrutiny committees, within the remit of their respective terms of reference.

- (f) Any valid call-in should be automatically referred to the relevant Overview and Scrutiny Committee; with the proper officer's powers to reject any call-in as being invalid confined to call-ins that are frivolous, vexatious, clearly outside the call-in scheme, or if the correct procedure has not been followed.
- (g) Decisions should be able to be called-in by either 2 members of the relevant Overview and Scrutiny committee, the chairman of the relevant Overview and Scrutiny committee, any three non-executive members of the council, or an individual ward member on a ward issue; with no further restriction on members' ability to call-in.
- (h) Each of the Overview and Scrutiny committees should comprise 9 elected members and up to 5 substitutes, with the addition of the statutory appointments to the Overview and Scrutiny committee dealing with education matters (3 parent governors and 2 diocesan representatives); and the quorum be 3 elected members except for the committee dealing with education matters where the quorum whenever it considers education matters should be 5 (comprising 3 elected members and two co-opted members).
- (i) There should be no formal co-options to Overview and Scrutiny committees, other than the statutory appointments to the committee dealing with education matters.
- (j) Chairmen and vice-chairmen of Overview and Scrutiny committees should be determined at full council, with the constitution not prescribing that these be selected from any specific political group.
- (k) Overview and Scrutiny meetings should be scheduled as often as meetings of the Executive, which would allow responsive scrutiny, and ease of hearing call-in requests, with the presumption that meetings can be cancelled if there is insufficient business.
- (l) Any member of the council should be entitled to ask for an item to be placed on an overview and scrutiny agenda and to speak to it at that meeting; and that a standing member request for agenda items be included on agendas for Overview and Scrutiny committees for this purpose, with no prior notice being required.
- (m) A scheme for Councillor Call for Action, as envisaged by the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006, should be included in the constitution, subject to later amendment to reflect any government guidance on the issue.
- (n) The principles for the public participation scheme agreed for Council and Executive be applied similarly to all Overview and Scrutiny committees.

- (o) The Executive or Council, as appropriate, should be required (i) to include any formal report or recommendations from an Overview and Scrutiny Committee on its agenda at the next available meeting for consideration; (ii) to respond to the report or recommendations in writing within two months; and (iii) in addition to constitutional provision on the above, that a pro forma for Overview and Scrutiny recommendations and Executive responses be used in the decision making process for Central Bedfordshire.
- (p) Central Bedfordshire Council should conduct its own integrated health and social care scrutiny, aligned with the needs of Central Bedfordshire residents and the new authorities' proposed organisational structure and inviting representatives of the new LINK arrangements for Central Bedfordshire to attend meetings as observers.
- (q) The constitution should provide for both voluntary and statutory health scrutiny to be conducted jointly with other local authorities through one or more joint health overview and scrutiny committees, as required.
- (r) The Council's representatives on any joint health Overview and Scrutiny committee should normally be appointed by the Monitoring Officer in consultation with the relevant OSC chairman and vice-chairman and subject to report to the next Council meeting; and subject to the proportionality rules.
- (s) Any coordination required between the Overview and Scrutiny committees dealing with health and adult social care and children's services should be a role for the informal meeting of the chairs of the Overview and Scrutiny committees.
- (t) In accordance with (m) above, crime and disorder Overview and Scrutiny should be included within the constitution, subject to any later amendments required as a result of further government guidance.
- (u) External scrutiny, including scrutiny of how LAA partners are achieving their local improvement targets, is included within Overview and Scrutiny Committees' terms of reference in respect of the functions that they are responsible for scrutinising; with further consideration given to any regulations or guidance received within the timeframe of this draft constitution.
- (v) Continuation of task and finish arrangements as currently operated in the three authorities, working outside the formal committee structure, subject to all findings being reported to the parent Overview and Scrutiny Committee.

- (w) Any duties related to external or cross-authority scrutiny that require the regular and continuing involvement of any Overview and Scrutiny Committee member are included in the constitution as part of the committee's informal working arrangements.

### 3. Budget and Policy Framework Procedure Rules

- (a) The Budget and Policy Framework Procedure Rules should provide that plans and strategies within the Budget and Policy Framework should normally be developed, revised or renewed via the Overview and Scrutiny committees, subject to flexibility to enable an Overview and Scrutiny committee the option of not considering such a plan or strategy according to individual circumstances. Decisions as to which plans, policies and strategies are in the Policy Framework are made by Council, advised by the Constitution Advisory Group.
- (b) The exceptions to the general rule that "no changes to any policy and strategy which make up the policy framework may be made by the Executive", should be limited to: -
- those changes necessary to incur expenditure where an emergency or disaster involving destruction or danger to life or property occurs or is imminent; and
  - such other in year changes which are agreed specifically by the Council in approving the plan or strategy in question.

### 4. Responsibility for Functions

- (a) The following outline committee structure is recommended, subject to consideration of detailed terms of reference at a future meeting: -
- Licensing Committee (plus sub-committees)
  - Regulation Committee
  - Standards Committee
  - General Purposes Committee (plus Appointments Sub Committee)
  - Audit Committee
  - Appeals Committee
  - Joint Consultation and Negotiation Committee for Primary and Secondary Education
  - Employees' Joint Consultative and Negotiating Committee

*(Please note that discussions relating to the number of Development Control Committees proposed for Central Bedfordshire are ongoing and any proposals in relation to Development Control will be consulted on with all Shadow Authority members in due course.)*

(b) The establishment of the following informal working groups is recommended:-

- Member Development Champions Group
- Constitution Advisory Group

(c) Local choice functions should be allocated according to the principle that those functions relating to matters of detail be Executive functions and those that are likely to have a high public profile, be politically contentious, or that are within the usual remit of a committee of the Council, be Council functions.

#### 5. Times of Meetings

All formal meetings of the council should be held in the day, except full council meetings which should be held in the evening, subject to a committee Chairman's discretion to change the time of a meeting to suit the issues involved on the agenda.

SHADOW AUTHORITY MEMBERS' COMMENTS ON THIRD CONSULTATION AND WORKING GROUP RESPONSES

Councillor	Issue	Comments from Councillor	Further information from officers	Response from the Working Group
1. Cllr Mark Smith	Overview and Scrutiny	<p>Having read the Overview &amp; Scrutiny part of the Constitution &amp; Engagement Taskforce I'm wondering if there is scope to write in to the role of the proposed Community Area Networks as a route into overview &amp; scrutiny, because as far as I could see from an initial reading there is no mention of these new proposed networks.</p>	<p>It is not envisaged that the Community Area Network forums would have a direct link into O&amp;S at this time. However, the Communities in Control White Paper (Chapter 5, Challenge, section 5.6, page 91) introduces a possible new role for scrutiny: -</p> <p>"If enough people served by a local service or agency sign a local petition then, senior officers working for a local public body should be required to attend a public hearing such as overview and scrutiny."</p> <p>Therefore, if a Community Area Network organises a petition on a particular subject and gets local support this may in the future be able to be tabled at Overview and Scrutiny. At any rate, there is already a clear route to Council, Executive and Committees via the petitions procedure.</p>	<p>The Working Group learned that the proposed structure for Community Area Networks (CANs) involved reporting to and influencing the policy of the Local Strategic Partnership.</p> <p>Local and community issues will be able to be brought to overview and scrutiny through ward members' ability to request an overview and scrutiny agenda item, and the public are able to present petitions, to which a response is required (although raising issues through petitions may well be more usefully directed to the Executive or decision making committee to which the petition relates).</p> <p>The working group also decided to invite an officer along to the next meeting of the working group to discuss the matter further.</p>



2.	Cllr Mark Smith	Times of Development Control Committee meetings	With regards the timing of meetings. I'm of the view that Development Control Meetings should be held in the evening as a 2pm start disenfranchises members of the public & members that work.		This issue and issue 3 were considered together: The working group and other members in attendance at the meeting discussed again the effect of meetings times on the public and elected members, including consideration of the performance of members and officers at evening meetings; and that some members of the public are equally disenfranchised by evening meetings as other members of the public are disenfranchised by day time meetings. In relation to Development Control, members considered that given the relatively few instances of the public needing to attend meetings of Development Control Committees (perhaps once or twice in a lifetime) and the importance of planning applications to the attending member of public, it was not thought that they would be overly affected by a day time meeting.
3.	Cllr Mark Chapman	Times of Meetings	My first comment is the defacto position of all meetings to be held in the day. We seem hell bent to exclude people from top tier local government, and holding all day time meetings is a SERIOUS deterrent for many people standing for council.		Cllr David Jones voiced concerns, as at previous meetings, at this approach. However the majority of working group members confirmed that on balance, day time meetings would be the most effective and efficient method of conducting business.

4.	Cllr Mark Chapman	Overview and Scrutiny	Scrutiny needs a high profile in the organisation, and I believe that there should be an officer Scrutiny Champion in EACH Directorate.	Suggest that this could be referred to the Director of Business Transformation.	The working group considered it important that a senior officer be identified in each directorate with responsibility for attending overview and scrutiny meetings. The working group thought it best that it was made clear that both the Director and Portfolio Holder should attend and contribute regularly to meetings, and that this would have the effect of raising the profile of overview and scrutiny throughout the directorates. This would therefore be reflected in the working practices of the overview and scrutiny function.
5.	Cllr Mark Chapman	Overview and Scrutiny	The support for the scrutiny committees needs to be able to cope with the volume of work, and to be able to access all aspects of the councils operations. To do this we should look to the number of posts for officers, and I think the minimum for Central Bedfordshire should be an Overview and Scrutiny Manager plus 3 support officers (with each officer allocated clearly to look after 2 committees).	Suggest that this could be referred to the Director of Business Transformation.	The working group observed that a similar comment had been received from Cllr Bastable (MBDC) and although officer support for the overview and scrutiny function was not with its remit, resolved to forward its strong view to the Director of Business Transformation that the overview and scrutiny function must be suitably resourced by dedicated officers in order to be effective, highlighting the proposed overview and scrutiny committee structure, terms of reference and the increased powers for overview and scrutiny brought in by recent legislation.

6.	Cllr Mark Chapman	Overview and Scrutiny	<p>The function needs to be more flexible than we have been before, regularly scrutinising external partners, and holding meetings out in the community as well as in house. I recently attended a Scrutiny meeting at another authority, and because of the issue 120 residents attended!</p>	<p>The new scrutiny powers outlined in the Local Government and Public Involvement in Health Act 2007 (pending further regulation and guidance and due to come into force 1 April 2009) allows for more extensive scrutiny of other local organisations. The working group has already agreed to include these powers in the Central Bedfordshire constitution, when they are finalised by government.</p>	<p>The working group were of the view that the new overview and scrutiny powers introduced in the Local Government and Public Involvement in Health Act 2007 (due to come into force 1 April 2009) would improve scrutiny of local partners. The working group confirmed their principle to improve and develop overview and scrutiny and develop further opportunities for public engagement.</p>
7.	Cllr Mark Chapman	Overview and Scrutiny	<p>Overview and Scrutiny Task groups have done a lot of good work outside of committees, and should be encouraged as best practice.</p>	<p>The proposed overview and scrutiny procedures provide for Overview and Scrutiny Task groups to conduct detailed reviews.</p>	<p>The working group agree with Cllr Chapman, and the overview and scrutiny arrangements would continue to utilise Task groups to conduct in-depth investigations.</p>
8.	Cllr Mark Freeman	Scrutiny of growth area and LDF	<p>The scrutiny of development should be separated for the two types of development area – the South Bedfordshire Growth Area should not be mixed with the non-growth area in the rest of Central Bedfordshire as the challenges and objectives are very different. There would, therefore, be required two groups not one.</p>		<p>The working group confirmed its view formed at the last meeting, but also observed that the setting of Task groups to consider scrutiny of development would be for the Sustainable Communities Overview and Scrutiny Committee to determine.</p>

9.	Cllr Mark Freeman	Call-In	It should be a requirement of any call-in that the Member(s) who ask for the call-in should attend the O&S Committee when the item is discussed.	Suggest that this could be added to the overview and scrutiny procedure rules in relation to call-in.	The working group agreed with this suggestion and requested that the draft constitution be amended to the effect that it be made clear that there would be an expectation that member(s) requesting a decision be called-in should attend the overview and scrutiny committee meeting at which it is heard. At any rate, the working group believed that there was a strong imperative for a member to attend to present any call-in request.
10.	Cllr Mark Freeman	Chairing overview and scrutiny committees	If the Executive is single party, O&S Committee should be chaired by a member of the main opposition party.		The working group confirmed its principle that full council should determine chairmanships for overview and scrutiny committees, and that this did not disbar opposition group chairs, which was conventional for the existing authorities.

11.	Cllr Mark Freeman	Licensing Committee terms reference of	Licensing Sub-Committees should be area based and meet in the locality concerned. Membership should be predominantly, but not totally, from the area covered by the Sub-Committee.	<p>For similar reasons to the preferences for a single Development Control Committee, especially in relation to consistency of decision making, it is officers view that there should be one Licensing Committee, and that although there may be some specific local issues that will need to be considered, as is the case now, one committee can adequately cover these and additionally provide consistency in decisions.</p> <p>In addition, it is intended to work on a Central Bedfordshire licensing framework and review all associated policies for all licensing functions during 2009 in line with current guidance.</p>	The working group agreed with the views provided by officers that there were no obvious benefits from having area-based licensing committees, as this could have the effect of eroding consistency of decision making, and that special 'local' knowledge was not a necessary requirement for determining licensing applications.
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12.	Cllr Mrs Rita Drinkwater	Appeals Committee	It would be useful to ensure there is clarity as to which appeals this applies to.	<p>Appeals Committee terms of reference are currently drafted as: "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, including but not limited to: -</p> <ul style="list-style-type: none"> <li>• appeals by employees under their conditions of service or otherwise;</li> <li>• appeals by people pursuant to any statutory provision;</li> <li>• appeals in connection with the provision of school or college transport;</li> <li>• representations made in connection with a decision to remove a governor from a governing body to which he/she was appointed by the Council."</li> </ul>	The working group received an explanation of the wide variety of appeals that can be heard by a local authority, which necessitates a suitably worded terms of reference for the Appeals Committee.
13.	Cllr Mrs Rita Drinkwater	Fostering and adoption and other panels	At this stage have you considered the Corporate Parenting Panel, Adoption Panel, Fostering Panel and Permanence Panel? The later three are a big commitment normally once a month.	These issues are not to be included in the constitution. Officers will liaise with new Director of Children, Families and Learning to ensure arrangements for these panels are being considered.	The working group received confirmation that although it was not intended to include these Panels within the constitution, a report should be received by the working group at its next meeting in order to consider how these functions will be exercised by Central Bedfordshire Council.

14.	Cllr Bob King	Number of Members on Committees	<p>My only real concern is the level of member's involvement in Central Bedfordshire. There will be 66 Councillors. Allowing for Executive appointments, I wonder if we are not pitching the numbers on Overview and Scrutiny Committees too high. On top of Overview and Scrutiny there will be statutory bodies as well as representation on Charities and other Organisations that want support from Central Bedfordshire.</p> <p>There will always be Councillors who cannot or will not want to devote a large amount of time to their role.</p>		<p>The working group acknowledged the comments, and agreed that the requirements from Central Bedfordshire Councillors would be high. The working group observed that there would not be a restriction on a member sitting on more than one overview and scrutiny committee.</p>
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#### 4. **FOURTH CONSULTATION – 4 November 2008**

##### 1. Introduction

This is the fourth part of the ongoing consultation with all shadow authority members on the development of the new constitution for the Central Bedfordshire authority. This part of the consultation deals with principles for the Development Control Committee.

##### 2. Development Control Committee

2.1 Both the Sustainable Development Transitional Task Force (TTF) and the Constitution and Governance Member Working Group have considered at length the various alternatives for Development Control Committee(s), in terms of numbers and functions of committees, number of meetings, location, membership and so on.

2.2 The TTF has produced a series of proposals, which the Constitution and Governance Working Group has agreed to use as the basis of consultation with all shadow authority members. Under some of the proposals, the Working Group has highlighted some specific alternatives, that shadow authority members may wish to consider: -

- A single committee is created;
- A single venue is identified.

The Working Group suggested that other options could include meeting at two venues in Central Bedfordshire, and either considering items specific to the area in which the meeting is being held (which would necessitate more meetings and potentially more committee Members), or considering all items from across Central Bedfordshire but at alternating venues.

- The Committee comprises between 18-20 Members plus substitutes;
- The Committee sits on a 3 weekly cycle;
- Options for all-day meetings;
- Adoption of the Mid Beds model for public speaking at Committee, and subject to clear powers for the Chairman to vary the public participation procedure where necessary;

The Working Group considered that the time allowed for public speaking could usefully be 5 minutes rather than 3 minutes, although it may be that Members would be content with the



Committee Chairman having discretion to extend the time allowed where appropriate.

- Organised site visits.

- 2.3 Although it is not directly relevant to the constitution, there is an additional proposal that Development Control meetings are broadcast via the internet.
- 2.4 The Working Group is aware that there are a wide variety of views on how Central Bedfordshire could discharge its new development control functions and invites comments, supported by evidence where possible, on alternatives to, or in support of, the proposals outlined above.
- 2.5 In order that Members may follow the discussions that have already taken place, the minutes of the TTF meeting and the working group meeting are provided below. The reports received by the working group and the TTF are also enclosed as separate documents.

