

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



please ask for Kathrin John
direct line 01462 611033
date 20 July 2009

CONSTITUTION & GOVERNANCE WORKING GROUP MEETING 1

Date:	Tuesday, 21 July 2009			
Time:	2.00 p.m.			
Venue:	Committee Room No. 2, Council Offices, High Street, North Dunstable			
Members	Cllrs	Mrs C F Chapman MBE D Jones M Jones	Cllrs	D Lawrence S F Male A J Shadbolt

AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. ELECTION OF CHAIRMAN 2009/10**
- 3. NOTES OF PREVIOUS MEETING**

(To receive the Notes of the meeting of the Constitution and Governance Working Group held on 14 January 2009 – enclosed).

- 4. TERMS OF REFERENCE OF THE ADVISORY GROUP**

(To consider draft terms of reference of the Advisory Group – enclosed).

5. **OVERVIEW AND SCRUTINY CONSTITUTIONAL CHANGES**

(To consider proposed amendments to Parts D1 and D2 of the Council's Constitution to accommodate the Councillor Call for Action Guidance, the Crime and Disorder Regulations and a change of name of the Overview and Scrutiny Management Panel.

Report of the Overview and Scrutiny Manager enclosed)

6. **DEVELOPMENT MANAGEMENT COMMITTEE**

(To consider a request from the Chairman and Vice-Chairman of the Development Management Committee for the Advisory Group:-

- (a) to review the current arrangement for the Committee to meet twice a month at alternative venues and;
- (b) to investigate whether powers could be delegated to officers to deal with applications submitted on behalf of the Council or schools)

Report of the Assistant Director, Development Management **to follow**)

7. **SCHEME OF DELEGATION TO OFFICERS**

(To consider further amendments to the Scheme of Delegation to Officers

Report of the Head of Democratic Services enclosed)

8. **COMPOSITION OF THE AUDIT COMMITTEE**

(To review the current restriction within the Constitution on member of the overview and scrutiny committees serving upon the Audit Committee.

Report of the Head of Democratic Services enclosed)

9. **PETITIONS IN RELATION TO TRAFFIC RELATION ORDERS ETC**

(To request the Advisory Group to consider an amendment to Part A4 of the Constitution regarding the consideration of petitions relating to traffic regulation orders etc.

Report of the Head of Democratic Services enclosed)

10. **GUIDE TO THE CONSTITUTION**

(To invite the Advisory Group to consider a draft Guide to the Constitution and to review any other arrangements felt to be necessary to promote understanding and knowledge of the Constitution.

Report of the Head of Democratic Services enclosed)

11. **DATE OF NEXT MEETING**

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Creating Central Bedfordshire

CONSTITUTION AND GOVERNANCE MEMBER WORKING GROUP

Action Notes from Meeting 9, held on 14 January 2009

			Action		
			By	Date	
	Present:	Cllr D Jones (DJ) Cllr M Jones (MJ) Cllr D Lawrence (DL) Cllr S Male (SM)	Portfolio Holder Lead Member		
		J Atkinson (JA1) J Adams (JA2)	Head of Legal Services – BCC Committee and Research Officer – MBDC		
		Edwina Grant (EG)	Director of Children, Families & Learning - CBC		
		K John (KJ)	Democratic Services Manager – MBDC		
		C Jones (CJ)	Human Resources Manager - MBDC		
		R Gregan (RG) C Heaphy (CH)	Head of Procurement - BCC Director of Corporate Resources - CBC		
		S Hobbs (SH) B Mew (BM2)	Committee Administrator - SBDC Interim Financial Services Manager - MBDC		
		R Mills (RM)	Scrutiny and Committees Manager – SBDC		
		B Morris (BM)	Director of Democratic and Legal Services – MBDC		
		N Murley (NM)	Head of Audit, Risk & Health & Safety - CBC		
		J Salisbury (JS)	Interim Chief Executive - CBC		
		Clear Lloyd-Jones (CLJ)	Rookpools		
1.	Apologies for absence				
1.1	Apologies were received from Councillor Shadbolt.				
2.	Constitution Healthcheck				
2.1	The working group received a presentation from Clear Lloyd-Jones.				
2.2	It was noted that the Local Democracy Bill was published in December 2008; royal assent was due in July 2009 and would be put in place during September 2009.				

		Action	
		By	Date
2.3	EG suggested that a few scenarios be acted out once the Constitution had been 'bedded down' with regard to democracy and involvement, including vulnerable groups.		
2.4	The working group agreed that the sections referring to Citizen's Rights (A1 No. 5 & A4) be expanded to include provisions from the Local Democracy Bill.	KJ	26/02/09
2.5	The working group agreed that the Bill would be an issue to be discussed by the new Constitution Advisory Group.	KJ	26/02/09
2.6	The Bill stated that a Statutory Officer for Scrutiny would have to be appointed and it was agreed that this function would be allocated to the Director of Business Transformation. It was agreed to include this in the Constitution under Section H1.	KJ	26/02/09
2.7	The working group agreed to expand A2 No. 2 with regard to where the Constitution is kept, where it can be found, how is it updated e.g. version control.	KJ	26/02/09
2.8	The working group agreed for KJ to amend the draft Constitution to make it more specific about deputations, appointing a spokesperson and talking at meetings.	KJ	26/02/09
2.9	The working group agreed that the Chairman of the Standards Committee would not be able to speak at full Council, that this would be limited to Members only. It was agreed to monitor the situation and if necessary the new Constitution Advisory Group could review this.	KJ	26/02/09
2.10	The working group agreed to amend B4 No. 12.5 'Supplementary question' to allow for a second supplementary question to be asked.	KJ	26/02/09
2.11	The working group discussed the option of fixing an end time for Council meetings. There was concern that items at the beginning of the agenda would be drawn out so that items at the end of the agenda would be voted through without discussion.	-	
2.12	CLJ advised the working group that the intentions under key decisions (C2) were not clear and she was happy to suggest some wording to KJ. The working group agreed.	KJ	26/02/09
2.13	The working group agreed to amend the wording under C4 No. 1.3 that the Leader would report upon any changes made to the appointments and delegations at the following Council meeting not just the annual meeting.	KJ	26/02/09
2.14	The working group agreed to include under C4 No. 10 'Business' the consideration of the Forward Plan, and the reporting back of key decision taken by an individual portfolio holder, committee of the executive or officer.	KJ	26/02/09

		Action	
		By	Date
2.15	The working group agreed that the wording regarding call-ins under C5, D2 and G12 be tidied up.	KJ	26/02/09
2.16	CLJ advised the working group that monthly scrutiny meetings could be onerous. KJ advised that these had been scheduled monthly as this was the same frequency as the Executive, but it was being suggested that if there were no call-ins every other Scrutiny meeting would be cancelled.	-	
2.17	The working group discussed the principle of minor, statutory and consequential amendments to the Constitution being required to be submitted to the Constitution Advisory Group and not being delegated to the Monitoring Officer as a matter of routine. Members confirmed that they wished to retain this provision and that the Constitution Advisory Group could be convened as and when necessary.	-	
2.18	The working group agreed that the mechanism for recording and reporting decisions taken under delegated powers should be determined by Officers.	KJ	26/02/09
	AGREED-		
	<i>That Officers make the above amendments to the draft Constitution and circulate them to the members of the working group.</i>	KJ	
3.	Scheme of Delegation to Officers		
3.1	The working group went through the Scheme of Delegation to Officers page by page noting the proposed amendments. The working group suggested further amendments. In particular the group discussed point 2.5.6 where it was proposed that limitations should apply in the case of the most contentious issues. The working group suggested a number of amendments to make clear that it would be the duty of an officer to consider very carefully whether to exercise any delegated powers where a matter is likely to be controversial or contentious.' KJ to finalise the wording and circulate to members of the working group.	KJ	26/02/09
3.2	The working group agreed that it should be made clear who the accountable Director was for any decision made.		
3.3	The working group agreed that supporting evidence should be included with the Memorandum 'Decisions Delegated to Directors'.	KJ	26/02/09
	AGREED-		
	<i>(1) That the General Conditions and Limitations to the Scheme of Delegation be amended to provide that an officer:</i>		

		Action	
		By	Date
	<p>(a) <i>will have a duty to consider very carefully whether to exercise any delegated powers where a matter is likely to be controversial or contentious; and</i></p> <p>(b) <i>will be required to maintain close liaison with the relevant Portfolio Holder and local councillors on any issues which they consider may be sensitive or contentious.</i></p> <p>(2) <i>That Part 3 of the Scheme of Delegation be amended to make clear that, in all cases, the Chief Executive and Deputy Chief Executive are authorised to take decisions upon any matter delegated to a Director or Head of Service and that Directors are authorised to take decisions upon any matter delegated to a Head of Service within their Department.</i></p> <p>(3) <i>That the amendments to Part H3 (Scheme of Functions Delegated to Officers) now submitted, be approved and that these amendments be incorporated into a final draft to be submitted to the Shadow Council on 26 February 2009.</i></p> <p>(4) <i>That paragraph 8.1 of the Overview and Scrutiny Procedure Rules (part D2) which provides that an Overview and Scrutiny Committee may “require any member of the Executive, the Head of Paid Service and/or any senior officer to attend before it...” should be amended by the addition, after the words “senior officer” of the words “subject to the Director’s discretion”.</i></p>		
	The Chairman of the working group took agenda items 12, 6 and 7 as follows.		
4.	Terms of Reference of the Audit Committee		
4.1	The working group agreed to remove the word ‘civil’ from the Statement of Purpose set out in the agenda.	NM	26/02/09
4.2	The working group agreed to amend the words under Audit Activity (ii) to approve, amend and monitor the annual internal Audit Plan.	NM	26/02/09
4.3	The working group agreed to amend (xi) to commission work from both internal and external audit.	NM	26/02/09
4.4	The working group agreed not to amend (xiv) as set out in the agenda.	NM	26/02/09
4.5	The working group agreed not to amend (xix) as set out in the agenda.	-	

		Action	
		By	Date
4.6	<p>The working group agreed that E2 (page 6) 6.1 needed to include a statement about risk management.</p> <p>AGREED-</p> <p><i>To make the above amendments to the Terms of Reference of the Audit Committee.</i></p>	NM	26/02/09
5.	<p>Financial and Procurement Governance</p> <p><u>Code of Financial Governance</u></p>		
5.1	<p>MJ circulated an email from CH regarding virement limits explaining the following:</p> <p>Up to £100,000 Budget managers in consultation with Head of Finance</p> <p>£100,000 - £200,000 Directors in consultation with Director of Corporate Resources and Portfolio Holder</p> <p>Above £200,000 Executive</p> <p>Between portfolios:</p> <p>Up to £200,000 Directors in consultation with Director of Corporate Resources and Portfolio Holders</p> <p>Above £200,000 Executive</p>		
5.2	<p>The working group agreed that the cumulative (sum of individual virements) should be included within the Constitution, but would not be used between the second transitional period from April – June 2009.</p>	-	
5.3	<p>The working group agreed other minor amendments.</p> <p>Code of Procurement Governance</p>		
5.4	<p>The working group requested that the term asset disposal in the introduction be expanded to include what is meant by asset disposal in context of Procurement Code.</p>		
5.5	<p>The working group agreed that any amendments to the Code would be considered by the Constitution Advisory Group and not the Audit Committee.</p> <p>Finance, Contracts and Legal Matters</p>		

		Action	
		By	Date
5.6	The working group agreed to remove the last sentence in brackets in 4.2 'Legal Proceedings'.		
	<p>AGREED-</p> <p><i>To approve the proposed Financial and Procurement Codes of Governance together with Part I1 (Finance, Contracts and Legal Matters) subject to amendments for inclusion in the Central Bedfordshire Constitution.</i></p>		
6.	<p>Indemnity for Members and Officers</p> <p>AGREED-</p> <p>(1) <i>To note the Scheme of Indemnity for Members and Officers of Central Bedfordshire Council.</i></p> <p>(2) <i>To agree the inclusion of the Scheme of Indemnity in the Ethical Handbook, to be recommended to the Shadow Council on 26 February 2009 for approval.</i></p>		
7.	<p>Notes of the Meeting held on 1 December 2008 and Matters Arising</p> <p>AGREED-</p> <p><i>To approve the notes of the meeting held on 1 December 2008 and note the matters arising.</i></p>		
8.	<p>Notes of the Meeting held on 10 December 2008 and Matters Arising</p> <p>AGREED-</p> <p><i>To approve the notes of the meeting held on 10 December 2008 and note the matters arising.</i></p>		
9.	<p>Joint Arrangements</p>		
9.1	The working group agreed to make no changes to the current arrangements for the Town Centre Management Committees until a review had been carried out.	RM	26/02/09
9.2	The working group agreed to write to Richard Ellis/Gary Alderton requesting that they carry out such a review.	KJ	26/02/09
	<p>AGREED-</p>		

		Action	
		By	Date
	<p>(1) <i>That the Director of Sustainable Communities/Director of Business Transformation be requested to conduct a review of the arrangements for market town management and town centre partnerships in Central Bedfordshire as a whole.</i></p> <p>(2) <i>That the informal partnership to be established to succeed the existing Bedfordshire Authorities Waste Partnership be not included in Part J2 of the Constitution but instead be added to the list of outside bodies to which the Council will appoint Councillors in 2009/10.</i></p>		
10.	Joint Staff Panels		
10.1	The working group was advised that the name of the Joint Staff Consultative Panel had been changed to Employee Partnership Committee and the Joint Consultative and Negotiating Panel for Primary and Secondary Education (JCNCPSE) would be a Committee and not a Panel.		
10.2	The JCNCPSE membership was being altered to 7 elected members and 7 employee representative, although this had to be agreed in consultation with the Trade Unions.		
10.3	The JCNCPSE needed to have a paragraph included that referred to the separate detailed terms of reference.		
	AGREED-		
	<p>(1) <i>That the terms of reference of the Employee Partnership Committee and Joint Consultative and Negotiating Committee for Primary and Secondary Education should be included in Part E2 of the Constitution.</i></p> <p>(2) <i>To approve the draft terms of reference, as set out in Appendix A, be approved subject to the amendments set out above.</i></p> <p>(3) <i>That the terms of reference of the General Purposes Committee be amended by:-</i></p> <p style="padding-left: 20px;">(a) <i>the addition of the following new item:</i></p> <p style="padding-left: 40px;"><i>To consider any matter referred by the Employee Partnership Committee and Joint Consultative and Negotiating Committee for Primary and Secondary Education to the Committee.</i></p> <p style="padding-left: 20px;">(b) <i>The amendment of existing items (i), (ii) and (iv) of the terms of reference to read as follows:-</i></p>		

		Action	
		By	Date
	<p>(i) <i>To make arrangements for the appointment of the Head of Paid Service, Directors and Heads of Service and the dismissal of the Head of Paid Service, via the Appointments Sub-Committee.</i></p> <p>(ii) <i>To determine strategic employee policies.</i></p> <p>(iv) <i>To determine the award of any discretionary payments to employees under the Local Government Pension Scheme or the Council's Severance Policy.</i></p>		
11.	Confidential Reporting/Whistleblowing Code		
11.1	The working group agreed that the concerns received etc could be also raised with the Deputy Monitoring Officer.	KJ	26/02/09
11.2	The working group expressed a view that the Officer giving evidence in criminal or disciplinary proceedings should have a chance to receive independent advice about the procedure.	KJ/ BM	26/02/09
	<p>AGREED-</p> <p><i>To approve, subject to amendments, the proposed Confidential Reporting Code for inclusion in the 'Ethical Handbook' for Central Bedfordshire Council.</i></p>		
12.	Members' Guidance on Property Transactions and Commercial Property Management		
12.1	The working group received the proposed guidance on Property Transactions and Commercial Property Management and raised certain queries thereon.	KJ	26/02/09
	<p>AGREED-</p> <p><i>To approve the proposed Guidance on Property Transactions and Commercial Property Management for inclusion in the 'Ethical Handbook' for Central Bedfordshire Council.</i></p>		

Note: The meeting commenced at 10.00 am and concluded at 16.15 pm.