# Creating Central Bedfordshire

## SUSTAINABLE DEVELOPMENT TRANSITIONAL TASK FORCE (TTF)

Extract of the Action Notes from the meeting on 6 October 2008

		Action	
		By	Date
4.	<p><b>Options for the operation of Development Control Committee</b></p> <p>Andrew Davie presented members with information and statistics relating to the current Development Control and Planning Committees within the three existing authorities. (attached at Appendix A).</p> <p>Several options were then put forward regarding the number of, location, membership and responsibilities of the Development Control Committee within Central Bedfordshire.</p> <p>Members were asked to consider whether they wished there to be one, two or four committees. They were advised of the advantages and disadvantages of each of these options.</p> <p>Members commented that the data within the presentation reflected applications for 2007-2008 and, if a later period had been considered, the average number of applications would have reduced. However, officers felt that, long term, the numbers presented would be reasonably accurate.</p> <p>Some Members expressed the opinion that there should be one committee based at one location. It was felt that, if members of the public had an interest in an item or application, they would be prepared to travel to attend the meeting. Further comment was made that most people would only make one or two applications ever and that therefore they would be interested enough to attend the relevant meeting.</p> <p>It was felt that having only one committee would aid consistency of decision-making and using only one venue would avoid confusion.</p> <p>A counter-argument was made that the issue of consistency needed to be balanced against community knowledge/local input and accessibility for the public. Consistency would be maintained with reference to local plans and decisions would be made on merit.</p>		

	Action	
	By	Date
<p>There was some concern expressed regarding the acceptance of meetings that would last in excess of four hours. It was felt that, at this planning stage, a shorter duration should be worked towards.</p> <p>There was some discussion about current arrangements, but Members agreed that this was an opportunity to move away from South Beds/Mid Beds and start Central Bedfordshire with effective and efficient systems in place.</p> <p>The point was raised that Scrutiny had already stated that they did not support a single DC committee and, if the majority view was not considered, there was the likelihood of Scrutiny raising the issue again for debate.</p> <p>Some Members felt that, although they agreed that there should be 1 committee, they felt that it should be held at alternate venues as this would help the public who wished to attend.</p> <p>It was commented that, if efforts were made to hold meetings at different venues to be "Closer to the People", there could be as many as 4 or even 8 committees at as many venues.</p> <p>There was comment made that many of the issues considered at County Council Planning Committee were very different to those at district councils as they dealt with large applications such as the Nirah Project; footpaths; petitions and minerals, etc. As such, consideration should be given to using a different forum or holding separate meetings for these types of applications.</p> <p>It was felt that the expertise to consider all of the issues for which each of the existing committees received applications could be gained by a membership of approximately 20 Members with a comprehensive training programme. It was also likely that some existing Members would be re-elected and that therefore some knowledge would be retained. It was felt that these Members should sit on very few other committees.</p> <p>Good management and best practice at committee meetings could ensure that time was used effectively. There was not the need for repetition of the facts of an application via a report, a presentation and orally by the officer.</p> <p>A suggestion was made that meetings should start in the mornings with County type applications being considered in the morning session and other planning applications being considered in the afternoon.</p>		

				Action	
				By	Date
<p>Members felt that the Town and Parish Councils could play a bigger part in filtering some of the applications so ensuring that only applications with significant planning reasons from their council would be considered by committee. A further filter would be by way of a cross-member review group.</p> <p>Councillor Johnstone asked that the minutes reflect his opinion that the workload of the DC Committee would be very heavy and that there should be and would eventually be the need of a separate committee to consider highways matters.</p> <p>It was agreed that officers would put forward a proposal for a system where Town and Parish Councils and Ward Members could propose items for the agenda.</p> <p>It was agreed that petitions regarding Highways matters would be presented to Council.</p> <p>It was agreed that there would be, at each meeting, a report updating Members on enforcement issues.</p> <p>Members were advised that the recommendations that had been agreed during the voting process at this meeting would be presented, by the Portfolio Holder, to the Shadow Executive and then on to Scrutiny.</p> <p>After further discussion into which various view points were made, it was decided to vote on the recommendations within the presentation, as follows:</p>					
	For	Against	Abstain		
Single DC Committee	7	4			
Single venue	6	5			
18-20 Members	7	2	2		
3-weekly cycle	9		2		
10am start	8		3		
Public speaking as per MBDC	6	4	1		
Organised site visits	9		2		
X-party review panel	5	6			
Broadcasting of meetings					
Only to consider planning applications					
Special meetings to consider significant schemes	11				

# Creating Central Bedfordshire

## CONSTITUTION AND GOVERNANCE MEMBER WORKING GROUP

Extract of Action Notes from Meeting 5, held on 23 October 2008

		Action	
		By	Date
<b>6.</b>	<b>Development Control Committee(s) discussion</b>		
6.1	Planning officers introduced the report, which summarised the discussions and proposals from the Sustainable Development Transitional Task Force (TTF) for the conduct of the development control committee functions for the Central Bedfordshire authority.		
6.2	The TTF Lead Member presented the views of the TTF, which were formed over the course of several meetings and which flowed from consideration of the relative merits of a variety of options for exercising Development Control functions. Attention was drawn to the votes cast by TTF members in relation to each proposal.		
6.3	The Chairman of the working group outlined that the meeting would determine only principles on which to consult with shadow authority members, and consider responses to this consultation at its meeting on 20 November, before drawing up final proposals for the draft constitution, which would be considered by the full Shadow Council on 26 February 2009.		
6.4	In full consideration of the individual proposals put forward by the TTF, and in addition to the various views expressed and relative merits for different options discussed at that meeting, the working group and other members present made the following points in relation to the proposals: -  <u>A single committee is created</u>		
6.5	The TTF lead member highlighted that a single committee approach would encourage a more professional and skilled approach from the members involved. Having several committees would require more members to have the required knowledge and skills, which would be counter productive to the aim of high quality decisions. A single committee would create greater consistency across the new authority's area.		

		Action	
		By	Date
6.6	A number of alternative views were expressed, which included the use of more than one committee, operating on an area basis, or by separating out functions in terms of what are now county council planning functions (including highways, transport and waste issues) and district council planning functions, or by dealing with 'rural' and 'urban' issues separately.		
6.7	<p><u>A single venue is identified</u></p> <p>The TTF Lead Member highlighted that a single venue would avoid confusion in the public mind and would have benefits in terms of efficiency of resourcing meetings. Alternative views expressed by other members included alternating the meeting between two locations, either dealing with locality based items relevant to the venue, or simply meeting at alternating locations, with the advantages of accessibility and being 'closer to the community'. Officers warned that dealing with locality based issues at different meetings would necessitate more frequent meetings, which would create large pressures on the service, and risk not meeting government targets and deadlines for determining planning applications.</p> <p><u>Adoption of the Mid Beds model for public speaking at Committee</u></p>		
6.8	<p>The working group and other members present agreed that subject to suitably flexible powers for the committee chairman to vary the scheme dependent on the nature of the application or item under consideration, the Mid Beds scheme should be used as the basis for consultation.</p> <p><u>Organised site visits</u></p>		
6.9	Members commented that site visits may become more of a burden, and stressed that it was important that these were well organised.		
6.10	In summing up, the working group agreed that it would be sensible to consult with shadow authority members on the proposals outlined by the TTF, but to ensure that the various alternatives were clearly highlighted to members, especially those that were a close vote. It was also agreed that the notes from the meeting of the TTF should accompany the consultation as background information.		

		Action	
		By	Date
	<p><b>RESOLVED –</b></p> <p><b>(1) To consult with shadow authority members on the principles for the development control function as outlined by the Sustainable Development Transitional Task Force and set out below, subject to clearly highlighting to members that there are various alternatives to the TTF’s proposals: -</b></p>		
	<ul style="list-style-type: none"> <li>- A single committee is created;</li> <li>- A single venue is identified;</li> <li>- The Committee comprises between 18-20 Members plus substitutes;</li> <li>- The Committee sits on a 3 weekly cycle;</li> <li>- Options for all-day meetings;</li> <li>- Adoption of the Mid Beds model for public speaking at Committee;</li> <li>- Organised site visits;</li> </ul> <p><b>(2) That the proposal that ‘options for broadcasting meetings be investigated’ be referred to in the member consultation, though will not be reflected in the draft constitution.</b></p> <p><b>(3) That the proposal that ‘meetings only consider development management issues’, be further investigated by officers and discussed by the working group, due to the need for petitions relating to development control matters to be dealt with in line with the general principles for member participation in the draft constitution.</b></p>		

## SHADOW AUTHORITY MEMBERS' COMMENTS ON FOURTH CONSULTATION

### Cllr Nigel Young (SBDC)

1. Planning is a local issue and needs to be seen as a local issue.
  2. Alongside this there needs to be consistency of decision making but surely that is driven by planning policy guidelines.
  3. To achieve this there could be one committee made up of two area committees one for the East/South sitting in Dunstable and one for the North/West sitting in Chicksands with, perhaps, a common Chair, area vice chair and single lead officer.
  4. The whole committee would sit together for major matters effecting the entire district.
  5. Members would be free to attend both area committees if they desired, meetings 2 weekly on alternate (eg) Wednesdays.
  6. To reduce agenda size smaller applications could be delegated to a member/officer panel. This could also involve Town Councils where they have been an objector and have, as now happens in SBDC, 'called in' an otherwise un-contentious application.
- 

### Cllr Budge Wells (MBDC)

I was part of the TTF that considered this issue on 6th October last, and I have not changed my views since then. I would support the following DC construction :

- A Single DC Committee
- A single venue - preferably at Priory House, as it is geographically central to Central Beds
- 18 Members
- Sitting at a three weekly cycle
- Meetings to start at 0930, dealing with major items eg Highways, Gravel Pits, Hospitals etc in the morning, a decent interval for lunch and residential matters in the afternoon.
- Site visits to be requested by a member(s) of the DC Committee after representations made from any interested party, but accompanied by a strong planning reason
- Special meetings to consider significant schemes e.g. NIRAH or Center Parcs
- Suitable training given for both residential matters and also for the big issues such as Center Parcs

I firmly believe that one committee would give consistency of decision making across the whole of Central Beds, and using one venue would avoid any confusion about where meetings are to be held, both for Committee members, residents and other interested parties.



Finally, if this construction is found to be faulty after a suitable trial period, then Central Beds Council can review it and change it accordingly.

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Cllrs David Lawrence (MBDC and BCC) and Mrs Jane Lawrence (MBDC)

We believe that taking decisions away from Local Knowledge is already causing more damage to the area than the £600,000 a year or so grant. Thus the wrong target is being addressed, Quality is the issue not cost/effectiveness.

We believe that individual objectives will exist for each market town. They are not metropolitan areas with all general functions measured on a single standard, they are not truly rural parishes where again some commonality can apply.

Instead each market town carries out some of the general functions but not all e.g. fire station, police station, library, hospital etc and has a differing retail, leisure and professional service balance. No two market towns will be the same.

Inconsistency between towns is a benefit not a disadvantage and each town must be defined to avoid giving ground to appeals. It is however the quality statement that should create the defence to appeals not the sameness.

Initially a 2 committee structure with a North South or an East West divide (i.e. A1 and M1 corridor) would seem to be a sensible way to start until the new council is bedded in with the possibility of change at a later date. Growth areas should have a priority of places on the committee. 10 to 12 on each committee should be adequate.

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Cllr John Kane (SBDC)

Having read the attached documents and listened to the presentation and debate last night. Please see below my comments:

- I agree that a single committee should be formed. This will allow all members to be trained to the high standard needed.
- Highway and Large developments should have the attention of the whole committee with one meeting
- Local planning matters should be dealt with locally with a meeting for the east one for the west parts of Central Beds. This will provide the local knowledge that is intrinsic in arriving at the correct planning decision for each application. The whole DC committee does not need to attend both meetings.
- Efficiencies often mean a reduction in service, we need to show our customers this is not the case, by providing a planning service they can see and attend when needed.

- Local planning meetings should also be held in the evening, the majority of customers work for a living therefore attending a meeting is more convenient.

We must remember that we are here to provide a service to the rate payers who contribute to the new Unitary council. Not here for the connivance Officers, Councillors and central government who work and represent them. Centralisation works in Luton as it is within a tight geographical area, Central Beds is spread over a much larger area.

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Cllr Mrs Fiona Chapman (MBDC)

I would really like to see Area Committees with Planning powers but I do not believe that we can do this now. I think therefore that there should be one committee meeting every 2 weeks in alternate venues (Chicksands & Dunstable) if possible. However, I suspect that will not be the answer that most members will come up with. One thing I cannot go along with is all day meetings. I do not believe that my fellow councillors can, or should, be expected to cope with these.

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Cllr Peter Blaine (MBDC and BCC)

I and, as far as I can tell, the overwhelming majority of members of my group oppose the idea of a single Development Control Committee.

Any solution should provide ready access to the decision-making process for citizens from all parts of Central Bedfordshire.

Notions of consistency seem to make little sense when we are anyway dealing with different Local Plans or Local Development Frameworks.

No evidence from practical situations in the various authorities which do have more than one committee appears to have been provided as to negative situations resulting from any alleged lack of consistency.

Speed, rather than good decision making seems to be a fixation when these matters are considered or the government or its quangos advise on these matters. This seems to be primarily a developer interest. Our greater concern should be for the citizens on Central Bedfordshire, whether personal applicants or objectors, to whom we are responsible and who pay our council tax.

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Cllr Nigel Aldis (MBDC)

I think after attending the presentation last week at Chicksands I would like to see 2 D C Committees for the first two years at least with meetings in the respective locations - Dunstable & Priory House.

I do not think the committees need to be as large as some would anticipate 13 maximum but with a good representation as far as possible from across the appropriate area. I do not think there should be a limit on say "one per division".

From a meeting with Simon Redmore yesterday it appears that the respective planning teams may be staying in their current location so would be available to service their committee especially as the Local Plans & LDF are so different.

As for deterring DC issues of a County nature then feel there should be a joint committee composed of members from each DC.

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Cllr Ken Matthews (MBDC)

Having listened to all the pros and cons of the various options I'm more than happy to support the recommendations of the TTF - i.e. one committee, one venue etc. etc.

I was, of course, part of the TTF and therefore supportive of those recommendations. However, nothing I've heard subsequently has caused me to change my views.

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Cllr Carole Hegley (SBDC)

I would support a single committee, single venue approach, on a 3-weekly cycle.

From experience I believe anyone wishing to attend a meeting to speak would make the effort to attend, irrespective of location of the meeting. I chaired Planning for a number of years and many meetings did not even attract any members of the public. The public have many ways to lodge comments and objections, by letter, fax, phone, email and at a meeting, there is a facility for Parish councils to feed comments in and Town Councils to do likewise and these were done in the past by written representation to officers and included in the Agenda report. The public also have this opportunity and even more so now with access to on-line applications. I think 1 committee would enable a consistent, efficient approach and give the customers a clear steer as to when they were being held and where. If we are to embrace the concept of Central Bedfordshire as one authority, we need to think centrally and not still in 2 halves.

## 5. FIFTH CONSULTATION - 7 NOVEMBER 2008

### 1. INTRODUCTION

This is the fifth part of the ongoing consultation with all shadow authority members on the development of the new constitution for the Central Bedfordshire authority. This part of the consultation deals with principles for the Standards Committee and Ethical Governance Framework and the Budget and Policy Framework.

### 2. STANDARDS COMMITTEE AND ETHICAL FRAMEWORK

#### 2.1 *Composition*

- 5 Independent members
- 5 Central Bedfordshire Council members
- 5 Town-Parish Council members

#### 2.2 *Remit*

That the remit of the Standards Committee be confined to the ethical framework and the local assessment and determination of complaints about the conduct of councillors, and that no additional functions therefore be included in the terms of reference of the Committee.

#### 2.3 *Ethical Framework*

The Ethical Framework is proposed to include: -

- Code of Conduct for Members
- Code of Conduct for Officers
- Planning Code of Good Practice
- Licensing Code of Good Practice
- Protocol for Member/Officer Relations
- Monitoring Officer Protocol
- Protocol for the Use of IT at home

### 3. BUDGET AND POLICY FRAMEWORK

3.1 The working group proposes that the following policies, plans and strategies should form the initial budget and policy framework for Central Bedfordshire Council: -

#### Statutory (these by law must be included)

- Annual Library Plan
- Children and Young People's Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Local Transport Plan
- Plans with Development Plan Document status, which together

comprise the Local Development Framework and the Waste and Minerals Development Framework

- Youth Justice Plan
- Statement of Licensing Policy under section 5 of the Licensing Act 2003
- Licensing Authority Policy Statement under section 349 of the Gambling Act 2005

#### Other

- Medium Term Financial Strategy, Treasury Management Strategy and Fees and Charges Policy – as part of annual budget setting at full council
- Corporate Strategic Plan (including Directorate Development Plans)
- Older People's Strategy
- Cultural Strategy (to include the Leisure Strategy)
- Revenue and Capital Budget and the Capital Programme
- Housing Strategy / Housing Investment Programme
- Sustainability Policy suite (including environmental policy, climate change strategy and sustainability strategy)
- Customer Service Strategy, Communication Strategy, Consultation Strategy and Community Engagement Strategy
- MKSM sub-regional strategy (including Luton and South Bedfordshire growth area strategy documents, unless formally delegated by the Council to a joint committee)
- Equality and Diversity Strategy
- Joint Economic Development Strategy for Bedfordshire

## SHADOW AUTHORITY MEMBERS' COMMENTS ON FIFTH CONSULTATION

	<b>Councillor</b>	<b>Issue</b>	<b>Comments from Councillor</b>
1.	Cllr Bob King (BCC)	Policy Framework	Working Group agreed an included LAA in budget and policy framework.
2.	Cllr Alison Graham (MBDC)	Policy Framework	<p>The Policy Framework is a list of the plans, policies and strategies that the Council, rather than the Executive must approve. All the individual policies, plans and strategies in the policy framework will originate from the various Directorates of the council, so you are not mistaken if you have heard that the Climate Change Strategy will be within the remit of the Business Transformation Directorate. That Directorate will initially prepare the strategy and have responsibility for its successful execution, but by virtue of its inclusion in the policy framework, Council would be required for final approval and adoption.</p>
			<p>Did the LAA ought not to be included?</p> <p>Having just read the ethical governance, etc., framework, I have a question. I see the following under 'other': 'sustainability policy suite (including environmental policy, climate change strategy and sustainability strategy'.</p> <p>I was under the impression that the climate change strategy was within the remit of the Business Transformation Directorate - am I mistaken? As the LibDem spokesperson for the environment, I don't want to lose sight of an important issue for the new authority!</p>

Councillor	Issue	Comments from Councillor	
3. Cllr Peter Hollick (BCC)	Ethical Framework	<p>15 Members creates a large committee. I would have thought 3 or 4 people from each grouping would have been sufficient? (I appreciate there are a (large) number of Town-Parish Councils and many may be vying (vying?) for a position on the Committee.)</p> <p>Paragraph 2.2 of the consultation document refers to the remit of the Standards Committee to include conduct of councillors but 2.3 refers to conduct of Officers (as well). Should the word 'Officers' be included in 2.2?</p>	<p>The remit of the Standards Committee includes the Ethical Framework and determination of complaints about members. Although the ethical framework includes the Code of Conduct for Officers, it should be made clear that determination of allegations of misconduct of <i>Officers</i> is not, nor can it be, within the remit of the Standards Committee.</p>





**Central Bedfordshire Constitution:  
Second Transitional Period 1 April 2009 to 7 June 2009 Inclusive**

The following table shows which sections of the Shadow Constitution and which sections of the Full Central Bedfordshire Council Constitution the Member Working Group has recommended should apply during the 2<sup>nd</sup> transitional period from 1 April 2009 to 7 June 2009 inclusive (the newly elected councillors will take office on 8 June 2009).

Please refer initially to the relevant Part of the Full Constitution (listed from Part A to Part K) and cross-refer to the relevant heading in the left hand column below. Reading across the page, the RIGHT HAND COLUMN shows which wording should apply between April and June 2009. Where the right hand column shows that the Shadow Constitution should apply with amendments or additions, please see the detail of those changes in the cross-referenced note in Schedule 2.

Full CBC Constitution (in draft)		Shadow Constitution		Recommend Apr-Jun 09
Section	Provision	Section	Provision	
<b>Part A – The Constitution</b>				
A1 Summary	66 elected councillors 5 themed overview & scrutiny committees	Summary	124 shadow councillors 1 scrutiny committee	Shadow Shadow as amended <b>SEE PART D BELOW</b>
A2 Purpose of the Constitution	Full public participation at meetings -	" Pt 2, Article 1	No public participation at meetings -	Full Shadow

<b>Full CBC Constitution (in draft)</b>		<b>Shadow Constitution</b>		<b>Recommend Apr-Jun 09</b>
A3 Members of the Council	66 elected councillors	Pt 2, Article 2	124 shadow councillors	Shadow
A4 Citizens and the Council	Full public participation at meetings	Pt 2, Article 3	No public participation at meetings	Full
A5 Review & Revision of the Constitution	MO reports to Constitution Advisory Group which recommends any changes to full Council	Pt 2, Article 15	IMO, in consultation with Council Chairman/Leader may amend to achieve aims of Implementation Order	Shadow, as amended <sup>1</sup> <b>SEE NOTE 6 OF SCHEDULE 2</b>
A6 Suspension, Interpretation & Publication of the Constitution	-	Pt 2, Article 16	-	Full
<b>Part B – The Council</b>				
B1 Functions of the Full Council	-	Pt 2, Article 4	-	Shadow, as amended <sup>2</sup> <b>SEE NOTE 1 OF SCHEDULE 2</b>

<sup>1</sup> Amendment required to enable MO, in consultation with the Constitution Advisory Group, to make any necessary revisions to the constitution during this period.

<sup>2</sup> The Council's functional responsibilities and delegations to officers will be as set out in the relevant parts of the Full Constitution

Full CBC Constitution (in draft)		Shadow Constitution		Recommend Apr-Jun 09
B2 The Budget and Policy Framework	List of named plans/strategies to be specified (statutory & discretionary). Most statutory plans are required by March 2010 (sustainable communities strategy March 2011).	Pt 2, Article 4	Statutory plans/strategies + any others adopted in preparation for 1 April 2009	Shadow <sup>3</sup>
B3 Budget & Policy Framework Procedure Rules	Details the annual process for developing the budget & policy framework (as defined in B2) and procedures for decisions outside the framework.	Pt 4, Budget & Policy Framework Procedure Rules	Details the process for developing the first CBC budget and policy framework that will be implemented from 1 April 2009.	Shadow <sup>4</sup>
B4 Chairing the Council	Chairman's role includes ensuring Council meetings are a forum for debating community concerns, holding Executive & chairmen to account & promoting public involvement in the Council's activities	Pt 2, Article 5	Role confined to presiding over Council meetings & upholding/interpreting the constitution	Full

<sup>3</sup> We would not expect any new statutory plans or strategies to be recommended to Council in advance of the election.

<sup>4</sup> We would not expect the budget & policy development process for 2010/11 to require member decisions before the 2009 election.

<b>Full CBC Constitution (in draft)</b>	<b>Shadow Constitution</b>	<b>Recommend Apr-Jun 09</b>
<p>B5 Full Council Procedure Rules</p> <p>Includes annual meeting business, appointment &amp; dismissal of Leader, appointments to committees.</p> <p>Members' questions without notice on agenda items, with Chairman's urgency consent or in allocated 45 minute period, otherwise at 7 days' written notice. Up to 10 minutes allowed for member ward presentations (max. 30 minutes total).</p> <p>Motions on executive functions can be debated before referral to Executive if Council consents.</p> <p>Leader can call strategic policy debates.</p> <p>Ordinary meetings include up to 15 minutes for public questions &amp; up to 30 minutes for petitions. Public participation procedure applies.</p> <p>Provision for reports from police &amp; fire authorities and on joint arrangements and/or external organisations.</p>	<p>Pt 4, Council Procedure Rules</p> <p>Provisions on annual meeting, public questions, external reports etc. are not included.</p> <p>Members' questions without notice on agenda items or with Chairman's urgency consent, otherwise at 3 days' written notice. No ward presentations.</p> <p>No prior debate on motions on executive functions.</p> <p>No ability to call strategic policy debates.</p> <p>No public participation procedure.</p> <p>No reports from police or fire authorities, or on joint arrangements/ external organisations.</p>	<p>Shadow + full provisions on public participation and substitute members  <b>SEE NOTES 7 AND 8 OF SCHEDULE 2</b></p>

<b>Full CBC Constitution (in draft)</b>		<b>Shadow Constitution</b>		<b>Recommend Apr-Jun 09</b>
B6 Local Choice Functions	All functions allocated to Executive except for appeals, questions on police matters, appointments to police authority, obtaining information on interests in land, agreements for highways works & appointments to outside bodies.	Pt 3, para 4	All transition functions allocated to Shadow Executive except for appeals.	Shadow
<b>Part C - The Executive</b>				
C1 Executive Arrangements	Covers all local authority powers and functions which are not the responsibility of any other part of the Council.  Leader to be elected by Council; Deputy Leader & other Executive members (between 2 & 9 in total) to be appointed by Leader.	Pt 2, Article 7	Covers transition functions under the Implementation Order. These include preparing for the assumption of full local authority powers and functions on 1 April 2009 and ensuring continuity of service delivery on and after that date.  Leader & Deputy Leader as appointed by Implementation Order + 10 other Executive members representing MBDC (3), SBDC (3) & BCC (4).	Shadow, as amended <sup>5</sup> <b>SEE NOTES 3 AND 9 OF SCHEDULE 2</b>

<sup>5</sup> Amendment to confirm that Executive has full powers from 1/4/09 to carry out any function which is not the responsibility of any other part of the Council.

Full CBC Constitution (in draft)	Shadow Constitution	Recommend Apr-Jun 09
<p>C2 Key Decisions and the Forward Plan</p> <p>Key decisions are above £200,000 financial threshold, or significantly affect communities in one or more wards. Financial threshold does not apply to expenditure already identified in the approved revenue budget/ service plan or capital programme; or fulfilling an explicit approved policy, strategy, service standard, etc.</p>	<p>Pt 2, Article 13</p> <p>Key decisions are above £500,000 financial threshold, or significantly affect communities in two or more wards.</p>	<p>Full</p>
<p>C3 Executive Functions</p>	<p>Pt 2, Article 7, para 9 and Pt 3, para 6</p> <p>Leader may delegate powers to individual Portfolio Holders (but none are currently delegated).</p>	<p>Shadow as amended <sup>6</sup> <b>SEE NOTE 3 OF SCHEDULE 2</b></p>
<p>C4 Executive Procedure Rules</p> <p>Public participation procedure applies, including public questions &amp; petitions. Any Council member may speak once on an agenda item, further speaking at Leader's discretion. Any Executive member can put an item on the agenda; and any Council member may ask the Leader (with 7 days' notice) to put an item on the agenda. Voting provisions include ballots, recorded votes, etc.</p>	<p>Pt 4, Executive Procedure Rules</p> <p>Public may not participate. Only Executive members may speak. Only the Leader can put items on the agenda.</p>	<p>Shadow + full provisions on public participation and ability for any Council member to speak once on an agenda item, etc. <b>SEE NOTE 9 OF SCHEDULE 2</b></p>

<sup>6</sup> The Executive's functional responsibilities and delegations to officers will be as set out in the relevant parts of the Full Constitution

Full CBC Constitution (in draft)	Shadow Constitution		Recommend Apr-Jun 09
<p><b>Part D – Overview and Scrutiny</b></p> <p>D1 Overview and Scrutiny Arrangements and Terms of Reference</p> <p>Five O&amp;S Committees of 9 members each. Terms of reference aligned with directorate structure, all covering policy development/review, Executive scrutiny &amp; community call for action. All able to exercise call-in powers.</p> <p>Provides for statutory co-optees on Children, Families &amp; Learning OSC.</p> <p>O&amp;S Management Panel (informal) to coordinate O&amp;S work programmes.</p> <p>Provision for health scrutiny (Social Care, Health &amp; Housing OSC) incl. reports to NHS bodies; also provision for joint health OSCs if required.</p>	Pt 2, Article 6	<p>One Scrutiny Committee to review preparations for assuming full local authority powers on 1 April 2009.</p>	<p>Shadow, as amended<sup>7</sup>  <b>SEE NOTE 2 OF SCHEDULE 2</b></p>

<sup>7</sup> Four of the five themed Overview and Scrutiny Committees (OSCs) will be appointed at the annual meeting after the June election. The existing single Scrutiny Committee will meanwhile continue in order to meet statutory requirements and in case of a call-in; the constitution will need to provide it with full powers to scrutinise any executive or non-executive function. Statutory education co-optees will be required if education matters are to be scrutinised and recruitment is currently in progress. Any new scrutiny powers brought into force under the Local Government etc Act 2007, e.g. Councillor Call for Action will need to be included. NHS scrutiny needs to continue during the April to June period as there are various ongoing tasks and reviews currently in progress; the Social Care, Health and Housing Overview and Scrutiny Committee will therefore be appointed for that specific purpose, with full powers brought in concurrently with the other four OSCs in June.

<b>Full CBC Constitution (in draft)</b>	<b>Shadow Constitution</b>	<b>Recommend Apr-Jun 09</b>
<p>D2 Overview and Scrutiny Procedure Rules</p> <p>OSC meetings at same frequency as Executive meetings.</p> <p>Any Council member may submit an agenda item <sup>8</sup> and speak to it.</p> <p>Public participation procedure applies, including public questions &amp; petitions.</p> <p>Duty on Executive to respond to OSC reports &amp; recommendations within two months saying what action it proposes to take or, if none, giving reasons.</p> <p>Includes LAA and crime &amp; disorder scrutiny reports (awaiting government regulations).</p> <p>Call-in requests by a ward member (where the decision is significant for their ward), chairman, two members of the relevant OSC, or any three non-executive members.</p>	<p>Pt 4, Scrutiny Procedure Rules</p> <p>Meetings determined by Shadow Council.</p> <p>Any member of an OSC or any five Council members may submit an agenda item. Any Council member may speak with Chairman's consent.</p> <p>Shadow Executive to consider OSCs' reports within one month of submission or at next meeting.</p> <p>Call-in requests by three members of the relevant OSC, including members of at least two different party groups, on grounds that the principles of decision-making (G1 in the new constitution) have not been followed.</p>	<p>Shadow, as amended + full provisions on public participation and Call-in Procedure.</p> <p><b>SEE NOTE 10 OF SCHEDULE 2</b></p>

<sup>8</sup> May be a statutory requirement under the Councillor Call for Action from 1 April 2009.



Full CBC Constitution (in draft)		Shadow Constitution		Recommend Apr-Jun 09
<b>Part E – Regulatory and Other Committees</b>				
E1 Appointment of Committees	-	Article 8	-	Full, ensuring appropriate committees
E2 Committee Terms of Reference	<b>Committees:</b>	Pt 3, para 5		
"	<i>Development Management Committee</i>	"	<i>Not required until 1/4/09.</i>	<i>Full</i>
"	<i>Licensing Committee</i>	"	<i>Not required until 1/4/09.</i>	<i>Full</i>
"	<i>Licensing Sub-Committee</i>	"	<i>Not required until 1/4/09.</i>	<i>Full</i>
"	<i>Regulation Committee</i>	"	<i>Not required until 1/4/09.</i>	<i>Full</i>
"	<i>Audit Committee</i>	"	<i>Not required before June 2009</i>	<i>Full</i>
"	<i>General Purposes Committee (+ Appointments Sub-Committee)</i>	"	<i>General Purposes Committee (Staffing Committee is an Executive Committee)</i>	<i>Shadow</i>
"	<i>Appeals Committee (any Council function where there is a statutory right of appeal)</i>	"	<i>Appeals Committee (employees only)</i>	<i>Full</i>
"	<i>Joint Consultative and Negotiating Committee for Primary &amp; Secondary Education</i>	"	<i>Not required until 1/4/09 (or June 2009, to be confirmed).</i>	<i>Full</i>
"	<i>Employee Partnership Committee</i>	"	<i>Not required until 1/4/0 (or June 2009, to be confirmed).</i>	<i>Full</i>

Full CBC Constitution (in draft)		Shadow Constitution	Recommend Apr-Jun 09	
E3 Committee Procedure Rules	Specific rules for committee meetings, including member substitutions.	Pt 4, Council Procedure Rules, para 22	Council Procedure Rules apply to committees "as appropriate".	Full
<b>Part F – Ethical Governance</b>				
F1 Standards Committee	15 members: 5 CBC members, 5 independents + 5 town/parish who will be required to assess any complaints against town/parish members.	Article 9 & Pt 3, para 5	19 members: 10 shadow CBC members + 9 independents, no town/parish.	Full <sup>9</sup>
F2 The Council's Code of Conduct for Members	As shadow	Pt 5, Code of Conduct for Councillors	National Model Code, preambled by ten general principles of public life.	Full
F3 Code of Conduct for Officers	New code	-	Not required in shadow	Full
F4 Protocol for Member/ Officer Relations	Based on BCC protocol	Pt 5, Protocol for Member/Officer Relations	Based on MBDC protocol.	Full

<sup>9</sup> From 1 April 2009 the Standards Committee will have responsibility for towns & parishes as well as CBC and must include town & parish members.