Agenda Item No.4

Constitution Advisory Group

Draft Terms of Reference

1. To monitor and review the operation of the Council's constitution:-
 - (a) to ensure that it assists in the delivery of efficient, transparent and accountable decision making;
 - (b) to ensure that the aims and purposes of the constitution, as set out in paragraph 1.3 of Part A2, are given full effect;
 - (c) to address any deficiencies or problems which are experienced during practical operation of the constitution; and
 - (d) to respond to any new statutory requirements placed upon the Council.
2. To consider proposals from members or officers to vary or amend the Constitution.
3. Save as provided in 4 below, to make recommendations to the Council in respect of any proposed amendments to the constitution.
4. To be consulted by the Monitoring Officer upon any amendments which she is authorised to make to the constitution (ie: 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).

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CONSTITUTION ADVISORY GROUP

DATE: 21 JULY 2009

TITLE	Overview & Scrutiny Constitutional Changes	ITEM NO.
REPORT OF	Bernard Carter, Overview & Scrutiny Manager	5

PURPOSE	To amend Parts D1 and D2 of the Council's Constitution to accommodate the Councillor Call for Action Guidance, the Crime & Disorder Regulations and a Change of Name of the Overview & Scrutiny Management Panel
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RECOMMENDATIONS:

- (1) That the Constitutional changes outlined in Appendices A and B, to accommodate Government Guidance pertaining to the Councillor Call for Action and the Crime & Disorder Regulations, be approved.
- (2) That all references to the "Overview & Scrutiny Management Panel" contained within the Council's Constitution be amended to read the "Overview & Scrutiny Co-ordination Panel"

SUPPORTING INFORMATION

Councillor Call for Action

1. As Members will be aware, the Local Government & Public Involvement in Health Act 2007 introduced a mechanism whereby local ward Members could raise issues of significant community concern with a relevant overview & scrutiny committee. This mechanism was named the Councillor Call for Action.

2. The regulations enacting this mechanism came into force on 1st April 2009 and the Constitutional changes outlined in Appendices A & B reflect best practice guidelines issued to address these regulations.
3. Also attached for information at Appendices C & D are the draft application form and guidance notes for Members wishing to submit a Councillor Call for Action.

Crime & Disorder Regulations

4. As Members will be aware, the Police & Justice Act 2006 provides similar overview & scrutiny powers to those contained within the Local Government & Public Involvement in Health Act 2007 with respect to crime & disorder matters.
5. Regulations enacting these powers came into force on 30th April 2009 and to a large extent the Council's Constitution already take account of them. However one specific change is required relating to the need for crime & disorder partners to respond within 28 days to a report or recommendation made by the relevant overview & scrutiny committee. This change is reflected in Appendix B (Part D2, paragraph 6.7).

Overview & Scrutiny Management Panel (OSMP)

6. At a recent Member training event entitled "Gaining the Most from Scrutiny", there was considerable debate about the role of the OSMP. During the course of this debate, it was suggested that the Panel be renamed the Overview & Scrutiny Co-ordination Panel (OSCP) and this found general favour at the event.
7. The suggestion was also discussed at the first meeting of the OSMP on 3rd July and there was unanimous agreement to the change of name.

Conclusion

8. The Constitution Advisory Group is therefore requested to support the changes to the Council's Constitution in order to address the issues outlined above, and recommend their adoption by full Council.
9. The Overview & Scrutiny Manager will be in attendance at today's meeting should there be a need to expand upon the above issues in greater detail.

Contact Officer Details:
Bernard Carter, 0300 300 4175

Key Background Papers:
None

D1 OVERVIEW AND SCRUTINY ARRANGEMENTS AND TERMS OF REFERENCE

1. Terms of Reference of Overview and Scrutiny Committees

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

Name of Committee	Terms of Reference
Business Transformation Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation; communications; customer service, corporate complaints and community engagement; and policy, partnerships and performance including the Local Strategic Partnership, Local Area Agreement, Community Strategy and corporate planning; and any other matters that fall within the remit of the Directorate.
Children, Families and Learning Overview and Scrutiny Committee	Policy development and review and scrutiny of children's, families and learning services including children's specialist services; learning and school support; development and commissioning; integrated services (Children's Trust, youth support and extended schools); leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the Directorate.
Corporate Resources Overview and Scrutiny Committee	Policy development and review and scrutiny of corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal and democratic services; property and asset management; and any other matters that fall within the remit of the Directorate; or is not within the remit of any other overview and scrutiny committee.

<p>Social Care, Health and Housing Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters that fall within the remit of the Directorate.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>
<p>Sustainable Communities Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of sustainable communities issues including strategic planning, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; and any other matters that fall within the remit of the Directorate.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>

2. General role

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

3. Specific functions

3.1 Policy development and review

Within their terms of reference the overview and scrutiny committees will:-

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

3.2 Scrutiny

Within their terms of reference the overview and scrutiny committees will:-

- 3.2.1 Review and scrutinise the decisions made by, and the performance of, the Executive, committees, and council officers, both in relation to individual decisions and over time;
- 3.2.2 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 3.2.3 Question members of the Executive, committees, chief officers and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- 3.2.4 Make reports and recommendations to the full Council and/or the Executive and/or any committee arising from the outcome of the scrutiny process;

- 3.2.5 Review and scrutinise the performance of other public bodies in the area, including performance against Local Area Agreement targets, in pursuance of the powers outlined in the Local Government and Public Involvement in Health Act 2007, having regard to any government regulations and guidance that may be issued.
- 3.2.6 Question, call for and gather evidence from any person or organisation (with their consent).
- 3.2.7 Review and scrutinise the adequacy of the response of the Council, or Executive, or committee to a petition following a request for such a review by the lead petitioner (under the provisions of the Council's Petition Scheme at Annex 2 to Part A4 of the constitution).

3.3 **Councillor Call for Action**

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

4. **Membership, Substitutes and Quorum**

- 4.1 The membership and quorum of each of the overview and scrutiny committees shall be:
 - 4.1.1 Business Transformation: 9 councillors and substitutes (quorum 3);
 - 4.1.2 Children, Families and Learning: 9 councillors and substitutes, plus 5 co-opted members being 3 parent governors and 2 diocesan representatives of the Church of England and Roman Catholic churches.

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

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

- 4.1.3 Corporate Resources: 9 councillors and substitutes (quorum 3);
- 4.1.4 Social Care, Health and Housing: 9 councillors and substitutes (quorum 3);

Representatives of the Local Involvement Network (LINK) will be invited to attend meetings of the committee as observers.

- 4.1.5 Sustainable Communities: 9 councillors and substitutes (quorum 3).
- 4.2 Subject to paragraph 4.3 below, all councillors except members of the Executive may be members of an overview and scrutiny committee. However no member may be involved in scrutinising a decision in which he/she has been directly involved (see also the Members' Code of Conduct in Part F2 of the constitution).
- 4.3 Any member who is appointed to assist a portfolio holder in the management of their portfolio (known as "assistant portfolio holders") may not be a member of an overview and scrutiny committee if its terms of reference cover any portfolio(s) which the assistant portfolio holders supports.
- 4.4 An overview and scrutiny committee may at any time recommend to Council the appointment of non-voting co-optees. The decision to appoint will rest with Council.
- 4.5 The chairmen and vice-chairmen of the overview and scrutiny committees shall be appointed at the annual Council meeting.

5. Joint Health Overview and Scrutiny Committees

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

6. Overview and Scrutiny Management Panel

- 6.1 The Overview and Scrutiny Management Panel will comprise the chairman and vice-chairman of each of the overview and scrutiny committees. It is not a formal committee and will not exercise any of the functions described in paragraphs 2 and 3 above, but will:
- 6.1.1 Coordinate the work of the five overview and scrutiny committees, particularly where topics for scrutiny or review cut across the terms of reference of two or more committees, including health matters that affect adults and children;

- 6.1.2 Report annually to full Council on the workings of the overview and scrutiny function and make recommendations for future work programmes and amended working methods if appropriate;
- 6.1.3 Exercise overall responsibility for the work programme of the officers who are employed to support the work of the overview and scrutiny function.

7. Task Forces and Other Informal Working

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

8. Proceedings of Overview and Scrutiny Committees

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

D2 OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Meetings of the Overview and Scrutiny Committees

- 1.1 Overview and scrutiny committee meetings shall be scheduled at the same frequency as ordinary meetings of the Executive. Subject to 1.4 below, the time and place of meetings shall be as set out in Calendar of Meetings approved by the Council annually although the chairman and Monitoring Officer or a committee by resolution, may determine that an ordinary meeting shall be held at such other place as they consider appropriate. The chairman and/or Monitoring Officer may determine, having regard to special circumstances, that a particular ordinary meeting be held at such other time as they consider appropriate.
- 1.2 The Monitoring Officer, after consultation with the chairman of the relevant committee (or in his/her absence, the vice chairman), shall be authorised to cancel an ordinary meeting where there is insufficient business.
- 1.3 In addition, an extraordinary meeting of an overview and scrutiny committee may be called by either:-
 - 1.3.1 The chairman of the relevant committee, or in the chairman's absence the vice-chairman; or
 - 1.3.2 A quorum of the members of the committee; or
 - 1.3.3 The Monitoring Officer if he/she considers it necessary or appropriate.
- 1.4 The chairman, or in the chairman's absence the vice-chairman, may from time to time agree to cancel meetings if there is insufficient business to transact at that time.
- 1.5 Meetings shall be held in a location suited to the topic under consideration, at the discretion of the committee chairman, or in the chairman's absence, the vice-chairman.

2. Work Programme

- 2.1 Each overview and scrutiny committee will be responsible for setting its own work programme, taking into account the wishes and preferences of the members of that committee, including members who are not members of the largest political group on the Council or of any political group.
- 2.2 Each overview and scrutiny committee may receive requests from the Executive and suggestions from officers of the council and co-optees for particular topics to be scrutinised.
- 2.3 The work programme shall be reported to Council annually.

3. Agenda Items

- 3.1 Any member of the Council may, with 7 clear working days notice, request the Monitoring Officer to include an item on the agenda of a relevant overview and scrutiny committee. Upon receipt of such a request the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly.
- 3.2 There will be a standing item on the agenda of all ordinary meetings of overview and scrutiny committees to allow such requests to be considered.
- 3.3 Any member who submits a request will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the request and to have the item discussed. The committee will decide either:-
 - 3.3.1 If the matter is a simple one, to resolve it forthwith; or
 - 3.3.2 To request the officers to prepare a report for the next meeting; or
 - 3.3.3 To set up a task and finish group to investigate and report back to the committee; or
 - 3.3.4 To make recommendations to the Executive or Council, as appropriate; or
 - 3.3.5 To decide to take no further action upon the request, for stated reasons.
- 3.4 The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and, if they consider it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the overview and scrutiny committees shall report their findings and any recommendations back to the Executive or Council, as appropriate. The Council and/or the Executive shall consider and respond to reports of overview and scrutiny committees within two months of receiving it unless otherwise agreed by the chairman of the relevant committee.

4. Policy Review and Development

- 4.1 The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules at Part B3 of the constitution.
- 4.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, an overview and scrutiny committee may:-
 - 4.2.1 Consider and make recommendations to the Executive on any matters that are consistent with its terms of reference;

- 4.2.2 Hold enquiries and investigate the available options for future direction in policy development and appoint advisers and assessors to assist in this process;
 - 4.2.3 Do anything which is reasonable to assist or inform its deliberations, including a general call for evidence, site visits, public surveys, public meetings and commissioning research; or
 - 4.2.4 Ask witnesses to attend to address it on any matter under consideration and pay to any advisers, assessors or witnesses a reasonable fee and expenses for doing so.
- 4.3 The overview and scrutiny committees may also exercise the above tasks through task groups.

5. Procedure At Overview & Scrutiny Committee Meetings

- 5.1 Overview and scrutiny committees shall consider the following business:-
- 5.1.1 Minutes of the last meeting;
 - 5.1.2 Declarations of interest (including whipping declarations);
 - 5.1.3 Chairman's announcements and communications;
 - 5.1.4 The receipt of petitions from members of the public (in accordance with the Public Participation Procedure as set out in A4 of the constitution);
 - 5.1.5 Public questions, statements or depositions (in accordance with the Public Participation Procedure as set out in A4 of the constitution);
 - 5.1.6 consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
 - 5.1.7 responses of the Council or the Executive to the committee's reports or recommendations;
 - 5.1.8 Review of the adequacy of responses of the Council or the Executive to petitions (if any);
 - 5.1.9 Members' items under Procedure Rule 3.1;
 - 5.1.10 Members' items under Procedure Rule 11.1;
 - 5.1.11 Any other business specified in the agenda for the meeting, and
 - 5.1.12 The Forward Plan and its work programme.

- 5.2 The provisions of the Committee Procedure Rules set out in Part E3 of the constitution (except paragraphs 1, 2, 4, 5, 7, 8 and 10) may be applied to meetings of the overview and scrutiny committees in the extent the chairman considers appropriate.
- 5.3 Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings, which are to be conducted in accordance with the following principles:-
 - 5.3.1 That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 5.3.2 That those assisting the committee by giving evidence be treated with respect and courtesy; and
 - 5.3.3 That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 5.4 Within those principles the Council expects the overview and scrutiny committees to be effective, thorough and incisive and to consider all relevant evidence in their work. It also expects the committees to strive for continuous improvement in the overview and scrutiny function and to develop further opportunities for public engagement.
- 5.5 Following any investigation or review, the committee shall prepare a report for submission to the Executive and/or Council as appropriate and shall make its report and findings public subject to the Access to Information Rules and provisions relating to confidential and exempt reports.
- 5.5 The Protocol for Member/Officer Relations contained in Part F4 the constitution shall apply to the attendance of officers giving evidence.

6. Reports From Overview And Scrutiny Committees

- 6.1 An overview and scrutiny committee may prepare a formal report, with recommendations, and submit it to the Monitoring Officer with a notice requiring it to be considered by the Executive or the Council as appropriate, depending on which body is responsible for the function concerned and whether the proposals are consistent with the Council's budget and policy framework. Where a report is to be made to the Council, the Monitoring Officer shall refer a copy to the Leader with notice that the matter is to be referred to the Council.
- 6.2 If an overview and scrutiny committee cannot agree on one single final report to the Executive or Council as appropriate, then one or more minority reports may be prepared and submitted for consideration by the Executive or Council at the same time as the majority report. Officers shall support the preparation of any such minority reports.

- 6.3 The Executive or Council as appropriate, in compliance with its legal duty to comply with any notice given by an overview and scrutiny committee under Rule 6.1, shall:-
- 6.3.1 Consider the report and recommendations of the overview and scrutiny committee at its next available meeting and
 - 6.3.2 Respond to any such report within two months of its receipt indicating what action, if any, the authority or the Executive proposes to take, and if it decides to take no action, the reasons for that decision; and a pro forma response form will be used for this purpose.
- 6.4 The agenda for Executive meetings shall include a standard item entitled 'Overview and Scrutiny Committee Matters' to facilitate the Executive's early consideration of scrutiny reports and recommendations, which shall be included at this point on the agenda unless they have been reported as part of a substantive item elsewhere on the agenda.
- 6.5 Reports and recommendations of overview and scrutiny committees will normally be presented at Executive and Council meetings by the relevant overview and scrutiny committee chairman or vice-chairman, or by another non-executive member nominated by that committee. The member concerned will be invited to participate in discussion of the report.
- 6.6 **Reports on Local Improvement Targets**
- 6.6.1 Where an overview and scrutiny committee makes a report or recommendations on a local improvement target specified in the Local Area Agreement that relates to a relevant partner authority, it may by written notice require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions. This power will be exercised in accordance with such government regulations and statutory guidance as may be issued under Section 21C of the Local Government Act 2000 (inserted by Section 122 of the Local Government and Public Involvement in Health Act 2007).
- 6.7 **Reports on Local Crime and Disorder Matters**
- 6.7.1 Where the Sustainable Communities Overview and Scrutiny Committee makes a report or recommendations on a local crime and disorder matter, it will copy the report to the responsible authorities, notifying them of their duty under Section 19 of the Police and Justice Act 2006 (as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007) (a) to consider the report or recommendations; (b) to respond to the committee in writing within 28 days indicating what (if any) action it proposes to take; and (c) to have regard to the report or recommendations in exercising its functions. This power will be exercised in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

6.8 Reports on Local Health Service Matters

- 6.8.1 Where the Social Care, Health and Housing Overview and Scrutiny Committee makes a report or recommendations on a local health service matter, it will copy the report to the relevant NHS bodies and request a response in writing within two calendar months.
- 6.8.2 Where the committee (including any joint health overview and scrutiny committee to which the committee has appointed one or more members) has been consulted by a local NHS body on any proposal for a substantial variation or development in local NHS services, and the committee (having considered the evidence) is not satisfied that consultation has been adequate, or considers that the proposal would not be in the interests of the health service in the area, then it may report in writing to the Secretary of State in pursuit of its powers under Sections 7 and 8 of the Health and Social Care Act 2001.

7. Rights of Overview and Scrutiny Committee Members to Documents

- 7.1 Overview and scrutiny committees will have access to the Executive's forward plan and timetable for decisions and intentions for consultation.
- 7.2 In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules set out at Part G2 of the constitution.
- 7.3 Nothing in this paragraph shall prevent more detailed liaison between the Executive and overview and scrutiny committees as appropriate depending on the particular matter under consideration.

8. Members and Officers giving Account

- 8.1 An overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation an overview and scrutiny committee (including any task group) may, in fulfilling the scrutiny role, require any member of the Executive, the Head of Paid Service and/or any Director to attend before it to explain, in relation to matters within their remit:-
 - 8.1.1 Any particular decision or series of decisions;
 - 8.1.2 The extent to which the actions taken implement Council policy; and/or
 - 8.1.3 Their performance.

- 8.2 An overview and scrutiny committee may also require any Council member who has been granted local ward member powers (for instance a delegated budget) under Section 236 of the Local Government and Public Involvement in Health Act 2007 to attend before it to answer questions on any function which the member has power to exercise.
- 8.3 It is the duty of those persons described in Rules 8.1 and 8.2 to attend if so required.
- 8.4 Where any member or officer is required to attend an overview and scrutiny committee or a task group under this provision, the committee administrator will inform that member or officer in writing, giving at least 5 clear working days notice of a meeting of the overview and scrutiny committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee.
- 8.5 Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given at least 7 clear working days notice to allow for preparation of that documentation.
- 8.6 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.

9. Attendance by others

- 9.1 An overview and scrutiny committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear for example from residents, representatives from the local NHS Trust, stakeholders, members and officers in other parts of the public sector and experts and shall invite such people to attend.
- 9.2 Public participation in meetings of the overview and scrutiny committees shall be governed by the Public Participation Scheme as set out at Part A4 (Citizens and the Council) of the constitution.
- 9.3 Any member of the Council shall be entitled to attend meetings of the overview and scrutiny committees and to speak once on any agenda item, with further speaking being at the discretion of the chairman.
- 9.4 Rule 9.3 is subject to the rules on personal and prejudicial interests in the Members' Code of Conduct set out at Part F2 of the constitution; and in particular paragraph 13 of that Code, which permits a member with a personal and prejudicial interest to attend an overview and scrutiny committee meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business under discussion; the member must then withdraw from the meeting.

- 9.5 Rule 9.4 does not prevent an overview and scrutiny committee from requiring Executive members or inviting other persons (including Council members) to attend before it to answer questions.

10. Call-in

- 10.1 Call-in is the exercise of the overview and scrutiny committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented. Where a decision is called in and the overview and scrutiny committee decides to refer it back to the Executive for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 10.2 Any decision of the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision made by an officer under authority delegated by the Executive, is subject to call-in. A decision may be called in only once. An Executive recommendation to full Council may not be called in.
- 10.3 The call-in procedure and the powers to refer a decision back for reconsideration may be exercised by any of the overview and scrutiny committees, within the remit of their respective terms of reference.
- 10.4 Call-in of decisions which may be contrary to the budget and policy framework shall be governed by the provisions of Rule No 7 of the Budget and Policy Framework Procedure Rules at Part B3 of the constitution.

The Call-In Procedure

- 10.5 Once made, an Executive decision shall be published, in the form of a decisions digest, within two working days at the Council's main offices and on its public website. The decisions digest will be sent to all members of the Council within the same timescale.
- 10.6 The decisions digest will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 clear working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decisions digest.
- 10.7 Requests for call-in may be made by either:-
- 10.7.1 An individual member where a decision has particular significance for that member's ward; or
 - 10.7.2 The chairman of the relevant overview and scrutiny committee; or
 - 10.7.3 Any two members of the relevant overview and scrutiny committee; or
 - 10.7.4 Any three non-executive members of the Council.

- 10.8 A call-in request must be in the form of a written notice submitted to the Monitoring Officer and received before the published deadline. Either one notice containing all required signatures or up to three separate e-mails (as appropriate) will be acceptable.
- 10.9 The notice must set out (a) the resolution or resolutions that the member(s) wish to call in; (b) the reasons why they wish the overview and scrutiny committee to consider referring it back to the Executive; and (c) the alternative course of action or recommendations that they wish to propose.
- 10.10 The call-in request will be deemed valid unless either:-
- 10.10.1 The procedures set out in Rules 10.7 to 10.9 have not been properly followed;
 - 10.10.2 A similar decision has been called in to the committee previously;
 - 10.10.3 The Executive decision has been recorded as urgent in accordance with Rules 10.13 to 10.15 below; or
 - 10.10.4 The Monitoring Officer, in consultation with the chairman of the relevant overview and scrutiny committee, considers the call-in to be frivolous, vexatious or clearly outside the call-in provisions;

in which case the Monitoring Officer may reject the call-in request.

- 10.11 Before deciding on its validity, the Monitoring Officer may seek clarification of the call-in request from the member(s) concerned. In the absence of the Monitoring Officer, the Deputy Monitoring Officer(s) shall exercise the Monitoring Officer's functions in this respect.
- 10.12 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the member(s) concerned, the Leader and portfolio holder, the chairman and vice-chairman of the overview and scrutiny committee, the Chief Executive, the relevant director/head of service and officer responsible for overview and scrutiny.

Call-In and Urgency

- 10.13 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:-
- 10.13.1 A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
 - 10.13.2 Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision making body or person before the decision is taken.

- 10.14 The decisions digest shall state whether the decision is an urgent one, and therefore not subject to call-in.
- 10.15 The chairman of the relevant overview and scrutiny committee must agree to the decision being treated as a matter of urgency. In the absence of the chairman, the vice-chairman of the relevant overview and scrutiny committee's consent shall be required. In the absence of that person, the Chairman of the Council's consent shall be required. In the absence of the Chairman of the Council, the Vice-Chairman of the Council's consent shall be required.
- 10.16 Where the Executive has recorded a decision as urgent, an overview and scrutiny committee may retrospectively review actions arising from that decision but cannot delay its implementation.

Consideration by the Overview and Scrutiny Committee

- 10.17 The Monitoring Officer will ensure that any valid call-in is reported to the next available meeting of the relevant overview and scrutiny committee, or will convene a special meeting if so agreed by the chairman of the overview and scrutiny committee and the decision taker.
- 10.18 The member(s) submitting the request for call-in will be expected to attend the meeting of the relevant overview and scrutiny committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose.
- 10.19 Having considered the call-in and the reasons given, the relevant overview and scrutiny committee may either:-
 - 10.19.1 Refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
 - 10.19.2 If it considers that the decision is outside the Council's budget and policy framework, refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer in accordance with Rule 7 of the Budget and Policy Framework Procedure Rules in Part B3 of the constitution; or
 - 10.19.3 Decide to take no further action, in which case the original Executive decision will be effective immediately.

Decisions Referred Back to the Decision-Maker

- 10.20 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the overview and scrutiny committee, and make a final decision, amending the decision or not, and give reasons for the decision.
- 10.21 If a decision relates to an Executive function, only the Executive can ultimately decide the matter, provided that it is in accordance with the Council's budget and policy framework.

11. Councillor Call For Action

- 11.1 Any member of the Council may, with 7 clear working days notice, request the Monitoring Officer to include a Councillor Call for Action on the agenda of a relevant overview and scrutiny committee. Upon receipt of such a Call for Action the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly
- 11.2 There will be a standing item on the agenda of all ordinary meetings of overview and scrutiny committees to allow such Calls for Action to be considered.
- 11.3 Any member who submits a Call for Action will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the Call for Action and to have the item discussed. The committee will decide either:-
 - 11.3.1 If the matter is a simple one, to resolve it forthwith; or
 - 11.3.2 To request the officers to prepare a report for the next meeting; or
 - 11.3.3 To set up a task and finish group to investigate and report back to the committee; or
 - 11.3.4 To make recommendations to the Executive or Council, as appropriate; or
 - 11.3.5 To decide to take no further action upon the request, for stated reasons.
- 11.4 A Councillor Call for Action must be in the form of a written application (the appropriate form is available from the Overview & Scrutiny Manager) submitted to the Monitoring Officer and received within the timescale outlined in 11.1 above.
- 11.5 The Councillor Call for Action will be deemed valid unless either:-

- 11.5.1 The procedures set out in Rules 11.1 to 11.4 have not been properly followed;
- 11.5.2 It does not relate to a local government matter (i.e. it does not relate to the functions of Central Bedfordshire Council nor its partners, in line with the area focus of Comprehensive Area Assessment)
- 11.5.3 It does not relate to a local crime and disorder matter (including anti-social behaviour, behaviour adversely affecting the local environment and misuse of drugs, alcohol or other substances)
- 11.5.4 It does not affect all or part of the ward for which the referring member is elected, or any person who lives or works in that ward
- 11.5.5 It is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters), or
- 11.5.6 The Monitoring Officer, in consultation with the chairman of the relevant overview and scrutiny committee, considers the Call for Action to be frivolous, vexatious or clearly outside the Councillor Call for Action provisions;

in which case the Monitoring Officer may reject the Call for Action request.

- 11.6 Before deciding on its validity, the Monitoring Officer may seek clarification of the Call for Action from the member concerned. In the absence of the Monitoring Officer, the Deputy Monitoring Officer(s) shall exercise the Monitoring Officer's functions in this respect.
- 11.7 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the member concerned, the Leader and portfolio holder, the chairman and vice-chairman of the relevant overview and scrutiny committee, the Chief Executive, the relevant director/assistant director and officer responsible for overview and scrutiny.

12. The Party Whip

- 12.1 When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence and nature of the whip before the committee's deliberations on the matter commence.
- 12.2 The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

13. Matters Within The Remit Of More Than One Overview And Scrutiny Committee

- 13.1 Where a matter falls within the remit of more than one overview and scrutiny committee, and cannot be satisfactorily resolved by the chairmen of those committees, the Overview and Scrutiny Management Panel will decide which committee should consider it.
- 13.2 Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review shall normally either
 - 13.2.1 invite the chairman of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed; and/or
 - 13.2.2 consult the other committee on its findings and recommendations, and include that committee's comments in its own report to the Executive and/or Council.

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COUNCILLOR CALL FOR ACTION

If you wish to refer a local matter to the relevant overview and scrutiny committee for consideration, please (a) read the attached guidance note and then (b) complete the following details and return to Bernard Carter, Overview & Scrutiny Manager:

Name:	Councillor	
Ward:		
Summary of the ward matter you wish to refer for consideration by the overview and scrutiny committee, and your reasons: (please attach any further information that you think may help explain the issues involved).		
Please state what you would consider to be an acceptable resolution of the matter:		
Do you have any interest in this matter, within the meaning of the Members' Code of Conduct? If so, please say whether it is a personal or prejudicial interest and the nature of the interest.	YES	NO

<p>The following additional information will help the overview and scrutiny committee decide whether to look into the matter further.</p>	
<p>Brief details of any support you have for this Call for Action (e.g. from local constituents, parish or town council, or local community groups):</p> <p>Please attach any documents you can provide as evidence.</p>	
<p>Have you raised this matter previously with the Council, without a satisfactory result in your view?</p> <p>If so, please say when and who you spoke to. (e.g. a council officer, or a committee or a question at council)?</p>	
<p>Have you raised it with anyone else? (e.g. the police if it is a crime and disorder matter, or another public authority)</p> <p>If so, please say when and give brief details.</p>	
<p>Have you taken any other action to try and resolve it within your local area/ward?</p> <p>If so, please say when and give brief details.</p>	

COUNCILLOR CALL FOR ACTION

PROCEDURE

Before a Councillor Call for Action (CCfA) can be referred to an overview and scrutiny committee it must pass the test of constituting either a “local government matter” or a “local crime and disorder matter” within the meaning of the relevant legislation. If it does meet the criteria, it must be placed on the committee’s agenda for discussion.