Full CBC Constitution (in draft)		Shadow Constitution		Recommend Apr-Jun 09
F5 Monitoring Officer Protocol	New code	-	Not included	Full
F6 Interim Protocol on the Use of IT at Home	New code	-	Not included	Full
<b>Part G – Decision Making and Access to Information</b>				
G1 Decision Making	Refers to full committee structure and new definition of key decisions.	Article 13	Refers to shadow arrangements and shadow definition of key decisions.	Shadow + new definition of key decisions <b>SEE NOTE 5 OF SCHEDULE 2</b>
G2 Access to Information Procedure Rules	Standard statutory provisions. Includes principle that reports containing exempt or confidential information are drafted so that non-exempt/confidential information may be considered in public session.	Pt 4, Access to Information Procedure Rules	Standard statutory provisions.	Full

Full CBC Constitution (in draft)		Shadow Constitution		Recommend Apr-Jun 09
<b>Part H – Officers of the Council</b>				
H1 Officers	Will need to refer to Monitoring Officer and Chief Finance (S.151) Officer + Head of Paid Service when post filled after election.	Pt 2, Article 12	Sets out functions of Interim Head of Staff, Interim Monitoring Officer & Interim Chief Finance Officer	Shadow, as amended <sup>10</sup> <b>SEE NOTE 4 OF SCHEDULE 2</b>
H2 Management Structure	Full CBC management structure.	Pt 2, Article 12	Includes only (Interim) Head of Paid Service/Staff, Monitoring Officer and Chief Finance Officer	Full
H3 Scheme of Functions Delegated to Officers	Part C5 requires Leader to report to annual Council on delegations made.	Pt 3, Sections A & B	Delegation so far only to Interim Head of Staff (but Leader may amend at any time).	Full scheme of delegation of executive and non-executive functions to Interim Chief Executive and Directors <sup>11</sup>
H4 Officer Employment Procedure Rules	Appointment and dismissal of Head of Paid Staff reserved to full Council. Appointment of Chief Officers by Appointments Sub-Committee (General Purposes Committee).	Pt 4 Officer Employment Procedure Rules	Appointment and dismissal of Head of Paid Staff reserved to full Council. External appointments of Chief Officers by Staffing Committee (Shadow Exec function).	Shadow

<sup>10</sup> Whenever shadow constitution provisions are adopted, references to the Interim Monitoring Officer and Interim Chief Finance Officer should be read as references to the Monitoring Officer and Chief Finance Officer. References to the Interim Head of Staff shall also be read as referring to the Interim Chief Executive.

<sup>11</sup> References to the Chief Executive in the scheme of delegation shall be read as references to the Interim Chief Executive.

Full CBC Constitution (in draft)		Shadow Constitution		Recommend Apr-Jun 09
<b>Part I – Finance, Contracts and Legal Matters</b>				
I1 Finance, Contracts and Legal Matters	-	Pt 2, Article 14	-	Full
I2 Financial Procedure Rules	New CBC rules	Pt 4, Financial Procedure Rules	Shadow rules	Full
I3 Procurement Procedure Rules	New CBC rules	Pt 4, Procurement Procedure Rules	Shadow rules	Full
<b>Part J – Partnership Arrangements</b>				
J1 Area Committees and Forums	(None envisaged)	Article 10	(None)	Full
J2 Joint Arrangements		Article 11		
“	Introduction	“	Introduction	Full

<b>Full CBC Constitution (in draft)</b>	<b>Shadow Constitution</b>	<b>Recommend Apr-Jun 09</b>
" Luton & South Beds Joint Committees (planning and transportation)	" Not required until 1/4/09.	Full
" Wixams Joint DC Committee	" Not required until 1/4/09.	Full
" Town Centre Management Committees (Dunstable, Houghton Regis, Leighton-Linslade)	" Not required until 1/4/09.	Full (subject to further discussion)
" Joint Waste Disposal Project Board (new partnership body)	" -	Full
J3 Partnerships Protocol New protocol	- -	Full
<b>Part K – Members’ Allowances</b>		
K1 Scheme of Members’ Allowances Full 2009/10 allowances scheme to be approved by full Council 26/02/09 (special responsibility allowances for committee chairmen to apply from the date when the new committees are formally established).	Pt 6 2008/09 transitional scheme	Full

**Central Bedfordshire Constitution:  
Second Transitional Period 1 April 2009 to 7 June 2009 Inclusive**

The following amendments shall apply to the Shadow Constitution during the Second Transitional Period: (please also refer to Schedule 1 showing which sections of the Shadow Constitution or the Full Constitution will apply)

Cross-Reference to Schedule 1	Section of the Shadow Constitution	Amendment(s) Required to the Shadow Constitution Between 1 April and 7 June 2009
NOTE 1	Part 2, Article 4 – the Full Shadow Council	Amend paragraph 4 to read:  “The Shadow Council will maintain the lists in Parts B1, B6 and H3 of the Full Constitution setting out the responsibilities for the Shadow Council’s functions which are not the responsibility of the Shadow Executive.”
NOTE 2	Part 1, Summary and Explanation – Scrutiny (page 5)	Delete all below heading ‘Scrutiny’ and replace by:  “There are two overview and scrutiny committees which support the work of the Executive and the Council as a whole.”
	Part 2, Article 6 – Scrutiny Arrangements (page 18)	Delete paragraphs 1 and 2 and replace by:

		<p>“1. The Shadow Council shall appoint a Scrutiny Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 (except for the health scrutiny powers in Section 7 of the Health and Social Care Act 2001 which will be discharged by the Social Care, Health and Housing Overview and Scrutiny Committee); by Section 19 of the Police and Justice Act 2006; and by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007.</p> <p>2. The following sections of Part D1 of the Full Constitution, Overview and Scrutiny Arrangements and Terms of Reference, shall apply and be read as referring specifically to the Scrutiny Committee:</p> <p style="padding-left: 40px;">Section 2, General Role  Section 3, Specific Functions  Section 4, Membership, Substitutes and Quorum, paras 4.2 and 4.3  Section 7, Task Forces and Other Informal Working  Section 8, Proceedings of Overview and Scrutiny Committees.</p> <p>3. The membership of the Scrutiny Committee shall be 12 councillors plus 5 co-opted members, being up to 3 parent governors and 2 diocesan representatives of the Church of England and Roman Catholic Church.</p> <p>The quorum shall be 4 councillors and 2 co-opted members (either parent governors or diocesan representatives) whenever considering education matters, and 4 councillors at all other times. The co-opted members shall have a vote on education matters only.</p>
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<p>4. The Shadow Council shall also appoint the Social Care, Health and Housing Overview and Scrutiny Committee for the specific purpose of reviewing and scrutinising health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers under Section 7 of the Health and Social Care Act 2001.</p> <p>5. The following sections of Part D1 of the Full Constitution, Overview and Scrutiny Arrangements and Terms of Reference, shall also apply to the Social Care, Health and Housing Overview and Scrutiny Committee:</p> <p style="padding-left: 40px;">Section 4, Membership, Substitutes and Quorum, paragraphs 4.1.4, 4.2 and 4.3</p> <p style="padding-left: 40px;">Section 5, Joint Health Overview and Scrutiny Committees</p> <p style="padding-left: 40px;">Section 7, Task Forces and Other Informal Working</p> <p style="padding-left: 40px;">Section 8, Proceedings of Overview and Scrutiny Committees (insofar as relevant to the conduct of health scrutiny).</p> <p>6. Section 6, Overview and Scrutiny Management Panel, of the Full Constitution shall not apply.”</p>		
<p><b>NOTE 3</b></p> <p>Part 2, Article 7 - The Shadow Executive, (pages 19-21)</p> <p>Add below the existing paragraph 1 Role:  “The Shadow Executive will also exercise all the functions of the Council except in so far as reserved to the Council by legislation, or as defined in Schedule 1 and the applicable sections of the Shadow Constitution or the Full Constitution to which it refers.”</p>		

		<p>Replace paragraph 9 by:</p> <p>“The Leader will notify the Monitoring Officer of any amendments to the lists in Parts C3 and H3 of the Full Constitution setting out which individual members of the Shadow Executive, committees of the Shadow Executive, officers or joint arrangements are responsible for the exercise of particular executive functions. The Monitoring Officer will report thereon, via the Constitution Advisory Group, to the next ordinary meeting of the Council.”</p>
<b>NOTE 4</b>	Part 2, Article 12 – Officers (pages 28 – 30)	All references to the Interim Monitoring Officer and the Interim Chief Finance Officer shall be read as ‘Monitoring Officer’ and ‘Chief Finance Officer’ respectively.
<b>NOTE 5</b>	Part 2, Article 13 - Decision Making, Section 3, Types of decision (page 31)	<p>Under the sub-heading “(b) Key decisions”:</p> <p>Delete sub-paragraph (i) “A key decision means an executive decision which is likely ... etc.” and replace by paragraphs 1.1, 1.2 and 1.3 under Section C2, Key Decisions and the Forward Plan, of the Full Constitution.</p> <p>Sub-paragraph (ii) continues to apply.</p>
<b>NOTE 6</b>	Part 2, Article 15 – Review and Revision of the Constitution (page 35)	<p>Amend first sentence of paragraph 2 to read:</p> <p>“The Monitoring Officer shall, after consultation with the Constitution Advisory Group, make urgent amendments, 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.”</p>

<p><b>NOTE 7</b></p>	<p>Part 4, Council Procedure Rules, section 21, Committees: Appointment and Constitution (page 66)</p>	<p>Add a new paragraph 5:           “Paragraph 2.7 of Part B5 of the Full Constitution, headed ‘Substitute Members’, shall apply.” (Note: this is only relevant to the allocation of seats on committees, which is unlikely to occur during the second transitional period).</p>
<p><b>NOTE 8</b></p>	<p>Part 4, Council Procedure Rules (page 67)</p>	<p>Add a new section 23:   <b>“PUBLIC PARTICIPATION</b>           Public participation in Council meetings, including asking questions, making statements and presenting petitions, will operate on the basis of the Public Participation Procedure set out in Part A4 (Citizens and the Council) of the Full Constitution.”           (Note: At the time of writing there is no proposal for Full Council to meet during the second transitional period)</p>
<p><b>NOTE 9</b></p>	<p>Part 4, Executive Procedure Rules, Section 2, How Are Shadow Executive Meetings Conducted? (pages 87 – 89)</p>	<p>Add a new paragraph 6 on page 89:           “ 6. Who may speak?           6.1 Public participation in meetings of the Executive or its committees shall be governed by the Public Participation Procedure set out in Part A4 (Citizens and the Council) of the Full Constitution.           6.2 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.</p>

		<p>6.3 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.”</p>
<b>NOTE 10</b>	Part 4, Scrutiny Procedure Rules (pages 91 – 96)	Delete all and replace by D2, Overview and Scrutiny Procedure Rules as set out in the Full Constitution.

<b>SHADOW COUNCIL</b>
<b>26 FEBRUARY 2009</b>

<b>SUBJECT</b>	<b>COUNCIL TAX 2009/10</b>  (To report the Budget Proposals of the Executive from its meeting of 17th February 2009 and present the Formal Council Tax Resolution)
<b>REPORT OF</b>	<b>Director of Corporate Resources</b>
<i>Contact Officer: Matt Bowmer, Head of Financial Services (Tel: 01462 611254)</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	Expenditure in a number of service areas will have a direct impact on sustainability.
<b>FINANCIAL</b>	Based on the revenue budget proposals, approving the formal Council Tax Resolution as set out in Appendix B would result in an average Band D Council Tax for Central Bedfordshire of £1,296.55.
<b>LEGAL</b>	All expenditure is in accordance with legislation and the Authority has a statutory duty to set a balanced budget
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	Expenditure in a number of service areas will have a direct impact on Community Development / Safety.
<b>TRADE UNIONS</b>	Trade Unions will be consulted through the appropriate channels in respect of the pay award element of the budget
<b>HUMAN RIGHTS</b>	None
<b>KEY ISSUE</b>	Yes
<b>BUDGET /POLICY FRAMEWORK</b>	Yes

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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<b>Budget (Executive Report – 17 February 2009)</b> <b>Budget (Scrutiny Committee – 19 February 2009)</b> <b>Local Government Finance Settlement (Indicative 2009/10 Formula Grant)</b>
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**RECOMMENDATION:**

**TO APPROVE A FORMAL COUNCIL TAX RESOLUTION.**

**PURPOSE**

1. Members are required to approve a statutory Council Tax Resolution in the form shown in Appendix B. At this stage, the formal resolution is based on figures contained in my report on the revenue budget for 2009/10 (item CR3) to the Executive and any amendments made by the Executive will be the tabled at this meeting.

**BACKGROUND**

2. The Executive at its special meeting on the 17 February 2009 considered a detailed report on the Revenue Budget for 2009/10 and Members are asked to refer to that report for a detailed explanation of the background to this report
3. The Council Tax Resolution is in accordance with statutory requirements and is submitted at this stage on the basis of the budget proposals set out in that report.
4. The precepts and Band D levels of precepting bodies have been received. These are detailed below:

**Town & Parish Councils/Meetings**

5. The Town & Parish Council/Meetings Precepts for 2009/10 are detailed in Appendix A and total £8,133,051. The increase in the average Band D Council Tax for Town and Parish Councils/Meetings is 3.8% and results in an average Band D Council Tax figure of £86.49 for 2009/10.

**Bedfordshire Police Authority**

6. Bedfordshire Police Authority met on 13 February 2009 and set its precept at £13,218,262. This results in a Band D Council Tax of £140.56 for 2009/10 compared with £135.28 for 2008/09, being an increase of 3.90%.

**Bedfordshire and Luton Combined Fire Authority**

7. Bedfordshire and Luton Combined Fire Authority met on 9 February 2009 and set its precept at £7,676,485. This results in a Band D Council Tax of £81.63 for 2009/10 compared with £78.84 for 2008/09, being an increase of 3.54%

## **PROPOSALS**

8. Members are required to approve a resolution in the statutory format and the formal Council Tax Resolution at Appendix B is based on the budget proposals, which result in the total Band D Council Tax as shown in the "Valuation Bands" on that Appendix. The various levels of Council Tax for each Band for each Town and Parish Council/Meeting are shown at Appendix C.

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<b><i>Background Papers:</i></b>	Estimate Working Papers Town & Parish Council/Meeting Precept Submissions Executive Report CR3 and Recommendations
<b><i>Location of Papers:</i></b>	Corporate Resources Directorate, Priory House, Chicksands
<b><i>File Reference:</i></b>	N/A

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<b>TOWN &amp; PARISH COUNCIL/MEETING PRECEPTS</b>								
Area	Town/Parish Council	2008/09			2009/10			2009/10
		Tax	Precept	Council Tax	Tax	Precept	Council Tax	C Tax
		Base	£	Band D (£)	Base	£	Band D (£)	Increase
M	Ampthill	2,802	439,793	156.96	2,793	498,150	178.36	14%
M	Arlesey	1,950	165,211	84.72	1,961	173,150	88.30	4%
M	Aspley Guise	1,033	29,810	28.86	1,033	30,700	29.72	3%
M	Aspley Heath	364	8,460	23.24	364	7,000	19.23	-17%
M	Astwick	14	0	0.00	14	0	0.00	0%
S	Barton-le-Clay	1,985	117,945	59.40	1,999	121,590	60.82	2%
M	Battlesden	20	0	0.00	20	0	0.00	0%
M	Biggleswade	5,661	581,457	102.71	5,652	589,694	104.33	2%
S	Billington	170	6,000	35.34	172	6,000	34.90	-1%
M	Blunham	427	11,500	26.93	428	12,000	28.04	4%
M	Brogborough	105	6,963	66.31	107	7,325	68.46	3%
S	Caddington	1,514	71,354	47.12	1,529	71,354	46.67	-1%
M	Campton and Chicksands	618	16,500	26.70	549	17,000	30.97	16%
S	Chalgrave	218	5,520	25.38	218	5,812	26.70	5%
S	Chalton	224	10,450	46.71	229	10,800	47.18	1%
M	Clifton	1,144	34,000	29.72	1,148	34,000	29.62	0%
M	Clophill	741	22,650	30.57	741	22,650	30.57	0%
M	Cranfield	1,529	80,800	52.84	1,537	80,800	52.57	-1%
S	Dunstable	12,457	1,580,926	126.91	12,541	1,669,610	133.13	5%
M	Dunton	255	13,830	54.24	254	13,940	54.88	1%
S	Eaton Bray	1,178	46,500	39.49	1,187	48,400	40.77	3%
M	Edworth	30	0	0.00	30	0	0.00	0%
S	Eggington	126	5,000	39.83	126	5,400	42.99	8%
M	Eversholt	198	2,500	12.63	207	3,000	14.49	15%
M	Everton	221	10,500	47.51	215	10,500	48.84	3%
M	Eyeworth	47	0	0.00	45	0	0.00	0%
M	Flitton and Greenfield	616	19,750	32.06	617	20,500	33.23	4%
M	Flitwick	4,706	582,235	123.72	4,705	598,644	127.24	3%
M	Gravenhurst	253	7,400	29.25	256	10,000	39.06	34%
M	Harlington	893	80,000	89.59	891	80,000	89.79	0%
M	Haynes	535	20,000	37.38	532	20,000	37.59	1%
S	Heath and Reach	608	24,000	39.46	619	24,000	38.77	-2%
M	Henlow	1,476	100,686	68.22	1,470	103,050	70.10	3%
S	Hockcliffe	301	13,200	43.89	313	13,400	42.80	-2%
M	Houghton Conquest	550	28,000	50.91	555	28,000	50.45	-1%
S	Houghton Regis	5,053	620,000	122.71	5,049	637,500	126.26	3%
M	Hulcote and Salford	94	4,000	42.55	92	4,000	43.48	2%
M	Husborne Crawley	107	2,665	24.91	108	2,772	25.67	3%
S	Hyde	164	3,700	22.60	162	3,800	23.41	4%
S	Kensworth	636	19,600	30.80	633	20,188	31.91	4%
M	Langford	1,235	86,500	70.04	1,241	88,250	71.11	2%
S	Leighton-Linslade	13,282	1,456,571	109.66	13,423	1,515,111	112.88	3%
M	Lidlington	474	25,000	52.74	481	25,000	51.98	-1%
M	Marston Moretaine	1,580	79,884	50.56	1,573	80,370	51.09	1%
M	Maulden	1,295	45,000	34.75	1,287	40,000	31.08	-11%

**APPENDIX A**

M	Meppershall	718	28,500	39.69	721	31,000	43.00	8%
M	Millbrook	61	2,500	40.98	61	2,000	32.79	-20%
M	Milton Bryan	80	1,555	19.44	80	1,915	23.94	23%
M	Moggerhanger	258	11,440	44.34	256	11,600	45.31	2%
M	Northill	993	39,275	39.55	993	40,000	40.28	2%
M	Old Warden	121	3,000	24.79	124	3,000	24.19	-2%
M	Potsgrove	23	0	0.00	24	0	0.00	0%
M	Potton	1,889	105,000	55.58	1,882	105,000	55.79	0%
M	Pulloxhill	406	8,140	20.05	407	8,547	21.00	5%
M	Ridgmont	164	10,000	60.98	164	12,000	73.17	20%
M	Sandy	4,145	337,649	81.46	4,138	350,000	84.58	4%
M	Shefford	2,121	118,700	55.96	2,191	118,700	54.18	-3%
M	Shillington	791	25,400	32.11	785	30,000	38.22	19%
M	Silsoe	744	23,500	31.59	743	23,500	31.63	0%
S	Slip End	750	56,237	75.00	743	37,135	50.00	-33%
M	Southill	494	11,500	23.28	493	11,500	23.33	0%
S	Stanbridge	350	10,040	28.66	353	10,040	28.43	-1%
M	Steppingley	101	5,515	54.60	101	5,515	54.60	0%
M	Stondon	894	35,682	39.91	891	35,682	40.05	0%
M	Stotfold	3,217	234,520	72.90	3,416	295,048	86.37	18%
S	Streatley	714	8,094	11.34	717	9,057	12.63	11%
S	Studham	616	20,098	32.61	623	16,690	26.77	-18%
S	Sundon	190	12,600	66.43	186	12,600	67.92	2%
M	Sutton	136	4,700	34.56	134	4,700	35.07	1%
M	Tempsford	234	11,500	49.15	231	12,000	51.95	6%
S	Tilsworth	155	4,800	30.90	157	5,500	35.01	13%
M	Tingrith	77	1,550	20.13	76	1,600	21.05	5%
S	Toddington	1,822	99,042	54.37	1,845	103,201	55.94	3%
S	Totternhoe	534	14,398	26.96	536	13,395	24.98	-7%
M	Westoning	865	23,350	26.99	871	24,050	27.61	2%
S	Whipsnade	234	6,500	27.83	231	6,500	28.14	1%
M	Woburn	436	21,114	48.43	424	21,116	49.80	3%
M	Wrestlingworth and Cockayne Hatley	347	16,000	46.11	338	17,000	50.30	9%
	<b>TOTAL / AVERAGE</b>	<b>93,568</b>	<b>7,797,759</b>	<b>83.34</b>	<b>94,040</b>	<b>8,133,051</b>	<b>86.49</b>	<b>3.8%</b>
	<b>TOTAL FOR MBDC</b>	<b>50,288</b>	<b>3,585,184</b>	<b>71.29</b>	<b>50,450</b>	<b>3,765,968</b>	<b>74.65</b>	<b>4.7%</b>
	<b>TOTAL FOR SBDC</b>	<b>43,280</b>	<b>4,212,575</b>	<b>97.33</b>	<b>43,590</b>	<b>4,367,083</b>	<b>100.19</b>	<b>2.9%</b>

## COUNCIL TAX RESOLUTION 2009/2010

1. That the following amounts be calculated in accordance with Sections 32 and 36 of the Local Government Finance Act 1992:

		AUTHORITY	MID BEDS AREA	SOUTH BEDS AREA
a	Aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a to e) of the Act (Budget expenditure, transfers to reserves and town & parish precepts)	332,265,566		
b	Aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a to c) of the Act (Budget income and grants)	152,589,000		
c	The amount by which the aggregate at 1(a) above exceeds the aggregate at 1(b) above, calculated by the Council in accordance with Section 32(4) of the Act (Budget requirement for the year)	<b>179,676,566</b>		
d	Aggregate of the sums which the Council estimates for 2009/10 will be payable into its General Fund in respect of:			
i	Formula Grant	49,411,615		
ii	The amount that the Council estimates will be transferred to its General Fund from its Collection Fund in respect of the estimated surplus on its Collection Fund for 2008/09 (including prior year adjustments)	204,000		
		<b>49,615,615</b>		
e	The amount at 1(c) (Budget requirement for the year)	179,676,566		
	Less the amount at 1(d)	49,411,615		

**APPENDIX B**

	<b>Net Budget Requirement for the Year</b>	<b>130,060,951</b>	<b>68,132,323</b>	<b>61,928,628</b>
	Divided by the Council Tax Base (calculated in accordance with Section 33(1) of the Act) as approved by Executive on 15 <sup>th</sup> February 2009 (94,040) equals the basic amount of its Council Tax for 2009/10.	<b>£1,383.04</b>	<b>£1,350.49</b>	<b>£1,420.71</b>
f	Aggregate of all special items referred to in Section 34(1) of the Act (town & parish precepts)	<b>8,133,051</b>	<b>3,765,968</b>	<b>4,367,083</b>
g	The amount at 1(e) above	£1,382.66	£1,349.78	£1,420.71
	Less the amount at 1(f) above divided by the Council Tax Base of 94,040	£86.49	£74.65	£100.19
h	Equals the basic amount of its Council Tax for 2009/10 for dwellings in those parts of the area to which no special item relates (calculated in accordance with Section 34(2) of the Act)	<b>£1,296.55</b>	<b>£1,275.84</b>	<b>£1,320.52</b>

i	The amounts shown in the schedule to this Appendix in the column "Band D", lines (b), being the amounts given by adding to that amount in 1(h) above, the amounts of special items relating to dwellings in those parts of the Council's area shown in the schedule divided in each case by the tax base for the relevant area calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amount of its Council tax for 2009/10 for dwellings in those parts of its area to which the special items relate.
J	The amounts shown in the schedule to this Appendix, lines (b), being the amounts given by multiplying the amounts at 1(h) and 1(i) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as amounts to be taken into account for 2009/10, in respect of the categories of dwellings listed in the different valuation bands.

2. That the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2009/10 for each part of its area and for each of the categories of dwellings.

**Valuation Bands**

**CENTRAL BEDFORDSHIRE COUNCIL – MID BEDS AREA**

A	B	C	D	E	F	G	H
£850.56	£992.32	£1,134.08	£1,275.84	£1,559.36	£1,842.88	£2,126.40	£2,551.68

**CENTRAL BEDFORDSHIRE COUNCIL - SOUTH BEDS AREA**

A	B	C	D	E	F	G	H
£880.34	£1,027.08	£1,173.80	£1,320.52	£1,613.96	£1,907.42	£2,200.86	£2,641.04

**BEDFORDSHIRE POLICE AUTHORITY**

A	B	C	D	E	F	G	H
£93.71	£109.32	£124.94	£140.56	£171.80	£203.03	£234.27	£281.12

**BEDFORDSHIRE & LUTON COMBINED FIRE AUTHORITY**

A	B	C	D	E	F	G	H
£54.42	£63.49	£72.56	£81.63	£99.77	£117.91	£136.05	£163.26

**AGGREGATE OF COUNCIL TAX REQUIREMENTS – MID BEDS AREA**

A	B	C	D	E	F	G	H
£998.69	£1,165.13	£1,331.58	£1,498.03	£1,830.93	£2,163.82	£2,496.72	£2,996.06

**AGGREGATE OF COUNCIL TAX REQUIREMENTS – SOUTH BEDS AREA**

A	B	C	D	E	F	G	H
£1,028.47	£1,199.89	£1,371.30	£1,542.71	£1,885.53	£2,228.36	£2,571.18	£3,085.42

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<b>COUNCIL TAX SCHEDULE BY TOWN &amp; PARISH AREAS</b>									
<b>2009/10</b>	<b>Area</b>	<b>Band A £</b>	<b>Band B £</b>	<b>Band C £</b>	<b>Band D £</b>	<b>Band E £</b>	<b>Band F £</b>	<b>Band G £</b>	<b>Band H £</b>
Central Bedfordshire Council									
Former MBDC Area	M	850.56	992.32	1,134.08	1,275.84	1,559.36	1,842.88	2,126.40	2,551.68
Former SBDC Area	S	880.34	1,027.08	1,173.80	1,320.52	1,613.96	1,907.42	2,200.86	2,641.04
Bedfordshire Police Authority		93.71	109.32	124.94	140.56	171.80	203.03	234.27	281.12
Beds & Luton Fire Authority		54.42	63.49	72.56	81.63	99.77	117.91	136.05	163.26
Town/Parish only (a)									
Town/Parish & Area (b)									
Total including Police & Fire (c)									
Ampthill	M	118.90	138.72	158.54	178.36	217.99	257.63	297.26	356.71
	(b)	969.46	1,131.04	1,292.62	1,454.20	1,777.35	2,100.51	2,423.66	2,908.39
	(c)	1,117.59	1,303.85	1,490.12	1,676.39	2,048.92	2,421.45	2,793.98	3,352.77
Arlesey	M	58.86	68.68	78.49	88.30	107.92	127.54	147.16	176.59
	(b)	909.42	1,061.00	1,212.57	1,364.14	1,667.28	1,970.42	2,273.56	2,728.27
	(c)	1,057.55	1,233.81	1,410.07	1,586.33	1,938.85	2,291.36	2,643.88	3,172.65
Aspley Guise	M	19.81	23.11	26.42	29.72	36.32	42.93	49.53	59.44
	(b)	870.37	1,015.43	1,160.50	1,305.56	1,595.68	1,885.81	2,175.93	2,611.12
	(c)	1,018.50	1,188.24	1,358.00	1,527.75	1,867.25	2,206.75	2,546.25	3,055.50
Aspley Heath	M	12.82	14.96	17.09	19.23	23.50	27.78	32.05	38.46
	(b)	863.38	1,007.28	1,151.17	1,295.07	1,582.86	1,870.66	2,158.45	2,590.14
	(c)	1,011.51	1,180.09	1,348.67	1,517.26	1,854.43	2,191.60	2,528.77	3,034.52
Astwick	M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	(b)	850.56	992.32	1,134.08	1,275.84	1,559.36	1,842.88	2,126.40	2,551.68
	(c)	998.69	1,165.13	1,331.58	1,498.03	1,830.93	2,163.82	2,496.72	2,996.06

**APPENDIX C**

Barton-le-Clay	(a)	S	40.54	47.30	54.06	60.82	74.33	87.85	101.36	121.63
	(b)		920.88	1,074.38	1,227.86	1,381.34	1,688.29	1,995.27	2,302.22	2,762.67
	(c)		1,069.01	1,247.19	1,425.36	1,603.53	1,959.86	2,316.21	2,672.54	3,207.05
Battlesden	(a)	M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	(b)		850.56	992.32	1,134.08	1,275.84	1,559.36	1,842.88	2,126.40	2,551.68
	(c)		998.69	1,165.13	1,331.58	1,498.03	1,830.93	2,163.82	2,496.72	2,996.06
Biggleswade	(a)	M	69.56	81.15	92.74	104.33	127.52	150.70	173.89	208.67
	(b)		920.12	1,073.47	1,226.82	1,380.17	1,686.88	1,993.58	2,300.29	2,760.35
	(c)		1,068.25	1,246.28	1,424.32	1,602.36	1,958.45	2,314.52	2,670.61	3,204.73
Billington	(a)	S	23.27	27.15	31.03	34.90	42.66	50.42	58.17	69.81
	(b)		903.61	1,054.23	1,204.83	1,355.42	1,656.62	1,957.84	2,259.03	2,710.85
	(c)		1,051.74	1,227.04	1,402.33	1,577.61	1,928.19	2,278.78	2,629.35	3,155.23
Blunham	(a)	M	18.69	21.81	24.92	28.04	34.27	40.50	46.73	56.07
	(b)		869.25	1,014.13	1,159.00	1,303.88	1,593.63	1,883.38	2,173.13	2,607.75
	(c)		1,017.38	1,186.94	1,356.50	1,526.07	1,865.20	2,204.32	2,543.45	3,052.13
Brogborough	(a)	M	45.64	53.25	60.85	68.46	83.67	98.88	114.10	136.92
	(b)		896.20	1,045.57	1,194.93	1,344.30	1,643.03	1,941.76	2,240.50	2,688.60
	(c)		1,044.33	1,218.38	1,392.43	1,566.49	1,914.60	2,262.70	2,610.82	3,132.98
Caddington	(a)	S	31.12	36.30	41.49	46.67	57.05	67.42	77.79	93.35
	(b)		911.46	1,063.38	1,215.29	1,367.19	1,671.01	1,974.84	2,278.65	2,734.39
	(c)		1,059.59	1,236.19	1,412.79	1,589.38	1,942.58	2,295.78	2,648.97	3,178.77
Campton and Chicksands	(a)	M	20.64	24.08	27.52	30.97	37.85	44.73	51.61	61.93
	(b)		871.20	1,016.40	1,161.60	1,306.81	1,597.21	1,887.61	2,178.01	2,613.61
	(c)		1,019.33	1,189.21	1,359.10	1,529.00	1,868.78	2,208.55	2,548.33	3,057.99
Chalgrave	(a)	S	17.80	20.76	23.73	26.70	32.63	38.56	44.50	53.39
	(b)		898.14	1,047.84	1,197.53	1,347.22	1,646.59	1,945.98	2,245.36	2,694.43
	(c)		1,046.27	1,220.65	1,395.03	1,569.41	1,918.16	2,266.92	2,615.68	3,138.81
Chalton	(a)	S	31.45	36.70	41.94	47.18	57.67	68.15	78.64	94.36
	(b)		911.79	1,063.78	1,215.74	1,367.70	1,671.63	1,975.57	2,279.50	2,735.40
	(c)		1,059.92	1,236.59	1,413.24	1,589.89	1,943.20	2,296.51	2,649.82	3,179.78



**APPENDIX C**

Clifton	(a)	M	19.74	23.04	26.33	29.62	36.20	42.78	49.36	59.23
	(b)		870.30	1,015.36	1,160.41	1,305.46	1,595.56	1,885.66	2,175.76	2,610.91
	(c)		1,018.43	1,188.17	1,357.91	1,527.65	1,867.13	2,206.60	2,546.08	3,055.29
Clophill	(a)	M	20.38	23.77	27.17	30.57	37.36	44.15	50.94	61.13
	(b)		870.94	1,016.09	1,161.25	1,306.41	1,596.72	1,887.03	2,177.34	2,612.81
	(c)		1,019.07	1,188.90	1,358.75	1,528.60	1,868.29	2,207.97	2,547.66	3,057.19
Cranfield	(a)	M	35.05	40.89	46.73	52.57	64.25	75.93	87.62	105.14
	(b)		885.61	1,033.21	1,180.81	1,328.41	1,623.61	1,918.81	2,214.02	2,656.82
	(c)		1,033.74	1,206.02	1,378.31	1,550.60	1,895.18	2,239.75	2,584.34	3,101.20
Dunstable	(a)	S	88.75	103.55	118.34	133.13	162.71	192.30	221.88	266.26
	(b)		969.09	1,130.63	1,292.14	1,453.65	1,776.67	2,099.72	2,422.74	2,907.30
	(c)		1,117.22	1,303.44	1,489.64	1,675.84	2,048.24	2,420.66	2,793.06	3,351.68
Dunton	(a)	M	36.59	42.69	48.78	54.88	67.08	79.27	91.47	109.76
	(b)		887.15	1,035.01	1,182.86	1,330.72	1,626.44	1,922.15	2,217.87	2,661.44
	(c)		1,035.28	1,207.82	1,380.36	1,552.91	1,898.01	2,243.09	2,588.19	3,105.82
Eaton Bray	(a)	S	27.18	31.71	36.24	40.77	49.83	58.89	67.95	81.54
	(b)		907.52	1,058.79	1,210.04	1,361.29	1,663.79	1,966.31	2,268.81	2,722.58
	(c)		1,055.65	1,231.60	1,407.54	1,583.48	1,935.36	2,287.25	2,639.13	3,166.96
Edworth	(a)	M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	(b)		850.56	992.32	1,134.08	1,275.84	1,559.36	1,842.88	2,126.40	2,551.68
	(c)		998.69	1,165.13	1,331.58	1,498.03	1,830.93	2,163.82	2,496.72	2,996.06
Eggington	(a)	S	28.66	33.44	38.22	42.99	52.55	62.10	71.66	85.99
	(b)	M	909.00	1,060.52	1,212.02	1,363.51	1,666.51	1,969.52	2,272.52	2,727.03
	(c)		1,057.13	1,233.33	1,409.52	1,585.70	1,938.08	2,290.46	2,642.84	3,171.41
Eversholt	(a)	M	9.66	11.27	12.88	14.49	17.71	20.93	24.15	28.99
	(b)		860.22	1,003.59	1,146.96	1,290.33	1,577.07	1,863.81	2,150.55	2,580.67
	(c)		1,008.35	1,176.40	1,344.46	1,512.52	1,848.64	2,184.75	2,520.87	3,025.05
Everton	(a)	M	32.56	37.98	43.41	48.84	59.69	70.54	81.40	97.67
	(b)		883.12	1,030.30	1,177.49	1,324.68	1,619.05	1,913.42	2,207.80	2,649.35
	(c)		1,031.25	1,203.11	1,374.99	1,546.87	1,890.62	2,234.36	2,578.12	3,093.73