The procedure is more fully explained in the Council’s Constitution (Part D2, Paragraph 11) however a summary follows:-

1. All Calls for Action will be submitted to the Monitoring Officer in a standard format.
2. Upon receipt of such a Call for Action the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the chairman accordingly.
3. The Monitoring Officer may only reject a Call for Action if (a) it does not relate to a local government matter or local crime and disorder matter; (b) it does not affect all or part of the ward for which the referring member is elected, or any person who lives or works in that ward; (c) it is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters); or (d) it is frivolous, vexatious or clearly outside the Call for Action provisions (the Monitoring Officer must consult the chairman of the relevant overview and scrutiny committee in this instance).
4. The referring member and any other member of the same ward will be invited to attend a meeting at which his/her Call for Action is discussed, in order to make representations and answer questions. The relevant portfolio holder and senior officer will also be invited if appropriate.
5. If the committee decides that further action should be taken, it may either:
 - a. make immediate recommendations to the Executive or Council;
 - b. request further information or evidence from the ward councillor;
 - c. ask officers to look into the matter and report back;
 - d. invite the relevant portfolio holder to a meeting;
 - e. invite other local stakeholders to a meeting; or
 - f. set up a task and finish group for more detailed investigation and report back by a defined date.

COUNCILLOR CALL FOR ACTION GUIDELINES

Scope and Purpose

1. The Councillor Call for Action procedure is designed as a formal means whereby councillors can raise issues within the ward they represent that are of significant community concern, where the usual channels for doing so (for instance by raising issues with Council officers) have so far been unsuccessful. As such, it is generally seen as **a measure of last resort**, once other approaches have been exhausted.
2. Under the Local Government Act 2000 (S. 21A) and the Police and Justice Act 2006 (S.19), a Councillor Call for Action must:
 - (a) relate **either** to a local government matter (including issues relating to the council's partners, in line with the area focus of Comprehensive Area Assessment), **or** to a local crime and disorder matter (including anti-social behaviour, behaviour adversely affecting the local environment and misuse of drugs, alcohol or other substances); and
 - (b) directly affect all or part of the ward for which the councillor is elected, or any person who lives or works in that ward; and
 - (c) not be a matter that is excluded by order of the Secretary of State (e.g. where well-defined statutory processes apply such as planning and licensing appeals or other quasi-judicial matters).
3. The Councillor Call for Action is not considered an appropriate route for:
 - a. raising individual complaints, for which the Council's corporate complaints procedure should be followed;
 - b. scrutinising matters of wider Council policy, which any member can ask an overview and scrutiny committee to agree to include in its annual work programme (see Council Constitution, Part D2, Paragraph 3);
 - c. questioning decisions which have been taken but not yet implemented by the Executive, for which the call-in procedure may be used; or
 - d. seeking to resolve urgent matters, in view of the time which may be needed for the committee to investigate the matter if it agrees to do so.

The Procedure

4. All calls for action will be made on the Councillor Call for Action form. This will give the councillor's name, the ward, a summary of the matter being raised and how it may be resolved. The councillor will be able to supply supporting information or evidence indicating:
 - a. the degree of local concern or support for the Call for Action (e.g. from local constituents, the parish or town council or local community groups); and

- b. what previous action has already been taken by the councillor or local people to try to resolve the matter, for instance by raising it with the relevant officers, members or authority or by seeking a solution within the ward.

Discussion by the Committee

5. Once it receives a Councillor Call for Action on its agenda, an overview and scrutiny committee is required to discuss the matter and decide what further action, if any, it wishes to take. For instance it may request an officer or member for further information, launch a task and finish investigation and/or make recommendations on how the matter might be resolved.
6. The committee shall have regard to any representations made by the referring councillor as to why it should investigate the matter or make recommendations on it. In deciding what action to take, the committee should also take account of any written information or evidence supplied on or with the Call for Action form.
7. An overview and scrutiny committee already has powers to require members of the executive and officers to attend to answer questions, and to invite other people to attend its meetings. The committee may now also require any councillor who has been granted local ward member powers under Section 236 of the Local Government and Public Involvement in Health Act 2007 (e.g. a delegated budget) to attend to answer questions.
8. If the committee decides not to pursue the matter, it must notify the councillor who referred it of its decision and the reasons for it.

Reports and Recommendations

9. If the committee decides to make a report or recommendations to the Executive or the Council on a Council function it must require the Executive or Council to consider the report and recommendations and respond within two months, indicating what action it proposes to take.
10. The overview and scrutiny committee must also provide the referring councillor with a copy of its report.
11. In the case of a local crime and disorder matter, the crime and disorder committee may make a report or recommendations to the Council, the chief officer of police, the police and fire authorities, the probation board and the primary care trust. Those bodies will be required to consider the report or recommendations; to respond to the committee indicating what action, if any, they propose to take; and to have regard to the report or recommendations in exercising their functions. In practice this procedure is expected to be coordinated through a local community safety partnership.
12. The committee's minutes will clearly record its decisions and the reasons for them, so that these can be notified to all concerned.

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Central
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CONSTITUTION ADVISORY GROUP

DATE: 21 July 2009

TITLE	Scheme of Delegation to Officers	ITEM NO.
REPORT OF	Head of Democratic Services	7

PURPOSE	To request the Advisory Group to endorse amendments to the Scheme of Delegation to Officers
----------------	---

RECOMMENDATION:

That the Advisory Group endorse the proposed revisions to the scheme of delegation now submitted.

SUPPORTING INFORMATION

1. A number of changes to the Scheme of Delegation to Officers were approved by the Monitoring Officer, in consultation with the Constitution and Governance Working Group, during the interim period April to June 2009 under the auspices of the authority given to the Monitoring Officer by the Shadow Council at its meeting on 26 February 2009. These amendments were reported to Council at the Annual meeting on 18 June 2009.
2. Subsequently the Director of Corporate Resources has advised that adjustments to the Scheme of Delegation are required to pick up certain functions which have been excluded or require amendment as follows:-

(i) *Tax and VAT matters*

There is no specific delegation to permit the Director to manage tax and VAT matters.

The following additional delegation is therefore requested:-

<i>Delegation</i>	<i>Qualification</i>
To manage all tax and VAT matters including arrangements made with HM Revenue and Customs	None

(ii) *Property Matters*

The existing additional delegation has been requested in relation to property matters:-

<i>Delegation</i>	<i>Qualification</i>
To authorise the development and appropriation of land and buildings, together with the granting or taking, assignment, surrender or termination of leases, tenancies, licences, easements, wayleaves and variations of rent, and, subject to a maximum value in any case of £200,000, to authorise the acquisition and disposal of land and buildings or any estate or interest in any land and buildings.	None

3. As both delegations are executive functions, it will also be necessary to seek the approval of the Leader of the Council to the proposed amendments to the Scheme of Delegation as set out above.

Contact Officer Details:	Key Background Papers:
Kathrin John – 0300 300 4033	None

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CONSTITUTION ADVISORY GROUP	
DATE: 21 July 2009	

TITLE	Composition of the Audit Committee	ITEM NO.
REPORT OF	Head of Democratic Services	8

PURPOSE	To review the current restriction within the Constitution on members of the overview and scrutiny committees serving upon the Audit Committee.
----------------	--

RECOMMENDATION:
<ol style="list-style-type: none"> 1. That the Advisory Group review the current restriction within the Constitution which provides that no more than one member of an overview and scrutiny committee, other than the Corporate Resources Overview and Scrutiny committee, may sit upon the Audit Committee. 2. That the Group also consider whether it wishes to make any specific provision in relation to Assistants to Portfolio holders.

SUPPORTING INFORMATION

1. The Constitution and Governance Member Working Group at its meeting held on 26 November 2008 considered whether it wished to place any restrictions with regard to membership of the Audit Committee, having regard to CIPFA guidance. A copy of the report considered by the Working Group is attached at Appendix A.
2. Members' attention is particularly drawn to paragraph 5 of the report which refers to the CIPFA guidance in relation to Audit Committees. This guidance recommends that the Audit Committee should be independent of both the overview and scrutiny and executive functions. To retain that independence CIPFA guidance recommends that cross membership should not be the norm and should usually be restricted to one member from each.
3. The Working Group concluded that the draft Constitution should specify that no member of the Executive and no member of the Corporate Resources Overview and Scrutiny Committee should be a member of the Audit Committee and that no member of the Executive should serve upon the Committee.
4. The Working Group's proposal does not however appear to have been accurately captured in Part E2 of the Constitution which states as follows:-

No of Members	7 including no more than one member of an overview and scrutiny committee other than Corporate Resources Overview and Scrutiny Committee. A member of the Executive may not be a member of the Audit Committee.
---------------	---
5. The Council at its Annual Meeting appointed a number of members to the Audit Committee who also sit upon overview and scrutiny committees, namely a member who also sits on Business Transformation OSC, two members who sit on the Children, Families and Learning OSC, a member who sits on the Sustainable Communities OSC and a member who sits on both the Business Transformation and the Corporate Resources OSC.
6. Given that there are 46 seats available on overview and scrutiny committees avoiding overlap between overview and scrutiny and Audit committee would be difficult to achieve and a blanket restriction providing for just one overview and scrutiny member might not be practicable.

7. The Advisory Group is therefore asked to review any restriction it wishes to place on members of the overview and scrutiny committees sitting upon the Audit Committee. It may be that simply correcting the Constitution to reflect Members' original intention (ie: no member of the Corporate Resources OSC to sit upon Audit Committee) would resolve the situation albeit that it would then be necessary to replace the one member of the Audit Committee who currently sits on both the Corporate Resources and Business Transformation OSCs.
8. Finally, the Constitution is silent as to any restriction upon Assistants to the Portfolio holders sitting upon Audit Committee. As the Assistants are not Members of the Executive, the Advisory Group may not consider that any restriction is necessary, other than perhaps in the instance of the Assistant to the Corporate Resources Portfolio holder?

Contact Officer Details:	Key Background Papers:
Kathrin John (0300 300 4033)	Report to the Constitution and Governance Member Working Group on 26 November 2008

APPENDIX A

Creating Central Bedfordshire

CONSTITUTION AND GOVERNANCE MEMBER WORKING GROUP
DATE: 26 NOVEMBER 2008

TITLE	PART E - REGULATORY AND OTHER COMMITTEES	ITEM NO.
REPORT OF	Officer Sub Group	7

PURPOSE	To present the first draft of the Terms of Reference of Committees and the Committee Procedure Rules.
----------------	---

RECOMMENDATION:
<p>(1) That the Working Group consider any restrictions it wishes to impose with regard to membership of the Audit Committee.</p> <p>(2) That subject to Members' views in respect of the above, the first draft of the Committee Terms of Reference (Part E2) be approved for inclusion in the working draft of the Constitution.</p> <p>(3) That Part E1 (Appointment of Committees) and Part E3 (Committee Procedure Rules) be approved for inclusion in the working draft of the Constitution.</p>

SUPPORTING INFORMATION

1. The Working Group at its meeting held on 21 August approved an outline committee structure in principle. As Members will know, considerable debate has taken place with regard to the structure of Development Control Committees and this matter is being dealt with separately on the agenda for this meeting.
2. The first draft of the Terms of Reference of Committees is now attached. The format is designed to show at a glance the size of the Committee, its quorum, who appoints it, whether it needs to be politically proportional, any relevant codes or protocols that apply to its work etc.

3. Officers have included the suggested size of each Committee but this is not a matter that has yet been discussed by the Working Group.
4. Members are particularly asked to consider the proposed composition of the Audit Committee and whether any restrictions should be placed with regard to that composition. It is understood that a request has been received by the Chairman of the Overview and Scrutiny Committee of Mid Beds District Council as to whether the relevant portfolio holder for Finance should be included within the membership of the Committee.
5. CIPFA has produced guidance in relation to Audit Committees. This guidance recommends that the Audit Committee should be independent of both the Overview and Scrutiny and Executive functions. To retain that independence it is further recommended that cross membership should not be the norm and should be restricted to one member from each. The guidance also states that a member of the Executive should not chair the Audit Committee. However the guidance does not cover the issue of whether the relevant portfolio holder for Finance should be a member of the Committee.
6. At Mid Beds District Council, in line with the guidance of the Audit Commission, it is specified that not more than one member of the Overview and Scrutiny Committee and one member of the Executive shall serve upon the Audit Committee. This provision has now been replicated in the terms of reference of the Audit Committee now before Members. There is clearly some merit in the Finance portfolio holder attending meetings in terms of providing information to the Audit Committee however, in view of the concerns expressed, the Working Group may wish to consider whether it wishes to preclude the portfolio holder from being a member of that Committee.
7. It will be noted that the draft Terms of Reference incorporate provisional provision for the establishment of the following bodies:-
 - The Joint Consultative and Negotiating Committee for Primary and Secondary Education
 - Joint Staff Consultative Committee
 - Redundancy/Early Retirement Panel
8. Members are asked to note that at this stage, officers have just included indicative terms of reference for such bodies based upon the models currently used for Bedfordshire County Council. However it should be emphasised that these are purely indicative. A new Interim HR lead has recently been appointed and will be reviewing the formal arrangements both for staff negotiation and consultation and any arrangements for approving redundancies/early retirements. These proposals will also need to be subject to consultation with the Trades Unions.
8. Also attached to this report for the Working Group's consideration is Part E1 (Appointment of Committees) and the draft of Part E3 (Committee Procedure Rules).

Contact Officer Details:

John Adams John Atkinson Kathrin John Rob Mills
--

Key Background Papers:

None.

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CONSTITUTION ADVISORY GROUP

DATE: 21 JULY 2009

TITLE	Petitions in relation to Traffic Regulation Orders	ITEM NO.
REPORT OF	Head of Democratic Services	9

PURPOSE	To request the Advisory Group to consider an amendment to Part A4 of the Constitution regarding the consideration of petitions relating to Traffic Regulation Orders.
----------------	---

RECOMMENDATION:

That the Advisory Group consider whether petitions relating to Traffic Regulation Orders should continue to be submitted to the Executive or should be considered at meetings of the Safer and Stronger Communities Portfolio holder when dealing with Traffic Regulation Orders.

SUPPORTING INFORMATION

1. The Council was advised at its Annual Meeting held on 18 June 2009 that the Leader of the Council had approved a delegation to the Portfolio holder for Safer and Stronger Communities as follows:-

Function

To carry out the functions of the Council as Traffic Authority under the Road Traffic Regulation Acts, traffic management under the Management Act 2004 and also its functions relating to road safety and on-street and off-street parking , including implementation of arrangements for civil parking enforcement, where significant objections to the application, proposal or matter concerned arise.¹

Limits and Qualifications if any

- (a) In reaching decisions, the Portfolio holder shall have regard to the views of ward members who will be invited to attend any meeting at which a decision is to be made.
- (b) Decisions to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.
- (c) The public participation provisions in Appendices A and B to Part A4 of the Constitution shall apply to meetings at which a decision is to be made.
- (d) In the event of the Portfolio holder having a conflict of interest, this shall be dealt with as set out in paragraph 4.3 of the Executive Procedure Rules.

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

2. The Advisory Group will be aware that there is a specific procedure in Part A4 of the Constitution relating to consideration of petitions. This procedure was designed to try, as far as possible, to prepare for the requirements likely to be imposed on local authorities as set out in the Local Democracy, Economic Development and Construction Bill. It was recognised that this procedure might need to be amended in the light of experience of operation, particularly the low threshold adopted for constituting a valid petition (presently 10 signatures).
3. The procedure within the Constitution provides for petitions to be presented to the Council, the Executive or a Committee.

4. Members will have seen from the agenda for the meeting of the Executive on 21 July that a significant number of petitions have been included which relate to road traffic regulation orders or other highways related matters. Whilst this number may be abnormally high (some of the petitions having been held in abeyance pending the elections), Members may wish to reflect upon whether such petitions should continue to be submitted to the Executive, given that the Leader has now set in place separate arrangements for consideration of traffic regulation orders as indicated above.
5. The Constitution as presently drafted does not permit such petitions to be referred to the meetings of the Safer and Stronger Communities Portfolio holder, and thus an amendment would be required to Part A4 of the Constitution.
6. Members are reminded that the meetings of the Safer and Stronger Communities Portfolio holder are open to the public and that public participation is permitted.
7. Members' views are therefore sought on whether such petitions should continue to be submitted to the Executive or the Constitution should be amended to permit their consideration at meetings of the Safer and Stronger Communities Portfolio holder when dealing with traffic regulation orders etc.

Contact Officer Details:	Key Background Papers:
Kathrin John – 0300 300 4033	Part A4 of the Constitution

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CONSTITUTION ADVISORY GROUP

DATE: 21 July 2009

TITLE	Guide to the Constitution	ITEM NO.
REPORT OF	Head of Democratic Services	10

PURPOSE	To invite the Advisory Group to consider a draft Guide to the Constitution and to review also any other arrangements felt necessary to promote understanding and knowledge of the Constitution.
----------------	---

RECOMMENDATION:

- (1) Members' views are sought upon the draft Guide to the Constitution now submitted.**
- (2) That the Advisory Group note the actions already taken or proposed to be taken to promote understanding and knowledge of the Constitution.**

SUPPORTING INFORMATION

1. A copy of the Central Bedfordshire Constitution has been sent to all Members of the Council.
2. A copy of the Constitution is also available on the website but officers are working to ensure that the document is presented in a more user way and will also contain links to other documents, such as the detailed Financial and Procurement Procedure Rules.

3. As part of the induction programme, on 16 June a session on key elements of the Constitution was provided.
4. Officers of the Council have received a comprehensive report writing guide which includes information regarding key parts of the Constitution, such as key decisions and the Forward Plan. Directors, Assistant Directors and Heads of Service have also been advised of the provisions within the Constitution relating to dealing with Members' enquiries and the need to keep ward members informed where appropriate in connection with the exercise of certain powers under the Scheme of Delegation.
5. A draft Guide to the Constitution has been prepared and is attached at Appendix A to this report for Members' comments. The aim of the document is to try to provide the background context for the Constitution and to also summarise in tables certain key parts of the document such as the definition of a key decision, budget and policy framework, call-in scheme and important delegations, most significant Council, Financial and Procurement Procedure Rules.
6. In addition to circulating the Guide, when approved, it is intended that the Head of Democratic Services and Committee Services Manager will offer to attend Divisional team meetings to further explain the provisions of the Constitution and to also offer 1:1s to any Members who were unable to attend the induction session on 16 June.

Contact Officer Details:	Key Background Papers:
Kathrin John – 0300 300 4033	None

Guide to the Constitution of Central Bedfordshire Council

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Introduction

1. The Council's Constitution is available on the Council's website. Hard copies are made available to all Members, Directors and Assistant Directors
2. This document is intended to provide Members and Officers with a basic guide to the Constitution. However it is not as comprehensive as the full document and the authoritative work will be the Constitution itself.
3. The purpose of this Guide is, therefore, to provide easy access to the main provisions of the Constitution but NOT to replace it.

Guide to the Constitution at Central Bedfordshire Council.

1. Background

1.1 Under Part II of the Local Government Act 2000, a local authority must operate one of the following models of “executive arrangements”:-

- Elected mayor and cabinet
- Leader and cabinet

All authorities operating “executive arrangements” are required to appoint at least one overview and scrutiny committee whose role is to hold the executive to account and to assist in the development and review of policy.

This system of governance replaced the traditional committee system previously operated by local authorities.

1.2 Central Bedfordshire has adopted a leader and cabinet model

1.3 In Central Bedfordshire the Cabinet is known as the “Executive”.

1.4 With effect from 2011 the Council will be required to elect the Leader for a four year term of office. However the Council has decided that the Leader appointed following the elections in 2009 should serve a two year term of office until the elections in 2011.

2. The Constitution

2.1 The constitution was adopted by the Shadow Council in February 2009.

2.2 The constitution is the document which sets out how the Council operates, how decisions are made and what procedures are to be followed. Some of these processes are required by law, whilst others are a matter for the Council to choose.

2.3 The constitution is divided into the following parts:-

Part A	Constitution	
Part A1	Summary	Summary of the constitution and decision making structure

Part A2	Purpose of the Constitution	Explains that the purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures followed Commits the Council to providing clear leadership to the community, supporting the active involvement of citizens in its decision making process and ensuring that those responsible for decision making are clearly identifiable and accountable.
Part A3	Members of the Council	Sets out size of Council (66 Members), terms of office and role, functions, rights & duties of Councillors
Part A4	Citizens and the Council	Details out the rights, duties and responsibilities of citizens including public participation in meetings and how to make complaints. The procedures for public participation, petitions and deputations are set out at Appendix A to Part A4.
Part B	The Council	
Part B1	Functions of the Full Council	Explains the role of full Council, those functions which only Council can decide.
Part B2	The Budget and Policy Framework	Lists the Council's Policy Framework (ie: those policies and strategies which can only be approved by full Council) and provides a definition of the "budget" (ie: the parts of the budget that only full Council may approve)
Part B3	Budget and Policy Framework Procedure Rules	Sets out the mechanism by which the Council's Budget and Policy Framework will be developed, including the role of the overview and scrutiny committees. Specifies the rules that apply in respect of decisions outside the Budget and Policy Framework, urgent decisions outside that framework and how any potential decisions taken outside the Framework can be called in.
Part B4	Chairing the Council	Refers to the role of the Chairman of the Council, both at Council meetings and in his/her ceremonial role.

Part B5	Full Council Procedure Rules	Detailed Rules governing how the meetings of the Council operate, including arrangements for electing the Chairman/ Vice Chairman and Leader of the Council and procedures relating to notices of motion, questions, etc.
Part B6	Local Choice Functions	Sets out those functions where the Council has discretion to decide whether they should be exercised by the Council or the Executive or delegated to a committee or officer.
Part C	The Executive	
Part C1	Executive Arrangements	Sets out the form and composition of the Executive and the role and powers of the Leader and other Executive members
Part C2	Key Decisions and the Forward Plan	Sets out the definition of “ key decisions ” - and describes the Forward Plan
Part C3	Executive Functions	Sets out the responsibilities of the Executive, any committees of the Executive and any functions delegated by the Leader to individual portfolio holders.
Part C4	Executive Procedure Rules	Detailed Rules governing how the meetings of the Executive operate
Part D	Overview and Scrutiny	
Part D1	Overview and Scrutiny Arrangements and Terms of Reference	Details the committee arrangements made to carry out the Council’s overview and scrutiny function and the roles of the respective committees.
Part D2	Overview and Scrutiny Procedure Rules	Detailed Rules governing how meetings of Overview and Scrutiny committees operate including arrangements for call-in of Executive decisions made but not yet implemented.

Part E	Regulatory and Other Committees	
Part E1	Appointment of Committees	Refers to other committees appointed by Council as detailed in part E2 of the Constitution
Part E2	Committee Terms of Reference	Sets out the detailed terms of reference of the Committees.
Part E3	Committee Procedure Rules	Detailed rules governing how meetings of committees operate.
Part F	Ethical Governance	
Part F1	The Standards Committee	Sets out the terms of reference of the Standards Committee and its sub committees.
Part F2	The Council's Code of Conduct for Members	Sets out the Code of Conduct to which all Members of the Council are required to sign up.
Part F3	Code of Conduct for Officers	The Code of Conduct with which officers are required to comply.
Part F4	Protocol for Member/Officer Relations	Protocol providing guidance on member-officer relations and addressing some of the key areas of interaction.
Part F5	Monitoring Officer Protocol	Protocol setting out the statutory responsibilities of the Monitoring Officer, who is the officer charged with maintaining high standards of ethical conduct and ensuring lawfulness and fairness of decision making.
Part F6	Members' Protocol on the Use of ICT at Home	Rules governing the use of ICT provided by the Council by Members at home.
Part G	Decision Making and Access to Information	
Part G1	Decision Making	Sets out principles of decision making and types of decisions which are taken.

Part G2	Access to Information Procedure Rules	Detailed rules explaining arrangements for access by the public to meetings, when the public can be excluded, recording of Executive decisions, the forward plan and rights of access by overview and scrutiny committees.
Part H	Officers of the Council	
Part H1	Officers	Sets out the Chief Officers for Central Bedfordshire and also three statutory officers (Head of Paid Service (Chief Executive, Monitoring Officer (Assistant Director, Legal and Democratic) and Chief Finance/Section 151 Officer (Director of Corporate Resources) and their roles. Provides details as to “proper officer” appointments – that is officers designated by the Council to carry out particular functions under various Acts of Parliament.
Part H2	Management Structure	Diagram showing the senior management and divisional structure of the Council.
Part H3	Delegations to Individual Directors and Other Officers	General provisions governing delegations to officers including conditions and limitations. Schedule listing all the detailed delegations to Directors. Specific provision for taking urgent decisions.
Part H4	Officer Employment Procedure Rules	Rules governing how appointments and dismissals are made and the extent to which councillors are involved in those processes.
Part I	Finance, Contracts and Legal Matters	
Part I1	Finance, Contracts and Legal Matters	Indicates the need for financial management and contractual matters to comply with the Financial and Procurement Procedure Rules respectively
Part I2	Code of Financial Governance	Strategic code describing arrangements for financial management within the authority including roles and responsibilities, rules for control of the revenue and capital budgets and variations thereto.

Part I3	Code of Procurement Governance	Strategic code describing arrangements for procurement within the authority including key elements of procurement procedures and thresholds for tendering, selection of tenderers and approval of contracts.
Part J	Partnership Arrangements	
Part J1	Area Committees and Forums	Indicates that no area committees or forums have yet been appointed by the Council but that it may do so in future if it considers appropriate.
Part J2	Joint Arrangements	Sets out the joint arrangements which the Council has in place.
Part J3	Partnerships Protocol	Protocol to be followed when the Council enters into partnership arrangements of the nature defined in the document.
Part K	Members' Allowances Scheme	
	<p>Scheme setting out expenses to which Councillors are entitled, including:-</p> <ul style="list-style-type: none"> • Basic Allowance (amount each Councillor entitled to) • Special Responsibility Allowance (additional allowance for specific office holders) • Travelling and subsistence allowances • Carers' allowance • Conference allowance 	

2.4 The Constitution is supplemented by an Ethical Handbook which contains the following codes and protocols:-

- Part 1 Guidance on Gifts and Hospitality
- Part 2 Members' Planning Code of Good Practice
- Part 3 Licensing Code of Good Practice
- Part 4 Confidential Reporting Code ("Whistleblowing")
- Part 5 Members' Guidance on Property Transactions and Commercial Property Management
- Part 6 Indemnity for Members and Officers of the Council

3 **Modernised Decision Making**

Background

3.1 Under the Local Government Act 2000 functions of the Council are split into functions which:-

- Are **NOT** to be the responsibility of the Executive, for example:-
 - Development control (determination of planning applications)
 - Licensing
 - Staffing appointments and terms/conditions
 - Electoral matters
 - Footpath and bridleways,
 - Tree preservation orders
 - Setting Councillors’ allowances

- **MAY** be the responsibility of the Executive (known as “local choice functions” – largely environmental protection functions or appeals).

- Are not to be the **SOLE** responsibility of the Executive (a number of plans and strategies – see “Budget and Policy Framework” in paragraph 3.2).

All other functions of the Council are automatically the responsibility of the Executive and cannot, by law, be the responsibility of any other part of the Authority. In other words the functions are not vested in the Council and delegated down as under the old committee system. Hence the Council is not sovereign and only the Executive can determine Executive functions.

The Budget and Policy Framework

3.2 As indicated in paragraph 3.1 above, Regulations list certain plans and strategies which must not be the sole responsibility of the Executive and must be approved by the full Council. The Secretary of State also recommends that a number of other plans and strategies should be approved by the full Council. Authorities have a discretion to also require that other plans and strategies should require full Council approval. This list of plans and strategies is referred to as “**The Policy Framework.**” This list can be found in Part B2 of the Constitution but is shown in Table 1 below:-

The Policy Framework:-	Table 1
<ul style="list-style-type: none"> • Children and Young People’s Plan • 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 	

- | |
|--|
| <p>Minerals Development Framework</p> <ul style="list-style-type: none"> • Sustainable Communities Strategy • Statement of Licensing Policy (Liquor licensing) • Gambling Policy Statement • Revenue and Capital Budget and the Capital Programme • Medium Term Financial Strategy, Annual Treasury Management Strategy, Treasury Management Policy Statement and Fees and Charges Policy • Corporate Strategic Plan (including Directorate Development Plans) • Older People’s Strategy • Cultural Strategy (including the Leisure Strategy) • Housing Investment Programme/Strategy • Sustainability Policy suite (including environmental policy, climate change strategy and sustainability strategy) • Customer Service Strategy, Communication Strategy, Consultation Strategy and Community Engagement Strategy • Local Area Agreement • Regional Spatial Strategies (including the 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 Strategy for Bedfordshire |
|--|

3.3 Under the Regulations full Council approval is also required to the “**Budget**” which comprises those functions shown in Table 2.