**APPENDIX C**

Eyeworth	(a)	M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	(b)		850.56	992.32	1,134.08	1,275.84	1,559.36	1,842.88	2,126.40	2,551.68
	(c)		998.69	1,165.13	1,331.58	1,498.03	1,830.93	2,163.82	2,496.72	2,996.06
Flitton and Greenfield	(a)	M	22.15	25.84	29.53	33.23	40.61	47.99	55.38	66.45
	(b)		872.71	1,018.16	1,163.61	1,309.07	1,599.97	1,890.87	2,181.78	2,618.13
	(c)		1,020.84	1,190.97	1,361.11	1,531.26	1,871.54	2,211.81	2,552.10	3,062.51
Flitwick	(a)	M	84.82	98.96	113.10	127.24	155.51	183.78	212.06	254.47
	(b)		935.38	1,091.28	1,247.18	1,403.08	1,714.87	2,026.66	2,338.46	2,806.15
	(c)		1,083.51	1,264.09	1,444.68	1,625.27	1,986.44	2,347.60	2,708.78	3,250.53
Gravenhurst	(a)	M	26.04	30.38	34.72	39.06	47.74	56.42	65.10	78.13
	(b)		876.60	1,022.70	1,168.80	1,314.90	1,607.10	1,899.30	2,191.50	2,629.81
	(c)		1,024.73	1,195.51	1,366.30	1,537.09	1,878.67	2,220.24	2,561.82	3,074.19
Harlington	(a)	M	59.86	69.83	79.81	89.79	109.74	129.69	149.64	179.57
	(b)		910.42	1,062.15	1,213.89	1,365.63	1,669.10	1,972.57	2,276.04	2,731.25
	(c)		1,058.55	1,234.96	1,411.39	1,587.82	1,940.67	2,293.51	2,646.36	3,175.63
Haynes	(a)	M	25.06	29.24	33.42	37.59	45.95	54.30	62.66	75.19
	(b)		875.62	1,021.56	1,167.50	1,313.43	1,605.31	1,897.18	2,189.06	2,626.87
	(c)		1,023.75	1,194.37	1,365.00	1,535.62	1,876.88	2,218.12	2,559.38	3,071.25
Heath & Reach	(a)	S	25.84	30.15	34.46	38.77	47.38	56.00	64.61	77.53
	(b)		906.18	1,057.23	1,208.26	1,359.29	1,661.34	1,963.42	2,265.47	2,718.57
	(c)		1,054.31	1,230.04	1,405.76	1,581.48	1,932.91	2,284.36	2,635.79	3,162.95
Henlow	(a)	M	46.73	54.52	62.31	70.10	85.68	101.26	116.84	140.20
	(b)		897.29	1,046.84	1,196.39	1,345.94	1,645.04	1,944.14	2,243.24	2,691.88
	(c)		1,045.42	1,219.65	1,393.89	1,568.13	1,916.61	2,265.08	2,613.56	3,136.26
Hockliffe	(a)	S	28.53	33.29	38.04	42.80	52.31	61.82	71.33	85.60
	(b)		908.87	1,060.37	1,211.84	1,363.32	1,666.27	1,969.24	2,272.19	2,726.64
	(c)		1,057.00	1,233.18	1,409.34	1,585.51	1,937.84	2,290.18	2,642.51	3,171.02
Houghton Conquest	(a)	M	33.63	39.24	44.84	50.45	61.66	72.87	84.08	100.90
	(b)		884.19	1,031.56	1,178.92	1,326.29	1,621.02	1,915.75	2,210.48	2,652.58
	(c)		1,032.32	1,204.37	1,376.42	1,548.48	1,892.59	2,236.69	2,580.80	3,096.96

**APPENDIX C**

Houghton Regis	(a)	S	84.18	98.20	112.23	126.26	154.32	182.38	210.44	252.53
	(b)		964.52	1,125.28	1,286.03	1,446.78	1,768.28	2,089.80	2,411.30	2,893.57
	(c)		1,112.65	1,298.09	1,483.53	1,668.97	2,039.85	2,410.74	2,781.62	3,337.95
Hulcote and Salford	(a)	M	28.99	33.82	38.65	43.48	53.14	62.80	72.46	86.96
	(b)		879.55	1,026.14	1,172.73	1,319.32	1,612.50	1,905.68	2,198.86	2,638.64
	(c)		1,027.68	1,198.95	1,370.23	1,541.51	1,884.07	2,226.62	2,569.18	3,083.02
Husborne Crawley	(a)	M	17.11	19.96	22.81	25.67	31.37	37.07	42.78	51.33
	(b)		867.67	1,012.28	1,156.89	1,301.51	1,590.73	1,879.95	2,169.18	2,603.01
	(c)		1,015.80	1,185.09	1,354.39	1,523.70	1,862.30	2,200.89	2,539.50	3,047.39
Hyde	(a)	S	15.61	18.21	20.81	23.41	28.62	33.82	39.02	46.83
	(b)		895.95	1,045.29	1,194.61	1,343.93	1,642.58	1,941.24	2,239.88	2,687.87
	(c)		1,044.08	1,218.10	1,392.11	1,566.12	1,914.15	2,262.18	2,610.20	3,132.25
Kensworth	(a)	S	21.28	24.82	28.37	31.91	39.00	46.10	53.19	63.83
	(b)		901.62	1,051.90	1,202.17	1,352.43	1,652.96	1,953.52	2,254.05	2,704.87
	(c)		1,049.75	1,224.71	1,399.67	1,574.62	1,924.53	2,274.46	2,624.37	3,149.25
Langford	(a)	M	47.41	55.31	63.21	71.11	86.91	102.72	118.52	142.22
	(b)		897.97	1,047.63	1,197.29	1,346.95	1,646.27	1,945.60	2,244.92	2,693.90
	(c)		1,046.10	1,220.44	1,394.79	1,569.14	1,917.84	2,266.54	2,615.24	3,138.28
Leighton-Linslade	(a)	S	75.25	87.79	100.34	112.88	137.96	163.05	188.13	225.76
	(b)		955.59	1,114.87	1,274.14	1,433.40	1,751.92	2,070.47	2,388.99	2,866.80
	(c)		1,103.72	1,287.68	1,471.64	1,655.59	2,023.49	2,391.41	2,759.31	3,311.18
Lidlington	(a)	M	34.65	40.43	46.20	51.98	63.53	75.08	86.63	103.95
	(b)		885.21	1,032.75	1,180.28	1,327.82	1,622.89	1,917.96	2,213.03	2,655.63
	(c)		1,033.34	1,205.56	1,377.78	1,550.01	1,894.46	2,238.90	2,583.35	3,100.01
Marston Moretaine	(a)	M	34.06	39.74	45.42	51.09	62.45	73.80	85.16	102.19
	(b)		884.62	1,032.06	1,179.50	1,326.93	1,621.81	1,916.68	2,211.56	2,653.87
	(c)		1,032.75	1,204.87	1,377.00	1,549.12	1,893.38	2,237.62	2,581.88	3,098.25
Maulden	(a)	M	20.72	24.17	27.63	31.08	37.99	44.89	51.80	62.16
	(b)		871.28	1,016.49	1,161.71	1,306.92	1,597.35	1,887.77	2,178.20	2,613.84
	(c)		1,019.41	1,189.30	1,359.21	1,529.11	1,868.92	2,208.71	2,548.52	3,058.22

**APPENDIX C**

Meppershall	(a)	M	28.66	33.44	38.22	43.00	52.55	62.11	71.66	85.99
	(b)		879.22	1,025.76	1,172.30	1,318.84	1,611.91	1,904.99	2,198.06	2,637.67
	(c)		1,027.35	1,198.57	1,369.80	1,541.03	1,883.48	2,225.93	2,568.38	3,082.05
Millbrook	(a)	M	21.86	25.50	29.14	32.79	40.07	47.36	54.64	65.57
	(b)		872.42	1,017.82	1,163.22	1,308.63	1,599.43	1,890.24	2,181.04	2,617.25
	(c)		1,020.55	1,190.63	1,360.72	1,530.82	1,871.00	2,211.18	2,551.36	3,061.63
Milton Bryan	(a)	M	15.96	18.62	21.28	23.94	29.26	34.58	39.90	47.88
	(b)		866.52	1,010.94	1,155.36	1,299.78	1,588.62	1,877.46	2,166.30	2,599.56
	(c)		1,014.65	1,183.75	1,352.86	1,521.97	1,860.19	2,198.40	2,536.62	3,043.94
Moggerhanger	(a)	M	30.21	35.24	40.28	45.31	55.38	65.45	75.52	90.63
	(b)		880.77	1,027.56	1,174.36	1,321.15	1,614.74	1,908.33	2,201.92	2,642.31
	(c)		1,028.90	1,200.37	1,371.86	1,543.34	1,886.31	2,229.27	2,572.24	3,086.69
Northill	(a)	M	26.85	31.33	35.81	40.28	49.23	58.19	67.14	80.56
	(b)		877.41	1,023.65	1,169.89	1,316.12	1,608.59	1,901.07	2,193.54	2,632.24
	(c)		1,025.54	1,196.46	1,367.39	1,538.31	1,880.16	2,222.01	2,563.86	3,076.62
Old Warden	(a)	M	16.13	18.82	21.51	24.19	29.57	34.95	40.32	48.39
	(b)		866.69	1,011.14	1,155.59	1,300.03	1,588.93	1,877.83	2,166.72	2,600.07
	(c)		1,014.82	1,183.95	1,353.09	1,522.22	1,860.50	2,198.77	2,537.04	3,044.45
Potsgrove	(a)	M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	(b)		850.56	992.32	1,134.08	1,275.84	1,559.36	1,842.88	2,126.40	2,551.68
	(c)		998.69	1,165.13	1,331.58	1,498.03	1,830.93	2,163.82	2,496.72	2,996.06
Potton	(a)	M	37.19	43.39	49.59	55.79	68.19	80.59	92.99	111.58
	(b)		887.75	1,035.71	1,183.67	1,331.63	1,627.55	1,923.47	2,219.39	2,663.26
	(c)		1,035.88	1,208.52	1,381.17	1,553.82	1,899.12	2,244.41	2,589.71	3,107.64
Pulloxhill	(a)	M	14.00	16.33	18.67	21.00	25.67	30.33	35.00	42.00
	(b)		864.56	1,008.65	1,152.75	1,296.84	1,585.03	1,873.21	2,161.40	2,593.68
	(c)		1,012.69	1,181.46	1,350.25	1,519.03	1,856.60	2,194.15	2,531.72	3,038.06
Ridgmont	(a)	M	48.78	56.91	65.04	73.17	89.43	105.69	121.95	146.34
	(b)		899.34	1,049.23	1,199.12	1,349.01	1,648.79	1,948.57	2,248.35	2,698.02
	(c)		1,047.47	1,222.04	1,396.62	1,571.20	1,920.36	2,269.51	2,618.67	3,142.40

**APPENDIX C**

Sandy	(a)	M	56.39	65.79	75.18	84.58	103.38	122.17	140.97	169.16
	(b)		906.95	1,058.11	1,209.26	1,360.42	1,662.74	1,965.05	2,267.37	2,720.84
	(c)		1,055.08	1,230.92	1,406.76	1,582.61	1,934.31	2,285.99	2,637.69	3,165.22
Shefford	(a)	M	36.12	42.14	48.16	54.18	66.22	78.25	90.29	108.35
	(b)		886.68	1,034.46	1,182.24	1,330.02	1,625.58	1,921.13	2,216.69	2,660.03
	(c)		1,034.81	1,207.27	1,379.74	1,552.21	1,897.15	2,242.07	2,587.01	3,104.41
Shillington	(a)	M	25.48	29.72	33.97	38.22	46.71	55.20	63.69	76.43
	(b)		876.04	1,022.04	1,168.05	1,314.06	1,606.07	1,898.08	2,190.09	2,628.11
	(c)		1,024.17	1,194.85	1,365.55	1,536.25	1,877.64	2,219.02	2,560.41	3,072.49
Silsoe	(a)	M	21.09	24.60	28.11	31.63	38.66	45.69	52.71	63.26
	(b)		871.65	1,016.92	1,162.19	1,307.47	1,598.02	1,888.57	2,179.11	2,614.94
	(c)		1,019.78	1,189.73	1,359.69	1,529.66	1,869.59	2,209.51	2,549.43	3,059.32
Slip End	(a)	S	33.33	38.89	44.44	50.00	61.11	72.22	83.33	100.00
	(b)		913.67	1,065.97	1,218.24	1,370.52	1,675.07	1,979.64	2,284.19	2,741.04
	(c)		1,061.80	1,238.78	1,415.74	1,592.71	1,946.64	2,300.58	2,654.51	3,185.42
Southill	(a)	M	15.55	18.14	20.73	23.33	28.51	33.69	38.88	46.65
	(b)		866.11	1,010.46	1,154.81	1,299.17	1,587.87	1,876.57	2,165.28	2,598.33
	(c)		1,014.24	1,183.27	1,352.31	1,521.36	1,859.44	2,197.51	2,535.60	3,042.71
Stanbridge	(a)	S	18.96	22.12	25.27	28.43	34.75	41.07	47.39	56.87
	(b)		899.30	1,049.20	1,199.07	1,348.95	1,648.71	1,948.49	2,248.25	2,697.91
	(c)		1,047.43	1,222.01	1,396.57	1,571.14	1,920.28	2,269.43	2,618.57	3,142.29
Steppingley	(a)	M	36.40	42.47	48.54	54.60	66.74	78.87	91.01	109.21
	(b)		886.96	1,034.79	1,182.62	1,330.44	1,626.10	1,921.75	2,217.41	2,660.89
	(c)		1,035.09	1,207.60	1,380.12	1,552.63	1,897.67	2,242.69	2,587.73	3,105.27
Stondon	(a)	M	26.70	31.15	35.60	40.05	48.95	57.85	66.75	80.09
	(b)		877.26	1,023.47	1,169.68	1,315.89	1,608.31	1,900.73	2,193.15	2,631.77
	(c)		1,025.39	1,196.28	1,367.18	1,538.08	1,879.88	2,221.67	2,563.47	3,076.15
Stotfold	(a)	M	57.58	67.18	76.78	86.37	105.57	124.76	143.95	172.74
	(b)		908.14	1,059.50	1,210.86	1,362.21	1,664.93	1,967.64	2,270.35	2,724.42
	(c)		1,056.27	1,232.31	1,408.36	1,584.40	1,936.50	2,288.58	2,640.67	3,168.80

**APPENDIX C**

Streatley	(a)	S	8.42	9.83	11.23	12.63	15.44	18.25	21.06	25.27
	(b)		888.76	1,036.91	1,185.03	1,333.15	1,629.40	1,925.67	2,221.92	2,666.31
	(c)		1,036.89	1,209.72	1,382.53	1,555.34	1,900.97	2,246.61	2,592.24	3,110.69
Studham	(a)	S	17.85	20.82	23.80	26.77	32.72	38.67	44.62	53.55
	(b)		898.19	1,047.90	1,197.60	1,347.29	1,646.68	1,946.09	2,245.48	2,694.59
	(c)		1,046.32	1,220.71	1,395.10	1,569.48	1,918.25	2,267.03	2,615.80	3,138.97
Sundon	(a)	S	45.28	52.83	60.38	67.92	83.02	98.11	113.21	135.85
	(b)		925.62	1,079.91	1,234.18	1,388.44	1,696.98	2,005.53	2,314.07	2,776.89
	(c)		1,073.75	1,252.72	1,431.68	1,610.63	1,968.55	2,326.47	2,684.39	3,221.27
Sutton	(a)	M	23.38	27.28	31.18	35.07	42.87	50.66	58.46	70.15
	(b)		873.94	1,019.60	1,165.26	1,310.91	1,602.23	1,893.54	2,184.86	2,621.83
	(c)		1,022.07	1,192.41	1,362.76	1,533.10	1,873.80	2,214.48	2,555.18	3,066.21
Tempsford	(a)	M	34.63	40.40	46.18	51.95	63.49	75.04	86.58	103.90
	(b)		885.19	1,032.72	1,180.26	1,327.79	1,622.85	1,917.92	2,212.98	2,655.58
	(c)		1,033.32	1,205.53	1,377.76	1,549.98	1,894.42	2,238.86	2,583.30	3,099.96
Tilsworth	(a)	S	23.34	27.23	31.12	35.01	42.79	50.57	58.35	70.02
	(b)		903.68	1,054.31	1,204.92	1,355.53	1,656.75	1,957.99	2,259.21	2,711.06
	(c)		1,051.81	1,227.12	1,402.42	1,577.72	1,928.32	2,278.93	2,629.53	3,155.44
Tingrith	(a)	M	14.04	16.37	18.71	21.05	25.73	30.41	35.09	42.11
	(b)		864.60	1,008.69	1,152.79	1,296.89	1,585.09	1,873.29	2,161.49	2,593.79
	(c)		1,012.73	1,181.50	1,350.29	1,519.08	1,856.66	2,194.23	2,531.81	3,038.17
Toddington	(a)	S	37.30	43.51	49.73	55.94	68.38	80.81	93.24	111.89
	(b)		917.64	1,070.59	1,223.53	1,376.46	1,682.34	1,988.23	2,294.10	2,752.93
	(c)		1,065.77	1,243.40	1,421.03	1,598.65	1,953.91	2,309.17	2,664.42	3,197.31
Tottenhoe	(a)	S	16.65	19.43	22.21	24.98	30.53	36.08	41.64	49.96
	(b)		896.99	1,046.51	1,196.01	1,345.50	1,644.49	1,943.50	2,242.50	2,691.00
	(c)		1,045.12	1,219.32	1,393.51	1,567.69	1,916.06	2,264.44	2,612.82	3,135.38
Westoning	(a)	M	18.41	21.48	24.54	27.61	33.75	39.88	46.02	55.22
	(b)		868.97	1,013.80	1,158.62	1,303.45	1,593.11	1,882.76	2,172.42	2,606.90
	(c)		1,017.10	1,186.61	1,356.12	1,525.64	1,864.68	2,203.70	2,542.74	3,051.28

**APPENDIX C**

Whipsnade	(a)	S	18.76	21.89	25.01	28.14	34.39	40.64	46.90	56.28
	(b)		899.10	1,048.97	1,198.81	1,348.66	1,648.35	1,948.06	2,247.76	2,697.32
	(c)		1,047.23	1,221.78	1,396.31	1,570.85	1,919.92	2,269.00	2,618.08	3,141.70
Woburn	(a)	M	33.20	38.73	44.27	49.80	60.87	71.94	83.00	99.60
	(b)		883.76	1,031.05	1,178.35	1,325.64	1,620.23	1,914.82	2,209.40	2,651.28
	(c)		1,031.89	1,203.86	1,375.85	1,547.83	1,891.80	2,235.76	2,579.72	3,095.66
Wrestlingworth and Cockayne Hatley	(a)	M	33.53	39.12	44.71	50.30	61.47	72.65	83.83	100.59
	(b)		884.09	1,031.44	1,178.79	1,326.14	1,620.83	1,915.53	2,210.23	2,652.27
	(c)		1,032.22	1,204.25	1,376.29	1,548.33	1,892.40	2,236.47	2,580.55	3,096.65

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<b>SHADOW COUNCIL</b>
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<b>26 FEBRUARY 2009</b>
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<b>SUBJECT</b>	<b>APPOINTMENT OF MEMBERS, CHAIRMEN AND STATUTORY CO-OPTees TO COMMITTEES FROM APRIL TO JUNE 2009</b>  (To receive and consider the report of the Monitoring Officer on recommendations of the Group Leaders in relation to the appointment of Members and substitutes to Committees and other forums and the appointment of the Chairmen and Vice-Chairmen of certain Committees of the Council between April and June 2009.)
<b>REPORT OF</b>	<b>Monitoring Officer</b>
<i>Contact Officer: Kathrin John Tel: 01462 611033</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	None
<b>LEGAL</b>	Section 15 of the Local Government and Housing Act 1989
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADES UNION</b>	Representatives of the Trades Unions have been consulted in respect of the joint committees referred to in paragraph 14
<b>HUMAN RIGHTS</b>	None

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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<b>RECOMMENDATION(S):</b>
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- |   |
|---|
| <ol style="list-style-type: none"> <li>1. That the size of the Committees and Forums and the allocation of seats to Groups in accordance with the political proportionality rules, where applicable, as set out in Appendix A, be approved.</li> <li>2. That the appointment of Members and substitutes to Committees and other Forums, as set out in Appendix B, be approved.</li> <li>3. That the appointment of Chairmen and Vice-Chairmen of Committees for the period April to June 2009, as set out in Appendix C, be approved.</li> <li>4. That the following persons be appointed to the Scrutiny Committee as co-opted members with voting rights on education matters:           <ol style="list-style-type: none"> <li>(a) Mr Ben Sear, parent governor representative;</li> </ol> </li> </ol> |
|---|

**(b) Mrs Frances Image, Roman Catholic Diocesan representative; and**

**(c) Mr Jon Reynolds, Church of England Diocesan representative.**

- 5. That the Monitoring Officer be authorised to appoint up to two additional parent governor representatives who have been nominated and if necessary duly elected through the statutory process.**

### **Appointments to Committees**

1. At the inaugural meeting of the Shadow Council, held on 10 April 2008, the Council agreed the appointment of Members to serve on the following Committees:-
  - Shadow Scrutiny Committee
  - General Purposes Committee
  - Appeals Committee
2. A Shadow Executive of 12 Members was also appointed in accordance with Article 16 of the Bedfordshire (Structural Changes) Order 2008, with 4 Members being nominated from each of Bedfordshire County, Mid and South Bedfordshire District Councils. The Leader and Deputy Leader of the Shadow Council were designated under Article 16 (4) of the Order.
3. The recommendations of the Constitution and Governance Working Party in respect of the governance arrangements during the interim period 1 April to the June elections are set out elsewhere on this agenda.
4. Members will note from the Working Party's report that DCLG has confirmed that it is its policy intention that the current Shadow Executive arrangements should continue until the new 66-member authority takes office following the elections in June. An amendment order is to be made imminently confirming that the Shadow Executive arrangements shall continue until after the elections. There is therefore no need to re-appoint the Shadow Executive at this meeting.
5. However, given that the Council will be exercising full local authority powers from 1 April 2009, in addition to the Committees listed in paragraph 1 above, it is now necessary to appoint members to serve upon the following additional Committees, for the period between 1 April to 7 June 2009:-
  - Development Management Committee
  - Licensing Committee
  - Regulation Committee
  - Audit Committee
  - Social Care, Health and Housing Overview & Scrutiny Committee

6. It is reported elsewhere on this agenda that a Member for the Plantation Electoral Division of the County Council has ceased to be a Member of that Council and therefore also of the Shadow Council.

7. The revised political balance of the Council (with %s in brackets) is now as follows:-

Conservative	Independent	Labour	Liberal Democrat
89 (72.36%)	4 (3.25%)	5 (4.07%)	25 (20.33%)

8. A meeting has now been held with Group Leaders to consider nominations to the various Committees and other Forums.

9. The following documents are now attached:-

Appendix A Size of the Committees and other Forums and allocation of seats to Groups in accordance with the proportionality rules (where applicable)

Appendix B Nominations of the Groups for places on Committees and other Forums

Appendix C Nominations for Chairmanships/Vice-Chairmanships of Committees

10. In the event of more than one nomination arising in respect of Chairmanship of a Committee, each nomination in respect of that office will need to be put to the vote.

11. The Chairmanship/Vice-Chairmanships of the various Joint Committees and other remaining Forums will be dealt with at the first meeting of each body.

12. The following bodies are not subject to political proportionality:-

(a) *Standards Committee*

It is proposed that a Standards Committee of 15 Members be established comprising 5 elected Councillors, 5 Independent persons and 5 Town/Parish Council persons.

(b) *Licensing Sub Committee*

It is proposed that a sub committee of the Licensing Committee be established, comprising 3 members of the Licensing Committee, with any member appointed to act as a substitute.

(c) *Town Centre Joint Management Committees*

The Group Leaders have already nominated Councillors to serve upon these Committees as indicated in Appendix B.

(d) *Luton and South Bedfordshire Joint Committee*

(i) *Section 29 Committee*

This Committee has 6 Central Bedfordshire Councillors, which must include at least 3 Executive Councillors plus no more than two non-Executive Councillors, which would normally include the Chairman of the Development Management Committee.

(ii) *Section 101 Committee*

This Committee would have 3 of the Executive Councillors appointed to the Section 29 Committee.

(e) *Constitution Advisory Group*

This Group currently comprises 4 members (3 Conservative and 1 Liberal Democrat).

(f) *Member Development Champions*

The current membership is as follows:-

- Group Leaders
- Deputy Leader of the Council
- Corporate Resources Portfolio Holder
- Cllr R Stay

13. A report is to be submitted to the meeting of the Shadow Executive to be held on 17 March 2009 regarding the establishment of the Corporate Parenting Panel and appointments to the Panel and to the Fostering, Permanence and Adoption Panels.
14. It is not anticipated that it will be necessary for the Employee Partnership Committee and the Joint Consultative and Negotiating Committee for Primary and Secondary Education to meet during the interim period April to June. The Human Resources Lead has confirmed that the representatives of the Trades Unions are content with this proposal.

15. The Group Leaders have met to consider appointments to outside bodies and these appointments are due to be approved by the Interim Chief Executive, following consultation with the Group Leaders, under her delegated powers.

### **Scrutiny Committee – Statutory Education Co-optees**

16. The Local Government Act 2000 and regulations made under it require certain representatives to be co-opted onto any overview and scrutiny committee whose functions relate wholly or partly to any education functions which are the responsibility of the authority's executive. The co-opted members have a vote on education matters only.
17. Under the full constitutional structure now recommended to Shadow Council, that committee will be the Children, Families and Learning Overview and Scrutiny Committee. Since, however, that committee is not intended to be established until after the election in June 2009, the relevant committee meanwhile will be the Scrutiny Committee.

The statutory co-optees are:

- (a) between two and five parent governor representatives who must be appointed following an election among parent governors of schools maintained by the local education authority; and under the draft constitution, Shadow Council should appoint up to three parent governors;
  - (b) two church representatives, to be nominated respectively by the Church of England Diocesan Board and the Roman Catholic Diocesan Bishop for the area.
18. Nominations for three parent governors representing lower, middle and upper schools were sought from among the parent governors of all maintained schools in the Central Bedfordshire area for a four year term beginning 1 April 2009. One middle school nomination has been received. Consideration is being given to how a further two nominations might be invited.
  19. The required nominations have been received from the Church of England and Roman Catholic Dioceses.

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**Background Papers:** None

**Location of Papers:** N/A

**File Reference:** N/A

**APPENDIX "A"**

**POLITICAL APPORTIONMENTS (APRIL TO JUNE 2009)**

**1. Standing Committees**  
(Substitute numbers shown in brackets)

<b>Body</b>	<b>Total Seats</b>	<b>C</b>	<b>Ind</b>	<b>Lab</b>	<b>LD</b>
Scrutiny <sup>1</sup>	12	9(5)	0	1(1)	2(1)
General Purposes	9	6(3)	1(1)	0	2(1)
Development Management	18	13(7)	0	1	4(2)
Licensing <sup>2</sup>	12	9(5)	1(1)	0	2(1)
Regulation <sup>2</sup>	12	9(5)	1(1)	0	2(1)
Audit <sup>3</sup>	7	5(3)	0	0	2(1)
Appeals	4	3(2)	0	0	1(1)
Social Care Health and Housing Overview & Scrutiny <sup>1</sup>	9	6 (3)	0	1(1)	2 (1)
<b>Total No of seats</b>	<b>83</b>	<b>60</b>	<b>3</b>	<b>3</b>	<b>17</b>
Percentage of seats allocated	(100%)	72.29	3.61	3.61	20.48
		72.36%	3.25%	4.07%	20.33%

Notes:

1. No member of the Executive shall serve on the Overview and Scrutiny Committees.
2. The same members shall be appointed to serve on both the Regulation and Licensing Committees.
3. No member of the Shadow Executive may sit on the Audit Committee and no more than one Member of an Overview and Scrutiny Committee shall sit on the Audit Committee. The Chairman of the Committee shall not be a member of the Scrutiny Committee.

**Appendix "B"**

**Meeting of the Council**

**26 February 2009**

**Nominations for Membership of Committees etc  
For period 1 April to 7 June 2009**

**Scrutiny Committee  
(12 Members)**

Members: Cllr P N Aldis  
Cllr R A Baker  
Cllr R G Baker BEM  
Cllr A R Bastable  
Cllr L Birt  
Cllr A Fahn  
Cllr R Goodwin  
Cllr D Hogan  
Cllr J Kane  
Cllr H J Lockey  
Cllr Mrs P Staples  
TBA – Lib Dem Group

Substitutes:  
Conservative: TBA, TBA, TBA, TBA,  
TBA  
Liberal Democrat: TBA  
Labour: Cllr M Hearty

**Regulation Committee  
(12 Members)**

Members: Cllr D Bowater  
Cllr I Dalgarno  
Cllr Mrs J R Davison  
Cllr Mrs S Gilchrist  
Cllr Ms A M W Graham  
Cllr Mrs J G Lawrence  
Cllr J H Lewis  
Cllr H J Lockey  
Cllr K Lynch  
Cllr A A J Rogers  
Cllr B J Spurr  
Cllr Mrs C Turner

Substitutes:  
Conservative: Cllr T Green, Cllr R V  
King, TBA, TBA, TBA  
Liberal Democrat: Cllr A R Baines  
Independent: Cllr J A Gurney

**Licensing Committee  
(12 Members)**

Members: Cllr D Bowater  
Cllr I Dalgarno  
Cllr Mrs J R Davison  
Cllr Mrs S Gilchrist  
Cllr Ms A M W Graham  
Cllr Mrs J G Lawrence  
Cllr J H Lewis  
Cllr H J Lockey  
Cllr K Lynch  
Cllr A A J Rogers  
Cllr B J Spurr  
Cllr Mrs C Turner

Substitutes:  
Conservative: Cllr T Green, Cllr R V  
King, TBA, TBA, TBA  
Liberal Democrat: Cllr A R Baines  
Independent: Cllr J A Gurney

**Licensing Sub Committee  
(3 Members)**

Members: Cllr D Bowater  
Cllr Mrs J R Davison  
Cllr Ms A M W Graham

Substitutes: Any member of the  
Licensing Committee



**General Purposes Committee  
(9 Members)**

Members: Cllr D Bowater  
Cllr Mrs J R Davison  
Cllr Mrs S Goodchild  
Cllr Ms A M W Graham  
Cllr T Green  
Cllr J A Gurney  
Cllr R W Johnstone  
Cllr D J Lawrence  
Cllr Mrs J G Lawrence

Substitutes:  
Conservative: TBA, TBA, TBA  
Liberal Democrat: Cllr P N Aldis  
Independent: Cllr M A Smith

**Development Management Committee  
(18 Members)**

Members: Cllr A R Bastable  
Cllr D Bowater  
Cllr Mrs C F Chapman MBE  
Cllr M Freeman  
Cllr D J Gale  
Cllr Mrs R B Gammons  
Cllr B J Golby  
Cllr R W Johnstone  
Cllr J Murray  
Cllr T Nicols  
Cllr A Northwood  
Cllr A A J Rogers  
Cllr A Shadbolt  
Cllr J Street  
Cllr G Summerfield  
Cllr Mrs C Turner  
Cllr J N Young  
Cllr B Wells

Substitutes:  
Conservative: Cllr I Dalgarno, Cllr H J Lockey, Cllr  
J Kane, Cllr N Warren, TBA, TBA,  
TBA  
Liberal Democrat: Cllr S A Mitchell, Cllr Mrs E Morgan  
Labour: Cllr M Hearty

**Audit Committee  
(7 Members)**

Members: Cllr A R Baines  
Cllr R A Baker  
Cllr Mrs A Barker  
Cllr Mrs A Guess  
Cllr Mrs K D Keen  
Cllr D J Lawrence  
Cllr J Machin

Substitutes:  
Conservative: Cllr W Forde, TBA, TBA  
Liberal Democrat: Cllr M Butler

**Appeals Committee  
(4 Members)**

Members: Cllr Mrs S Goodchild  
Cllr P Penman  
Cllr R Stay  
Cllr Mrs P E Turner MBE

Substitutes:  
Conservative: TBA, TBA  
Liberal Democrat: Cllr T Swain

**Social Care, Health and Housing  
Overview & Scrutiny Committee  
(9 Members)**

Members: Cllr R A Baker  
Cllr M J Gibson  
Cllr Mrs D B Gurney  
Cllr M Hearty  
Cllr S F Male  
Cllr Miss A Sparrow  
TBA – Cons Group  
TBA – Lib Dem Group  
TBA – Lib Dem Group

Substitutes:  
Conservative: Cllr A B Carter, TBA,  
TBA  
Liberal Democrat: TBA  
Labour: Cllr D Ross

**Standards Committee  
(5 Members)**

Members: Cllr Mrs R Bird  
Cllrs Mrs J Fairbairn  
Cllr J H Lewis  
Cllr P Rawcliffe  
Cllr A A J Rogers

**Houghton Regis Town Centre Management Committee  
(4 CBC Members)**

Members: Cllr Mrs R Bird  
Cllr N B Costin  
Cllr Mrs S Goodchild  
Cllr D Hogan

**Dunstable Town Centre Management Committee  
(5 CBC Members)**

Members: Cllr M Hearty  
Cllr P Hollick  
Cllr Miss A Sparrow  
Cllr J Kane  
Cllr J N Young

**Leighton Linlade Town Centre Management Committee  
(5 CBC Members)**

Members: Cllr D Bowater  
Cllr A Brandham  
Cllr Mrs J M Freeman  
Cllr R W Johnstone  
Cllr P Rawcliffe

**Luton and South Bedfordshire Joint Committee  
Section 29 Committee  
(6 CBC Members)**

Members: TBA ) Con Group  
TBA )  
TBA )  
TBA )  
TBA )  
Cllr T Swain

Substitutes: 1 per member - TBA

**Luton and South Bedfordshire Joint Committee  
Section 101 Committee  
(3 CBC Executive Members)**

Members:           TBA  
                          TBA  
                          TBA