Table 2
<p>The Budget:-</p> <ul style="list-style-type: none"> • The annual budget (budget, setting of virement limits and Council tax setting) • Any plan/strategy for the control of the Council’s:- <ul style="list-style-type: none"> ○ borrowing ○ investments ○ capital expenditure (the “Capital Programme”) • determining the minimum revenue provision

The definition of **Budget** is in paragraph 2 of Part B2 of the Constitution. These two elements together are collectively known as “**The Budget and Policy Framework**”.

- 3.4 The Executive's role in relation to these plans and strategies is to prepare a draft for consideration and adoption by the Full Council.

4. Committee Structure

A diagram showing the Committee Structure of the Council is attached at Appendix 4.

Role of the Full Council

- 4.1 All Councillors meet together at full Council meetings.
- 4.2 Full Council's primary role is to consider and approve the Council's Policy Framework and Annual Budget. It receives recommendations from the Executive on these matters.
- 4.3 The Council is responsible for electing the Leader of the Council whose term of office will expire at the next election of all councillors. The Council can also remove the Leader. Additionally it appoints the various Committees of the Council and their Chairmen.
- 4.4 Certain functions are reserved to Full Council either by law or by decision of Council not to delegate a non-Executive function to a Committee (eg: setting the Council tax, the Budget and Policy Framework). These are set out Part B1 of the Constitution.
- 4.5 Councillors have several opportunities for raising issues at Council meetings:-
- Notice of Motion (Rule 16 – Full Council Procedure Rules – Part B5 of Constitution – 7 clear working days advance written notice needed)
 - Written Question (Rule 12.2 – Full Council Procedure Rules – 7 clear working days advance written notice needed)
 - Oral Questions (Rule 12.7 – Full Council Procedure Rules – notice of request required at least 5 minutes before start of meeting).
 - Ward Presentations (Rule C12 – Full Council Procedure Rules – advance written notice needed)
- 4.6 As indicated in paragraph 3.1 above, the Council is no longer sovereign and may not make decisions, which by law are the responsibility of the Executive.

The Executive

Composition:

- 4.7 The Executive has power to take all decisions on the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution. Paragraph 3.1 above indicates those functions which may not be the responsibility of the Executive.

- 4.8 The Executive consists of the Leader, together with at least 2, but not more than 9, Councillors, including a Deputy Leader appointed by the Leader.
- 4.9 The Chairman and Vice-Chairman of the Council may not serve upon the Executive.
- 4.10 By law, substitutes may not be appointed for the Executive.

Appointments:

- 4.11 The Leader is appointed by Full Council at its first Annual Meeting following the election of the Council. Unless s/he resigns, is suspended or removed from office by resolution of the Council, the Leader will retain office until the next whole Council elections. (ie: the Leader elected in 2009 will hold office until 2011 and the Leader elected in 2011 will hold office until 2015)
- 4.12 Executive members are appointed by the Leader of the Council but they may resign, be suspended or removed from office by the Leader.

Portfolio Structure:

- 4.13 The Leader has power to determine the portfolio structure and to vary it.
- 4.14 The Leader allocates portfolios to individual Executive members and can vary that allocation at any time. The appointments to portfolios are usually announced by the Leader at or shortly after the Annual Meeting.

Delegations:

- 4.15 The Leader of the Council has the power to delegate functions of the Executive to a committee of the Executive, a Portfolio holder or an officer. Any changes to the delegations must be reported, via the Constitution Advisory Group, to the Council.

Executive Meetings:

- 4.16 Meetings of the Executive are chaired by the Leader of the Council.
- 4.17 Each Portfolio holder is expected to present reports concerning their areas of responsibility.
- 4.18 Meetings of the Executive are open to the public unless confidential¹ or “exempt”² information is to be discussed.

(Note ¹ and ² – definitions at Table 8)

- 4.19 The composition of the Executive is not required to be politically proportional.

- 4.20 Any Member of the Council may attend a meeting of the Executive and speak once on any item and may, with the consent of the Chairman, speak again.
- 4.21 There is a facility to allow any Member of the Council to request the Leader to place an item on the agenda of the Executive subject to giving 7 clear working days written notice (Rule 9.4 – Executive Procedure Rules, Part C4 of Constitution).

Executive Decision Making:

- 4.22 The Executive is responsible for making most operational decisions. However, as stated earlier it cannot deal with certain functions by law (eg: development control, licensing) and any decisions which would be contrary to or not in accordance with the Budget and Policy Framework must be recommended to Council.
- 4.23 Decisions are generally taken collectively by the Executive. However in a few instances individual Portfolio holders may have decision making powers delegated to them. These will set out in Part C3 of the Constitution.
- 4.24 A schedule showing the decisions made by the Executive (known as the Decisions Digest) is published two days after the meeting of the Executive. The Digest is published on the intranet. Similarly a Decisions Digest is published for decisions taken by individual Portfolio holders under delegated powers. There are then 5 clear working days after publication of the Digest in which decisions may be available for *call-in*. Call-in is summarised in Table 5 below.

Forward Plan

- 4.25 A programme of work setting out those “key decisions”¹ or Budget and Policy Framework items on which the Executive is expected to make a decision in the coming twelve months (as far as it is know) is published monthly. The programme, known as “the Forward Plan”, is available for inspection at the Council’s offices or on the Council’s website (www.centralbedfordshire.gov.uk)

Note: Definition of Key Decision given in Table 3 below:-

Table 3

Definition of Key Decision

1. A **key decision** is a decision of the Executive (or portfolio holder or officer under delegated powers) which is likely to:-

- (1) result in the Authority incurring expenditure which is, or the making of savings which are, significant as defined below, having regard to the Council's budget for the service or function to which the decision relates; or
- (2) be significant in terms of its effects on communities living or working in an area comprising one or more wards within the District.

Financial Thresholds

For the purposes of (1) above:

- Savings or expenditure are significant if they exceed **£200,000** per annum or 10% of the budget for the cost centre concerned, whichever is the smaller;

Savings and expenditure in (1) above does not include:-

- (a) The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Policy Statement approved separately by the Council;
- (b) Expenditure which is identified in the approved Revenue Budget or Service Plan for the service concerned;
- (c) Implementation of a capital project identified in the approved Capital Programme and in respect of which the project initiation document (or equivalent) has been approved;
- (d) Implementation of an explicit policy within the approved Budget and Policy Framework or fulfilment of the policy intention of a key decision previously approved by the Executive; and
- (e) The invitation of tenders or signing of contracts where necessary to provide for the continuation of an established policy or service standard.

For the purposes of (2) above, a decision will be regarded as "significant", if the outcome of the decision will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a substantial number of people living or working in the wards affected.

- 4.26 A “key decision” cannot be taken unless it has been included in the Forward Plan except where the decision is urgent and cannot await inclusion in the next Forward Plan. In such cases at least 5 clear working days notice has to be given (ie: 5 working days excluding the day the notice is given and the day of the meeting.) before the meeting that the item is to be considered and why it is urgent. Where the item is urgent and it is not possible to give 5 clear days notice, then the agreement of the Chairman of the relevant Overview and Scrutiny Committee must be obtained that the item is urgent and cannot be deferred.
- 4.27 A chart showing the Executive Decision making process is attached at Appendix 1.

Overview and Scrutiny

- 4.28 Under the Local Government Act 2000 the Council is required to appoint one or more overview and scrutiny committees.
- 4.29 The Council has established 5 overview and scrutiny committees as shown in the table below. An Overview and Scrutiny Management Panel, comprising the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees is responsible for approving the annual work programme for the Overview Committee and for managing, co-ordinating and monitoring the work of the two Committees.

Table 4	
Overview and Scrutiny Committees	
Business Transformation Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation, communications: customer service, corporate complaints and community engagement; and policy, partnerships and performance including the Local Strategic Partnership, Local Area Agreement, Community Strategy and corporate planning; and any other matters that fall within the remit of the Directorate.

<p>Children, Families and Learning Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of children’s, families and learning services including children’s specialist services; learning and school support; development and commissioning; integrated services (Children’s Trust, youth support and extended schools); leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the Directorate.</p>
<p>Corporate Resources Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal and democratic services; property and asset management; and any other matters that fall within the remit of the Directorate; or is not within the remit of any other overview and scrutiny committee.</p>
<p>Social Care, Health and Housing Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters that fall within the remit of the Directorate.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>

<p>Sustainable Communities Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of sustainable communities issues including strategic planning, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; and any other matters that fall within the remit of the Directorate.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>
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4.30 The role of overview and scrutiny committees is as follows:-

Policy Development and Review

- Assist the Council and the Executive in the development and review of its Budget and Policy Framework by in-depth analysis of policy issues
- Assist in the development and review of other policies by in-depth analysis of policy issues
- Conduct research, community or other consultations in the analysis of policy issues and possible options
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- Question members of the Executive and or Committees and Chief Officers about their views on issues and proposals affecting the area
- Liaise with other external organisations operating in the area, whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working

Scrutiny

- Review and scrutinise:-
 - Decisions made by and performance of the Executive and/or Committees and Council officers
 - The performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
 - The performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance.

- Reconsider decisions made but not yet implemented by the Executive, a Committee of the Executive, individual Portfolio holder or Officer on a key issue under delegated powers which have been “called in” and make recommendations to the appropriate body/person in respect of the decision called-in.

Call-in Scheme

- 4.31 The Council’s Call-in Scheme is included at paragraphs 10.5 to 10.21 of the Overview and Scrutiny Procedure Rules at Part D2. A summary is given in Table 5 below:-

Table 5
<p>Summary of Call-in Scheme</p> <ul style="list-style-type: none"> • Decisions of the Executive, individual Portfolio holder and officers on a key decision notified in a decisions digest, can be called in. Recommendations to full Council cannot be called-in. • Requests for a call-in can be made by:- <ul style="list-style-type: none"> ○ An individual Councillor where the decision has particular significance for his/her ward ○ The Chairman of the relevant Overview and Scrutiny Committee; ○ Any two members of the relevant Overview and Scrutiny Committee; or ○ Any three non-executive members of the Council • Requests must be submitted to the Monitoring Officer (Assistant Director of Legal and Democratic Services in writing by the deadline specified in the decisions digest (ie 5 clear working days after the decision has been taken).

- The call in must specify the resolution to be called in, the reasons why the person making the call in wishes the overview and scrutiny committee to consider referring it back to the Executive and the alternative course or action or recommendations they wish to propose.
- A decision can only be called-in once. (ie: once the Executive has considered the decision it cannot be called-in again).
- The overview and scrutiny Committee can agree with the Executive decision taker's decision (in which case it becomes effective immediately), ask the decision taker to reconsider the decision or make recommendations to the decision maker.
- The call-in procedure does not apply where the decision being taken is urgent. A decision is urgent if:-
 - A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
 - Any delay likely to be caused by the call-in process would seriously prejudice the Council's or public's interests and the reasons for the urgency are reported to the decision making body or person before the decision is taken.
 - The Chairman of the relevant overview and scrutiny committee agrees to the decision being treated as urgent

Task Forces

- 4.32 These will undertake reviews and detailed investigations as requested by the overview and scrutiny committees. All non-Executive Members will be eligible to serve on Task Forces and will be appointed on the basis of their interest in or experience of the matter being reviewed.

Standards Committee

- 4.33 Each Council is now required to establish a Standards Committee whose role is to promote and maintain high standards of conduct in local government. In addition to promoting high ethical standards in the Council, the Standards Committee fulfils the same role for the Town and Parish Councils in the area.

The Standards Committee is currently made up as follows:-

- five Central Beds Councillors
- five Independent persons who are not Councillors
- five representatives of Town and Parish Councils

The Council's Constitution provides that the Committee must be chaired by one of the independent persons serving on the Committee.

The Leader must not be a member.

Substitution is not permitted.

Regulatory and Other Committees

Development Management Committee

- 4.34 The Development Management Committee deals with planning applications, enforcement, preservation of trees, highways use and regulation and public rights of way.
- 4.35 To comply with Government requirements there is an extensive degree of delegation to Officers to determine planning applications (see Table 6). However Members may request that an application be referred to a meeting of the Development Management Committee where there are genuine planning reasons to do so. Members will receive notification of planning applications which are registered. This notification can be by email alert and/or from a Weekly List of planning applications processed during that week. From the date of first notification, Members have 21 days to call an application to Committee. The Member should **email planning@centralbedfordshire.gov.uk**, or telephone them on 0300 300 8692 (North area) or 0300 300 8670 (South area) stating the reason for the request. The request will then be logged on the Acolaid Planning system. A member may subsequently withdraw the request by notifying Assistant Director of Development Management no later than 6 clear working days before committee.

Licensing Committee

- 4.36 The Licensing Committee is responsible for:-
- Recommending a Statement of Licensing Policy under the Licensing Act 2003 (liquor licensing, provision of regulated entertainment and late night refreshment)
 - Dealing with all other matters relating to liquor licensing (except the conduct of hearings)
 - Recommending a three year Licensing Policy under the Gambling Act 2005
 - Dealing with all matters relating to gambling

The Licensing Sub Committee is responsible for conducting hearings to consider licensing applications where there are objections and/or relevant representations.

Regulation Committee

4.37 The Regulation Committee is responsible for:-

- All licensing and regulation matters (other than liquor licensing, provision of regulated entertainment, late night refreshment and gambling)
- Recommending the making of Designation Orders in respect of control of alcohol consumption in designated public places.

General Purposes Committee

4.38 Deals with certain staffing issues and other general purpose matters which the Executive is not permitted by law to deal with, such as elections and electoral registration functions and matters relating to civic and ceremonial activities of the Council.

Membership of the Committee must include at least one member of the Executive.

Appeals Committee

4.39 This Committee hears and determine appeals under the Council's disciplinary and grievance procedures, in connection with the provision of school or college transport or any other appeals not delegated to elsewhere within the Constitution.

5. Terms of Reference and Schemes of Delegation

5.1 The terms of reference of the Council, Committees and the Executive are set out into the relevant chapter of the Constitution as follows:-

Part B1	Council Functions
Part B6	Local Choice Functions
Part C3	Executive Functions
Part D1	Overview & Scrutiny
Part E2	Regulatory and other committees
Part F1	Standards Committee and sub committees
Part J2	Joint Committees

- 5.2 In most cases the bodies have full delegated powers however any limitations upon their powers (ie: those functions where a body must make a recommendation to the Council – for example, the Executive must make recommendations on the Budget and Policy Framework, the General Purposes Committee must make recommendations on certain electoral matters)

Schemes of Delegation

- 5.3 Part E3 of the Constitution sets out any powers which have been delegated to Officers. These are sub divided between the Chief Officers and are set out in service areas for ease of use. There is an introduction to the Scheme which also sets out general principles which apply to the scheme (eg where the Chief Executive or a Director is unable to act or is absent, the powers delegated to him or her can be exercised by the Deputy Chief Executive, any Director or other officer nominated by him or her. In all cases the Chief Executive and Deputy Chief Executive are authorised to take decisions upon any matter delegated to a Director). Any limitations within which officers must work are shown in the “Qualifications” section of the Scheme. Any delegations to individual Portfolio holders are shown under the Executive delegations in part C3 of the Constitution.

- 5.4 Some of the key delegations are highlighted in Table 6 below:-

Table 6	
Council Scheme of Delegation: Key Delegations	
<i>Delegation to Chief Executive, Deputy Chief Executive and all Directors:-</i>	
<i>Delegation</i>	<i>Power</i>
<i>No</i>	
3.2.1	Subject to the Officer Employment Procedure Rules at Part H4 of the Constitution and staffing policies and terms and conditions adopted by the Council:-
3.2.1.1	To carry out all employment functions and to deal with any staffing establishment issue in relation to staff employed in the delivery of services for which he/she is responsible, including any temporary or agency staff who may from time to time be employed;
3.2.1.2	To be responsible for the performance of those employees carrying out the functions for which he/she is responsible;

	3.2.1.3	To appoint employees below the status of Assistant Director;	
	3.2.1.4	To dismiss employees at Assistant Director level and below.	
3.5	3.5.1	Urgent Action	
		<p>In accordance with the procedures approved by the Council (involving in particular consultation with Members) to take any decisions which could be taken by the Executive or a committee or sub committee and which on grounds of urgency need to be taken before the next scheduled meeting of the Executive or such committee or sub committee. The procedures approved by the Council are set out in a Code of Practice (attached as an appendix to the scheme). It is confirmed that such power includes any urgent decision which involves expenditure and/or reduced income for which no provision is included in the approved Revenue Budget or Capital Programme, or any decision required in the event of a civil emergency.</p>	
		<p><i>Delegation to Director of Sustainable Communities</i></p>	
	4.3.93	To determine applications required under the Planning Acts and Statutory Instruments and other planning matters (including applications for planning permission made under Regulation 3 of the Town and Country Planning General Regulations 1992) except where:-	As shown in (i) to (v)
	4.3.93.1	<p>A ward member of the Council asks, within 3 weeks of the application being registered, for it to be referred to a meeting of the Development Management Committee. The Member making a call-in is required to speak about the reasons for the call-in at the Committee where the application may be considered¹;</p>	

1 A Member may withdraw a request by notifying the Assistant Director Development Management no later than six clear working days before the date of the Committee meeting.

4.3.93.2 It is proposed to grant planning permission for a **major development**² and:-

4.3.93.2.1 a material planning representation(s) has been received in writing from Town and Parish Councils which has not been resolved by the Local Planning Authority through negotiation with the applicant and/or through the imposition of conditions; or

4.3.93.2.2 the application or matter is considered to be a departure from the Development Plan; or

4.3.93.2.3 the application or matter is contrary to other approved Council Planning policies or Supplementary Planning Guidance and is recommended for approval.

4.3.93.3 The application (or matter) is made by or on behalf of or involves in any capacity any Member or officers of the Council;

4.3.93.4 The Assistant Director Development Management considers it prudent to refer the application or matter to the Development Management Committee; or

4.3.94.5 The application is made for the Council's own development to be carried out jointly with another party or for development on the Council's own land in accordance with procedures set out in the Town and Country Planning (General) Regulations 1992.

² The definition of "major development"* shall be that used by the Department for Communities and Local Government in the General Development Control Return

(* Note: currently:

For dwellings: where 10 or more are proposed (or if numbers not given, site area is more than 0.5 hectares).

For all other uses: where the floor space will be 1000 sq metres or more (or site area is 1 hectare or more).

6. Procedure Rules

(a) Council Procedure Rules

These rules govern how Council meetings operate. Key Rules are shown in Table 7.

Table 7	
Key Council Procedure Rules	
Rule 4	<p>Council meetings: specifies who can call an Extraordinary meeting namely:</p> <ul style="list-style-type: none"> • Council by resolution • Chairman • Monitoring Officer • Any 5 members if they have signed a requisition presented to the Chairman and s/he has refused to call a meeting or failed to call it within 7 days of presentation of the requisition
Rule 2.3	<p>Election of Leader: provides that the Leader will be appointed at the Annual Meeting following the elections or at the next meeting following the resignation, dismissal or vacation of office by the Leader.</p>
Rule 2.4	<p>Dismissal of Leader: the Leader can only be dismissed on the basis of a motion signed by 10 members of the Council (included on the agenda under the normal rules for notices of motion). The motion has to give reasons for the proposed dismissal and, if approved, the dismissal will take immediate effect.</p>
Rule 2.7	<p>Substitute Members: provides for the Council to appoint named substitutes (each group can appoint half of the number of substitutes in respect of each political group as that group holds ordinary seats on the committee, being a minimum of 1 and rounded up by 1 in the case of odd numbers). A member who is unable to attend a particular meeting may arrange for one of the named substitutes to attend on their behalf. Guidance on substitution is attached at Appendix 3.</p> <p style="margin-top: 20px;">Substitutes are not permitted for the Executive and Standards Committee.</p>

Rule 9	Quorum: 17 Members
Rule 12	Questions:
Rule 12.1	Questions on Reports and Minutes: can be asked of the Leader, a portfolio holder or chairman of a committee when the report or minute is under consideration by the Council, without notice.
Rule 12.2/3	<p>Written Questions: Must be submitted in writing to the Monitoring Officer (Assistant Director Legal and Democratic Services) at least 7 clear working days before the meeting and must relate to matters where the District Council has powers or duties or which directly affect the area of the Authority.</p> <p>Special provisions apply in the cases of urgency (Rule 12.3.1.2)</p> <p>Questions are put and answered without discussion but a supplementary question may be asked by the member asking the question. A second supplementary question may be asked by any other member of the Council.</p>
Rule 12.7	<p>Oral Questions: A period of 45 minutes is allowed for oral questions. Questions to be put in ballot box 5 minutes before start of meeting.</p> <p>30 minutes are allowed for questions addressed to Leader or a Portfolio holder and these must relate to matters where the Council has powers or duties or which directly affect the area.</p> <p>15 minutes will be allowed for questions of a chairman of a committee or member representing the Police or Fire Authorities</p> <p>The relevant office holder will respond to the question. There is no debate or discussion.</p> <p>One supplementary question arising from the original question may be asked.</p>
Rule 14	<p>Ward Presentations: Requests for a Ward Presentation must be made to the Director of Corporate and Democratic Services in writing at least 7 clear working days before the meeting.</p> <p>Up to 10 minutes are allowed per presentation with no longer than 30 minutes being allowed for all presentations in any one meeting.</p>

Rule 16	Notices of Motion: sets out requirements for submission of Notices of Motion. Motions must be given in writing to the Monitoring Officer at least 7 clear working days before the meeting and must relate to matters where the Council has powers or duties or which directly affect the area.
Rule 18	<p>Rules of Debate: Sets out how debate will operate including time limits on speeches. A graphical guide to Motions and Amendments is attached at Appendix 2.</p> <p>Rule 18.10 sets out details regarding Rights of Reply whilst Rules 18.13 to 18.15 set out provisions which apply in respect of, respectively, Points of Order, Personal Explanations and Points of Information</p>
Rule 19	<p>Rescission of Previous Resolution: No motion or amendment can be moved which would have the effect of rescinding a decision of the full Council passed within the previous 6 months or have the same effect as one rejected within the previous 6 months (except on a recommendation of the Executive or a committee or on a motion signed by at least 17 members).</p>
Rule 20	<p>Voting: by show of hands or by the electronic voting system. Decisions decided by a simple majority of those present and voting.</p> <p>Chairman has second or casting vote in the event of an equality of votes.</p> <p>Recorded votes (by roll call) taken where no fewer than 10 members present at the meeting demand it.</p> <p>Member can request that the way in which they voted on a motion be recorded if they so request immediately after the vote is taken.</p>
Rule 26	<p>Suspension and Amendment of Procedure Rules: Any Procedure Rules (except Rule 10.2 (signing of minutes of previous extraordinary meeting) and 20.6 (request for individual vote to be recorded) can be suspended. Suspension without notice can only take place if at least half of the members are present.</p>

(b) Access to Information Procedure Rules

These rules set out the procedures which must be followed with regard to public access to meetings and committee documents. Key Rules Members may wish to be aware of are shown in Table 8.

Table 8

Key Access to Information Procedure Rules – Part G2

Rule 10 ***Exclusion of Access by Public to Meetings:*** Sets out the ground on which public may be excluded from meetings.

“Confidential information” (ie: information provided to the Council by a Government Department that forbid disclosure or other information the disclosure of which is prohibited by any enactment or Court Order – the public **must** be excluded.

“Exempt information” (ie: information falling within 7 categories such as information of a commercially sensitive nature or concerning an individual (plus a further 3 specific to Standards Committees) – the Council can resolve to exclude access by the public. Reports which, in the opinion of the Monitoring Officer, relate to items during which the meeting is likely not to be open to the public are marked “Not for Publication...”.

Rule 14 ***The Forward Plan:*** Sets out the requirements relating to the Forward Plan whilst Rules 15 and 16 explain arrangements which apply where a report is urgent but has not followed the Forward Plan procedures.

(c) Budget and Policy Framework Procedure Rules – Part B3

Explain the procedures which apply to decisions relating to the Budget and Policy Framework and the need for Executive to take decisions which accord with the existing Budget and Policy Framework . Rule No. 4 indicates how urgent decisions outside the Budget or Policy Framework can be taken.

(d) Executive Procedure Rules – Part C4

The Rules governing how the Executive will operate, much of which has already been covered in paragraph 4.7 – 4.27. The quorum is one quarter of its total membership or three Members whichever is the larger (Rule 12)

(e) Overview and Scrutiny Procedure Rules – Part D2

The Rules governing how the Overview and Scrutiny Committees will operate. Key points have been dealt with in paragraphs 4.28 to 4.32 above. Other key Rules to be aware of are shown in Table 9.

Table 9

Key Overview & Scrutiny Procedure Rules

Rule 3.1 **Agenda Items:** Any member of the Council may with 7 clear day's written notice ask the Monitoring Officer to include an item on the agenda of a relevant overview and scrutiny committee. The member will have the right to attend the meeting and to explain the reasons for their request.

Rule 10 **Call-in:** The Call-in scheme is set out at Rule 10. Rule 10.17 sets out how the relevant overview and scrutiny committee will deal with call-ins (see also summary in Table 5 of this document).

(f) **Committee Procedure Rules – Part E3**

These Rules prescribe how the various committees will operate. Key Rules are highlighted in Table 10 below.

Table 10

Key Committee Procedure Rules

Rule 10 **Agenda items:** provides that any member of the Council can with 7 clear working day's written notice request the Monitoring Officer to include an item on the agenda of a relevant committee. The member has the right to attend the meeting and explain the reasons for their request. A separate procedure applies to enable Members to refer planning applications for consideration by Development Management Committee.

Rule 16 **Rights of Non-Members:** Every member has a right to attend meetings of a committee. Members may speak once on any item and may with the consent of the chairman speak again, but not vote.

(g) Officer Employment Procedure Rules – Part H4

These Rules detail the procedures for appointment of officers. The Council must approve the appointment of the Chief Executive and the Appointments Sub Committee appoints Directors, provided there is no objection from the Executive. The Chief Executive is responsible for appointments below Assistant Director level. Arrangements for dismissal are also covered in the Rules but special arrangements apply for disciplinary action and dismissal in respect of the Chief Executive, Monitoring Officer (Assistant Director, Legal and Democratic) and Chief Finance Officer (Director of Corporate Resources).

(h) Code of Financial Governance – Part I2

These are the Rules which govern how the Council’s financial affairs must be managed. They apply to every Member and officer of the Council and anyone acting on its behalf. The Rules cover Financial Management, Financial Planning and Budgeting, Treasury Management, Risk Management and Control of Resources, Financial Systems and Procedures and External Arrangements.

Key Rules to be aware of are shown in Table 11.

			Table 11
Key Financial Procedure Rules			
Rule 4.6.2	Virements		
	Sets out the virement powers as follows:-		
	Category	Virement Levels	Approval Power
	Within the same cost centre or between cost centres	Up to £100,000 cumulative (sum of individual virements)	Budget Managers in consultation with Assistant Director Finance
		£100,000 to £200,000 cumulative (sum of individual virements)	Directors in consultation with the Chief Finance Officer (Director of Corporate Resources) and with the agreement of the Portfolio holder(s)

		Over £200,000 cumulative (sum of individual virements)	Executive
Rule 4.9.6	Between portfolios	Up to £200,000 cumulative (sum of individual virements)	Directors in consultation with the Chief Finance Officer (Director of Corporate Resources) and with the agreement of the relevant Portfolio Holder(s)
		Over £200,000 cumulative (sum of individual virements)	Executive
	Sets out the limits relating to Capital schemes as follows:		
		Existing Scheme Additional Costs	Approval Powers
		Up to £25,000	Corporate Management Team and Corporate Resources Portfolio Holder
		Over 5% of the original budget up to £100,000 and above £25,000	Executive
		Over 25% of the original budget and above £100,000	Council

(i) **Code of Procurement Governance – Part I3**

These Rules set out the requirements relating to the procurement of goods and services. Key Rules are shown in Table 12.

Table 12

Key Procurement Procedure Rules

Rule 5 **Key Elements of the Procurement Procedures:** specifies the process for obtaining quotes or tenders depending upon the value of the procurement. Rule 5.1 sets out a table indicating contract categories for procurement as follows:-

Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
£0 - £199	Authorised officer	Budget holder	No short listing required	One verbal quotation is acceptable. More quotations may be obtained where it is deemed to be practicable and beneficial.
£200 - £999	Authorised officer	Budget holder	No short listing required	Three verbal quotations are required with a written record and preferably email confirmation.
£1,000 - £9,999	Authorised officer	Budget holder	No short listing required	A minimum of three written quotations on the suppliers' headed notepaper or from the suppliers' email domain to the originating officer.

	£10,000 - £59,999	Authorised officer	Budget holder	Budget holder	Formal quotation by sealed bid, opened in the presence of an independent authorised officer. At least three tenders should be invited; five or more is best practice where possible.
	£60,000 – European Union threshold	Authorised officer	Assistant Directors	Assistant Directors	A formal tender with advertisement and the inclusion of contract conditions is required. Five or more tenders should be invited where possible. A minimum of three is permitted by exception subject to the approval of the Chief Finance Officer. Guidance should be sought from the Procurement Team.