**Constitution Advisory Group  
(4 Members)**

Members:           Cllr D Jones  
                          Cllr M Jones  
                          Cllr S F Male  
                          Cllr P Record  
                          Cllr D J Lawrence (Sub)

**Member Development Champions  
(7 Members)**

Members:           Cllr P A Blaine  
                          Cllr J A Gurney  
                          Cllr M Jones  
                          Cllr P Penman  
                          Cllr D Ross  
                          Cllr R Stay  
                          Cllr Mrs P E Turner MBE

**Meeting of the Council**

**26 February 2009**

**Nominations for Chairmanship/Vice-Chairmanship  
Of Standing Committees 1 April – 7 June 2009.**

**Scrutiny Committee**

Chairman            Cllr Mrs P Staples  
Vice-Chairman    Cllr A R Bastable

**General Purposes Committee**

Chairman            Cllr Mrs J G Lawrence  
Vice-Chairman    Cllr T Green

**Development Management Committee**

Chairman            Cllr A Shadbolt  
Vice-Chairman    Cllr Mrs C F Chapman MBE

**Licensing Committee**

Chairman            Cllr B J Spurr  
Vice-Chairman    Cllr J H Lewis

**Regulation Committee**

Chairman            Cllr B J Spurr  
Vice-Chairman    Cllr J H Lewis

**Audit Committee**

Chairman            Cllr D J Lawrence  
Vice-Chairman    Cllr J Machin

**Social Care, Health and Housing Overview & Scrutiny Committee**

Chairman            Cllr S F Male  
Vice-Chairman    Cllr M J Gibson

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<b>SHADOW COUNCIL</b>
<b>26 FEBRUARY 2009</b>

<b>SUBJECT</b>	<b>CALENDAR OF MEETINGS APRIL 2009 – MAY 2010</b>
<b>REPORT OF</b>	<b>Monitoring Officer</b>
<i>Contact Officer: Kathrin John (Tel: 01462 611033)</i>	

**IMPLICATIONS**

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	None
<b>LEGAL</b>	None
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	There is a potential for equality issues to arise in connection with timing of meetings
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None
<b>HUMAN RIGHTS</b>	None

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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<b>RECOMMENDATION(S):</b>
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<p><b>That Shadow Council approves the calendar of council and committee meetings for the period April 2009 – May 2010 as set out in the Appendix to this report.</b></p>
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**Background**

1. Preparing a calendar of meetings for the Municipal Year enables effective planning of Council business and preparation of the Forward Plan. In addition the Constitution specifies that citizens have the right to attend meetings of the Council, the Executive and its committees and citizens therefore need to be aware in advance of meeting dates.
2. Set out in the Appendix is a programme of meetings for the period 1 April 2009 – 31 May 2010 – a period of 14 months to aid programming of meetings just beyond the Annual Council meeting in 2010.
3. The calendar has been prepared on the following basis:-
  - Interim governance structure to operate between 1 April – June elections
  - Council meetings to commence at 6.30pm

- Development Management Committee to commence at 10am to consider strategic planning / minerals matters and 2.00pm to consider planning applications (the chairman being authorised to vary the start time according to business).
  - In the main all other meetings to commence at 9.30am (the Luton & South Beds Joint Committee (L&SBJC) has yet to confirm its start time)
  - The venue of Council, Executive and Development Management Committee meetings to alternate between Chicksands and Dunstable
  - The venue of L&SBJC meetings to alternate between Dunstable and Luton
  - Frequency of Development Management Committees to be twice monthly – once a month at each venue
  - Overview and Scrutiny Committees to meet on a monthly basis, i.e. at the same frequency as Executive meetings (although every other meeting to be allocated as a reserve meeting which can be cancelled, with the consent of the chairman in the event of there being no business). These Committees will be held initially at Chicksands and then at venues to be determined by each Committee
  - All other meetings to be held at Chicksands unless otherwise agreed by the committee or body concerned
  - A provisional date on 16 July 2009 for a Special Council meeting to confirm the appointment of Chief Executive
4. It should be noted that the calendar only lists those meetings which can or need to be programmed (for constitutional, financial or other reasons). Meetings of other Council bodies such as Schools Forums, Licensing Sub-Committees, Appointments Panel etc. will be arranged as and when required.
5. This is the first calendar for the new Council and will result in significant changes for many members, particularly in relation to start times. Frequency of meetings may require adjustment in some cases in the light of experience as the year progresses. Additionally the election of the new Council in June will reduce the number of members to 66. These factors could result in the need to review the calendar at some point in the municipal year.

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**Background Papers:** None

**Location of Papers:** N/A

**File Reference:** N/A





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**DRAFT CALENDAR OF MEETINGS APRIL 2009 - MAY 2010**

**APPENDIX**

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
APR 2009	6	AUDIT		1	2	3
	13	HOLIDAY	7	8	9	10
	20		14	15	16	17
	27		21	22	23	24
			28	29	30	
MAY 2009	4	HOLIDAY	5	6	7	1
	11		12	13	14	8
	18		19	20	21	15
	25	HOLIDAY	26	27	28	22
						29
						1
JUN 2009	1		2	3	4	5
	8		9	10	11	12
	15		16	17	18	19
	22		23	24	25	26
	29		30			
JUL 2009	6	BUS TRANS OSC	7	8	9	3
	13	CORP RES OSC	14	15	16	10
	20		21	22	23	17
	27	AUDIT	28	29	30	24
						31
						OSMP
AUG 2009	3	BUS TRANS OSC (R)	4	5	6	7
	10	CORP RES OSC (R)	11	12	13	14
	17		18	19	20	21
	24		25	26	27	28
	31	HOLIDAY				
SEP 2009	7	CORP RES OSC	8	9	10	4
	14		15	16	17	11
	21	AUDIT	22	23	24	18
	28	BUS TRANS OSC (R)	29	30		25
						L&SBJC (R)
OCT 2009	5	CORP RES OSC (R)	6	7	8	2
	12		13	14	15	9
	19		20	21	22	16
	26	BUS TRANS OSC	27	28	29	23
						30
						L&SBJC
NOV 2009	2	CORP RES OSC	3	4	5	6
	9		10	11	12	13
	16		17	18	19	20
	23	BUS TRANS OSC (R)	24	25	26	27
	30	CORP RES OSC (R)				
DEC 2009	7		1	2	3	4
	14		8	9	10	11
	21	BUS TRANS OSC	15	16	17	18
	28	HOLIDAY	22	23	24	25
			29	30	31	
						L&SBJC (R)
JAN 2010	4	CORP RES OSC	5	6	7	1
	11	AUDIT	12	13	14	8
	18		19	20	21	15
	25	BUS TRANS OSC (R)	26	27	28	22
						29
						L&SBJC
FEB 2010	1	CORP RES OSC (R)	2	3	4	5
	8		9	10	11	12
	15		16	17	18	19
	22	BUS TRANS OSC	23	24	25	26
						STANDARDS

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
MAR 2010	1	CORP RES OSC	2	CH, FAM & L'NG OSC	3	
	8		9	EXECUTIVE (D)	10	DMC (D)
	15		16		17	
	22	BUS TRANS OSC ®	23	LSP (D)	24	DMC (C)
	29	CORP RES OSC (R)	30	CH, FAM & L'NG OSC (R)	31	
APR 2010	5	HOLIDAY	6	EXECUTIVE (C)	7	
	12	AUDIT	13		14	DMC (D)
	19	BUS TRANS OSC	20	SUS COMM OSC	21	
	26	CORP RES OSC	27	CH, FAM & L'NG OSC	28	DMC (C)
MAY 2010	3		4	EXECUTIVE (D)	5	
	10		11		12	DMC (D)
	17	BUS TRANS OSC (R)	18	SUS COMM OSC (R)	19	LIC'NG/REG
	24	CORP RES OSC (R)	25	CH, FAM & L'NG OSC (R)	26	DMC (C)
	31	HOLIDAY				

**KEY:** **DMC** Development Management Committee **LSP** Local Strategic Partnership **LIC'NG//REG** Licensing and Regulation Committees **OSC** Overview & Scrutiny Committee **L&SBJC** Luton & South Bedfordshire Joint Committee **OSMP** Overview & Scrutiny Management Panel **BUS TRANS OSC** Business Transformation Overview & Scrutiny Committee **SUS COMM OSC** Sustainable Communities Overview & Scrutiny Committee **CORP RES OSC** Corporate Resources Overview & Scrutiny Committee **CH, FAM & L'NG OSC** Children, Families & Learning Overview & Scrutiny Committee **S CARE, HLTH & HSG OSC** Social Care, Health & Housing Overview & Scrutiny Committee

**TIME AND VENUES:** All meetings will start at 9.30 a.m.unless otherwise stated on the agenda, with the exception of (i) Council starting at 6.30pm, (ii) Development Management which will normally start at 10.00am to consider strategic planning / mineral matters and 2.00pm to consider planning applications. (The chairman shall be authorised to vary the start time according to the business of the meeting); and (iii) Luton & South Beds Joint Committee (L&SBJC) - times to be confirmed. (R) indicates a reserve date.

Meetings of the Council, Executive and Development Management Committee will be held at alternating venues as indicated: (C) Chicksands or (D) Dunstable. Overview and Scrutiny Committees will meet initially at Chicksands and then at venues to be determined by each Committee, according to the business to be conducted. Licensing Sub-Committees will be arranged at local venues as and when required. Meetings of the Luton and South Bedfordshire Joint Committee alternate between Dunstable and Luton. All other meetings will normally be at Chicksands unless otherwise agreed by the committee or body concerned.

<b>COUNCIL</b>
<b>26 February 2009</b>

<b>SUBJECT</b>	<b>APPOINTMENT OF INDEPENDENT PERSONS TO THE CENTRAL BEDFORDSHIRE COUNCIL'S STANDARDS COMMITTEE</b>  (To approve the appointment of five Independent Persons to the Standards Committee)
<b>REPORT OF</b>	<b>Monitoring Officer</b>
<i>Contact Officer: Barbara Morris (Tel: 01462 611024)</i>	

**IMPLICATIONS**

<b>SUSTAINABILITY</b>	To maintain balanced representation on the Standards Committee
<b>FINANCIAL</b>	None
<b>LEGAL</b>	The Relevant Authorities (Standards Committee) Regulations 2001 Local Government Act 2000
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	Advertised and nine applications received and considered
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None
<b>HUMAN RIGHTS</b>	None

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
None

<p><b>RECOMMENDATION(S):</b></p> <p><b>That Kenneth Frazer, Keith Ford, Jeremy Dann, Deborah Maggs and Mike Jones formally be appointed as Independent Persons to serve on the Standards Committee with effect from 1 April 2009 until the Elections to be held in 2011.</b></p>
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1. In accordance with the draft Central Bedfordshire Council's Constitution, the Standards Committee will comprise of:-
  - Five elected Members
  - Five independent persons, and
  - Five members of Town or Parish Councils in the area.

2. A ring fenced selection process took place in January 2009 from the existing pool of Independent persons of Mid Bedfordshire Council, South Bedfordshire District Council and Bedfordshire County Council Standards Committees. All the Independent persons were requested to submit applications if they were interested in standing as an Independent persons for the Central Bedfordshire Council's Standards Committee. The recruitment process was tailored to utilise the expertise that had been built up in all Authorities among the Independent persons. The closing date for applications was 31 December 2008, with interviews taking place on 21 and 27 January 2009. The interviewing panel consisted of the Chairman of the Central Bedfordshire Shadow Council, together with the Head of Legal & Democratic Services/Monitoring Officer for Central Bedfordshire Council.
  
3. Following those interviews the recommendation is that the following persons be appointed to the Central Bedfordshire Standards Committee:-
  - (a) Mr Kenneth Frazer
    - Retired RAF Avionics Engineer Officer
    - Currently Member and Chairman of Bedfordshire County Council's Standards Committee
    - Led Committee's transition and implementation of its new adjudication responsibilities.
  
  - (b) Mr Keith Ford
    - Worked in various teaching positions in schools between 1972 – 2004, including Head Teacher
    - Governing bodies of 5 schools, including Chair of Governors
    - Magistrate (Luton and South Beds) – Chair of the Bedfordshire Magistrates' Training Committees and the Bedfordshire Magistrates' Association
    - Member of the Bedfordshire Valuation Tribunal Panel
    - Currently Member of South Bedfordshire District Council Standards Committee and Chairman since 2007
  
  - (c) Mr Jeremy Dann
    - 23 years experience working as a civil servant in various Government Departments
    - Last 8 years advised Ministers on complex policy issues and familiar with consulting and interpreting legislation, including lead for liaison in respect of heritage buildings and funding
    - Member of Mid Beds District Council Standards Committee

(d) Miss Deborah Maggs

- 25 years' public service experience as both Immigration and Chief Immigration Officer, including training responsibility, conducting investigations and management
- Magistrate, regularly chairing Court
- Full team mentor in making decisions and always give the public an account of the court's reasons for its findings
- Member and Chairman of Mid Beds District Council Standards Committee

(e) Mr Mike Jones

- 35 years telecommunications industry engaged in international business development, international relations and setting up and management of BT in Japan
- Served as a Director of the Boards of companies in which BT had investments
- Independent consultant in general management, project management, bid management and the management of change chiefly in the Healthcare sector
- Member of South Beds District Council Standards Committee

4. It is a requirement of the legislation that the appointment of Independent persons are approved by the majority of the Members of the Council. It is therefore requested that the Council approves the recommendation as set out above.

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**Background Papers:** None  
**Location of Papers:** N/A  
**File Reference:** N/A

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<b>COUNCIL</b>
<b>26 February 2009</b>

<b>SUBJECT</b>	<b>APPOINTMENT OF TOWN/PARISH COUNCIL MEMBERS TO THE CENTRAL BEDFORDSHIRE COUNCIL'S STANDARDS COMMITTEE</b>  (To approve the appointment of five Town/Parish Council Persons to the Standards Committee)
<b>REPORT OF</b>	<b>Monitoring Officer</b>
<i>Contact Officer: Barbara Morris (Tel: 01462 611024)</i>	

**IMPLICATIONS**

<b>SUSTAINABILITY</b>	To maintain balanced representation on the Standards Committee
<b>FINANCIAL</b>	None
<b>LEGAL</b>	Local Government Act 2000 The Relevant Authorities (Standards Committee) Regulations 2001
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	Recruitment process assisted by Beds RCC
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None
<b>HUMAN RIGHTS</b>	None

**OTHER DOCUMENTS RELEVANT TO REPORT**

None

**RECOMMENDATION(S):**

**That Mr B Collier, Mr K Cursons, Ms J Hughes, Ms J Rollings and Mr J Eilbeck formally be appointed as Town/Parish Council Members to serve on the Standards Committee with effect from 1 April 2009 until the Elections to be held in 2011.**

1. In accordance with the draft Central Bedfordshire Council's Constitution, the Standards Committee will comprise of:-

Five elected Members  
 Five independent persons, and  
 Five members of Town or Parish Councils in the District.

2. In order to build upon expertise available, the Monitoring Officer made enquiries as to whether existing Town and Parish Councillors from Mid Beds and South Beds District Council would be interested in standing as Town/Parish Council Members for the Central Beds Council's Standard Committee. Four existing Members expressed a wish, via Beds RCC, to continue to stand. One seat on the Committee, therefore, remained vacant and Beds RCC sought nominations on the Council's behalf. A selection process for the vacancy took place on 3 February 2009 following receipt of three applications. The Interviewing Panel consisted of the Chairman of the Central Bedfordshire Shadow Council, together with the Head of Legal & Democratic Services/Monitoring Officer for Central Bedfordshire Council. Following the interview of three very competent and well qualified candidates, it was recommended that the following person be approved:-
- (a) Mr J Eilbeck (Steppingley Parish Council)
- Chairman of Steppingley Parish Council
  - Retired from the British Pharmaceutical Industries (ABPI) Advisory Group on safety and environmental issues.
3. The other Town and Parish Council Members recommended to serve upon the Standard Committee are:-
- (a) Mr B Collier (Stotfold Town Council)
- Currently a Member of Mid Bedfordshire District Council's Ethics & Standards Committee
  - Ex District Councillor
  - Vice-Chairman of Stotfold Town Council
- (b) Mrs K Cursons (Leighton Linlade Town Council)
- Appointed Deputy Mayor last May
  - Currently a Member of South Bedfordshire District Council's Standards Committee
  - In second year as a Magistrate
  - On various groups, including Parent Teacher Association, Homewatch, school governing body
- (c) Ms J Hughes (Barton-Le-Clay Parish Council)
- Vice-Chair of Parish Council
  - Currently a Member of South Bedfordshire District Council's Standards Committee
  - Chair of Leisure Committee of Parish Council

(d) Ms J Rollings (Caddington & Slip End Parish Council)

- Currently a Member of South Bedfordshire District Council's Standards Committee
- 16 years on the Parish Council working in various aspects
- Set up Caddington Association of Residents

4. Members of the Council are requested to approve the recommendation of the five Town/Parish Council Members listed above to serve on the Standards Committee of the Central Bedfordshire Council.

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**Background Papers:** None

**Location of Papers:** N/A

**File Reference:** N/A

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