	Above European Union threshold	Director	Director Executive above £200,000	Director	A formal European Union compliant tender is required. The Procurement Team must be involved in the project as a senior supplier in Prince 2 terms.
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7. Codes and Protocols

The various Codes and Protocols which govern ethical behaviour and best practice in decision making are set out in Part F of the Constitution. Each Code is listed below with a note on its key contents:-

(a) Code of Conduct for Councillors – Part F2

Sets out the provisions of the Code of Conduct including:-

- General obligations on Members
- Disclosure of personal and prejudicial interests
- Register of interests

(b) Code of Conduct for Officers – Part F3

Sets out the provisions of the Officer Code of Conduct including:-

- General Principles
- Conflicts of interest, interests in contracts and gifts and hospitality
- Accountability

(c) Protocol for Member/Officer Relations – Part F4

Aims to set out the relative roles, responsibilities and rights of Members and Officers in their dealings with each other. In particular, sets out at paragraph 6.2 – 6.9 the timeframe within which Members can expect replies to their enquiries (see table 13 below)

Also refers to support services available to Members and Party groups and any restrictions relating to the use of those services. Concludes by outlining the procedure for dealing with breaches of the Protocol by a Member or Officer.

Table 13

Members' Enquiries

- 6.2 Members' enquiries may be made by any means.
- 6.4 Officers will make every effort to provide a substantive response to a member enquiry within **2 working days**, but if a substantive response cannot be provided officers will acknowledge receipt of the enquiry. If it is not possible to provide a substantive response within 5 working days, officers must explain:-
- 6.4.1 The reason for the delay;
- 6.4.2 What action is being taken to pursue the enquiry; and
- 6.4.3 The timescale within which a substantive response will be sent, which must be within 15 days, unless agreed otherwise by the member and officer.
- 6.5 Directors are responsible for ensuring that member enquiries are dealt with promptly and accurately in their Directorates.
- 6.6 Where an enquiry imposes a disproportionate burden on officers' work, this should be explained and discussed with the member concerned and senior management to agree an alternative deadline and/or response.
- 6.7 Members' enquiries, which are in fact constituent complaints, will be handled under the Council's Complaints Procedure.
- 6.8 This members' enquiry procedure supplements and does not replace members' statutory and common law rights to information.
- 6.9 Co-opted and independent members' rights of access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.

(d) Monitoring Officer Protocol – Part F5

Sets out the role of the Monitoring Officer and provides:-

- A general introduction to the statutory responsibilities of the Monitoring Officer
- Advice on the working arrangements between the Monitoring Officer, Members and Officers
- Explains how complaints against a breach of the protocol either by a member or Officer will be dealt with

(e) Interim Members' Protocol on the Use of ICT at Home – Part F6

Summarises the conditions on which computers and IT services are provided to Councillors at their home including ownership, safe-keeping and restriction of use of the Equipment, security of systems and use for private purposes. This section will be updated after the elections.

8 Ethical Handbook

8.1 The separate Ethical Handbook at the back of the Constitution contains the following codes and protocols:-

(a) Guidance on Gifts and Hospitality – Part 1

Sets out guidance on the receipt of gifts and hospitality by Members, principles to be followed, the circumstances in which Members need to register any gift or hospitality (usually where it has an estimated value of at least £25) and when inappropriate offers of gifts and hospitality should be reported to the Monitoring Officer.

(b) Members' Planning Code of Good Practice – Part

Aims to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Advises upon:-

- Interests in respect of any planning application
- How to avoid fettering discretion and pre-determination
- Contact with applicants, developers and objectors
- Presentations by developers/applicants
- Lobbying of Councillors
- Lobbying by Councillors
- Site visits
- Public participation in Meetings
- Decision making and decisions contrary to officer recommendation
- The need to undertake training offered prior to sitting upon the Committee

Sets out at Appendix A the Code of Practice for the Conduct of Site Inspections.

(c) Licensing Code of Good Practice

Aims to ensure that in the operation of the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Advises upon:-

- Interests in Licensing proposals
- Avoiding fettering discretion in the licensing process
- Contact with applicants and objectors
- Lobbying of Councillors
- Lobbying by Councillors
- Site visits
- Public speaking at meetings
- Officers role in the process
- Decision making
- Need to undertake training provided prior to taking part in hearings.

(d) Confidential Reporting Code

Sets out the procedure to be followed to enable individuals to raise concerns about malpractice in the workplace including:-

- How the Council will support an individual to raise a concern
- How the individual may raise a concern
- How the Council will respond
- How the matter can be taken further.

(e) Guidance on Property Transactions and Commercial Property Management – Part 5

Provides guidance to assist council members in respect of any Council property transactions and commercial property management .

(f) Indemnity for Members and Officers of the Council – Part 6

Sets out the circumstances in which members and employees are indemnified against the costs, claims and expenses.

9. Members' Allowances Scheme

9.1 Contained within Part K of the Constitution, this section details the provisions of the Council's Members' Allowances Scheme including:-

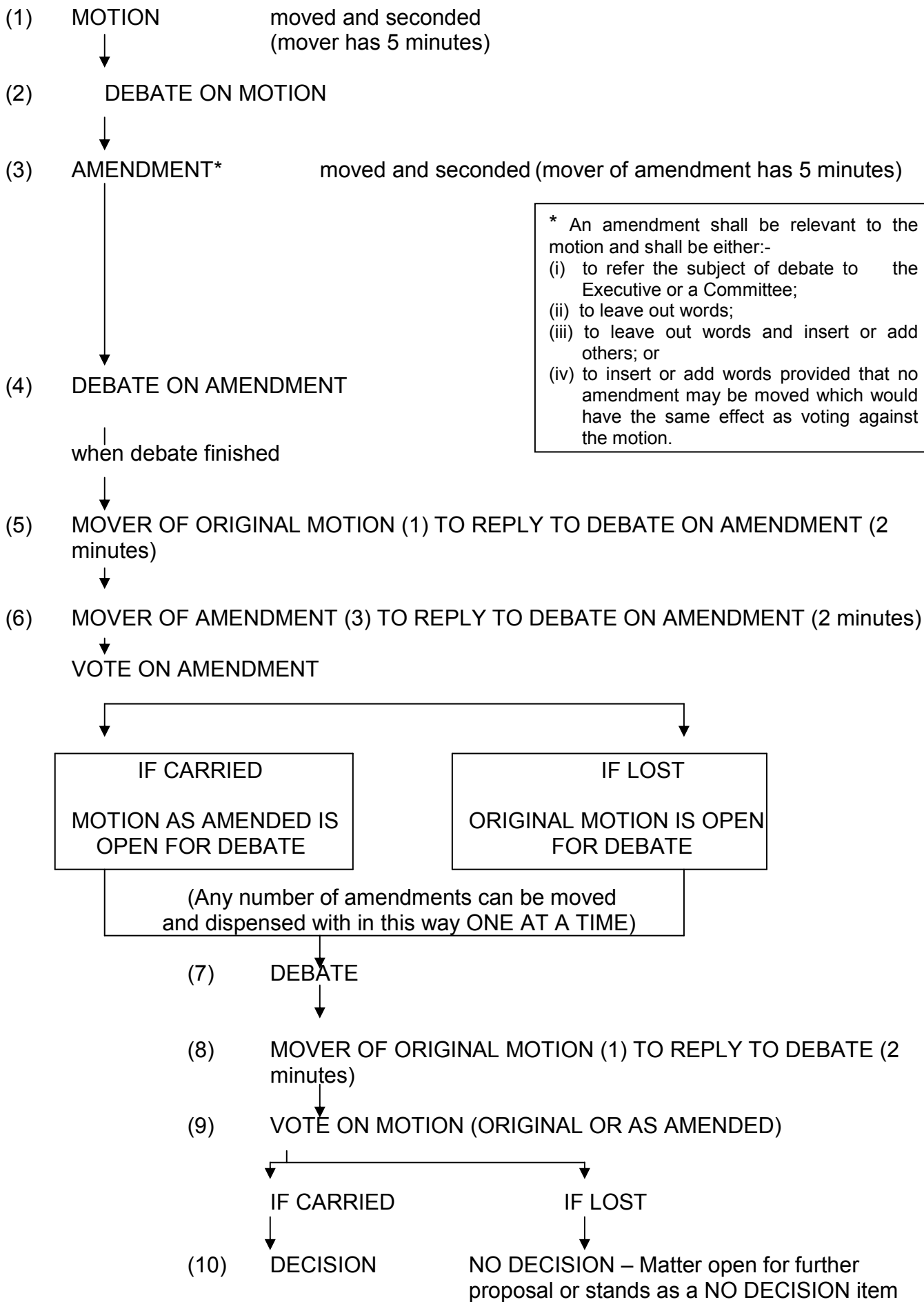
- Basic allowance
- Special responsibility allowance
- The right for members to forego any part of their allowances
- Provisions relating to part year entitlements, suspension & repayment of allowances
- Claims and payments
- Travelling & subsistence allowance
- Dependents' Carers allowance
- Co-opted Members' allowance

CENTRAL BEDFORDSHIRE COUNCIL		Constitutional Arrangements	
EXECUTIVE DECISION-MAKING CHART			
RELEVANT THRESHOLDS	“KEY DECISIONS”	“NON-KEY DECISIONS”	NOTES
<ul style="list-style-type: none"> Financial: <ul style="list-style-type: none"> Result in expenditure or savings of £200,000 or above or 10% of the budget for the cost centre concerned, whichever is the smaller. Significant effect in ONE or more Wards. Draft Annual Budget and Policy Framework Plans for Council approval. 	EXECUTIVE	EXECUTIVE	<ul style="list-style-type: none"> All Executive decisions must be in accordance with the Budget and Policy Framework. All Executive decisions must be recorded in a Decisions Digest and relevant notice of the meeting must be given. All Budget & Policy Framework items must be referred to Council for approval
<ul style="list-style-type: none"> Individual Portfolio Holders can only take decisions in accordance with the Scheme of Executive Functions delegated to an individual Member (Part C3 of Constitution), or where a function is subsequently delegated by the Leader and within the approved Budget and Policy Framework. 	INDIVIDUAL PORTFOLIO HOLDERS	INDIVIDUAL PORTFOLIO HOLDERS	<ul style="list-style-type: none"> All individual portfolio holder decisions must be recorded in a Decisions Digest Relevant Notice of decision must be given. At least 5 clear working days notice must be given of any report taken into account in making a “key decision”.
<ul style="list-style-type: none"> Officers may only take “key decisions” if specifically set out in the Constitution or Scheme of Delegation or if approved by the Council or the Leader of the Council. 	CHIEF EXECUTIVE/ DEPUTY CHIEF EXECUTIVE/DIRECTORS	CHIEF EXECUTIVE/ DEPUTY CHIEF EXECUTIVE/DIRECTORS	<ul style="list-style-type: none"> Any decision of an officer on a key decision must be recorded in a Decisions Digest. Relevant Notice of Decision must be given

<ul style="list-style-type: none"> The Chief Executive, Deputy Chief Executive and Directors can only take decisions on 'non-key issues' in accordance with the Scheme of Delegation to Officers (Part H3 of Constitution), within the approved Council Budget and Policy Framework. 			<ul style="list-style-type: none"> At least 5 clear working days notice must be given of any report taken into account in making a "key decision" Officer decisions are not recorded in a Decisions Digest and notice of decision not required but internal procedures may apply for recording of significant decisions.
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NB: All proposed 'Key Decisions' – must be notified to the Committee Section by the relevant Officer or Portfolio Holders, so as to ensure the legal obligations with regard to the Forward Plan are fully complied with.

A GUIDE TO MOTIONS AND AMENDMENTS



* An amendment shall be relevant to the motion and shall be either:-
 (i) to refer the subject of debate to the Executive or a Committee;
 (ii) to leave out words;
 (iii) to leave out words and insert or add others; or
 (iv) to insert or add words provided that no amendment may be moved which would have the same effect as voting against the motion.

A GUIDE ON SUBSTITUTION

1. **Introduction**

- 1.1 The Council, has agreed substitution arrangements which appear in the Full Council Procedure Rules.
- 1.2 It should be noted that substitutes are NOT permitted at meetings of the Executive or Standards Committee.

2. **Named Substitutes**

- 2.1 Under the Procedure Rules, if a Member of a Committee or Sub Committee is unable to attend a particular meeting he/she may arrange for one of the named substitutes to attend in his or her place.

3. **If you wish to appoint a Substitute**

- 3.1 If you are unable to attend a meeting and wish to appoint a substitute, you should inform one of your Group's named substitutes as soon as practicable before the meeting.
- 3.2 If you have been substituted for a particular meeting, you cease to be a Member of that body for the duration of that meeting and any adjournment of it.

4. **If you do not appoint a Substitute**

- 4.1 If you fail to appoint a substitute and are not present at the beginning of a meeting, any of your Group's named substitutes present at the meeting can automatically act as substitute.
- 4.2 Therefore if you know you might be slightly late for the start of a meeting, it might be wise to discuss this with your Group beforehand to avoid arriving at a meeting only to find you have been substituted, (see paragraph 3.2 above),

5. **If you have been appointed as a Substitute**

- 5.1 If you have been asked to act as a substitute or are acting in default as a named substitute, in accordance with paragraph 4.1 above, you:-
 - (a) must inform the Committee of your appointment as a substitute (this is dealt with **at the beginning of the meeting** under the item "Apologies for Absence and Notification of Substitute Members" (ie you must be present at the beginning of the meeting if you wish to be a substitute));
 - (b) will become a Member of the body concerned for the duration of that meeting and any adjournment of it.
- 5.2 It would be helpful if Members could give prior notice to the appropriate Committee Administrator of their intention to act as a substitute.

6. **Permanent changes to Memberships/Named Substitutes**
 - 6.1 Group Leaders may also vary permanent appointments to Committees and change named substitutes during the Municipal Year, provided they notify the Monitoring Officer in writing.
 - 6.2 A supply of forms to be used to notify the Monitoring Officer of such changes is available on request. The form must be given to the Monitoring Officer (or his/her nominee) before the commencement of any meeting, if the change is to have effect for that meeting.
 - 6.3 The Monitoring Officer will report on any changes to the Council for information.

Appendix 4



Joint Committees

- Wixams Joint Development Control Committee
- Luton and South Bedfordshire Joint Planning and Transportation Committee

Advisory Groups

- Constitution Advisory Group
- Member Development Champions

COUNCIL

STRONG LEADER

EXECUTIVE
Portfolio holders' Assistants
(Up to 5, no executive powers)

- Business Transformation Overview and Scrutiny Committee
- Corporate Resources Overview and Scrutiny Committee
- Children, Families and Learning Overview and Scrutiny Committee
- Social Care, Health and Housing Overview and Scrutiny Committee
- Sustainable Communities Overview and Scrutiny Committee
- Overview and Scrutiny Management Panel (Informal, co-ordinating role)

- Licensing
 - Licensing Sub-Committee
- Regulation
- Development Management
- Standards
 - Standards Sub-Committees
- Audit
- General Purposes
 - Appointments Sub-
- Appeals
- Joint Consultation and Negotiation Committee for Primary and Secondary Education
- Employees Joint Consultative Committee

Under the "Strong Leader Model" the Leader is authorised to appoint the Executive, allocate portfolios and delegate functions

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