

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



**please ask for** Mel Peaston, Interim Committee Services Manager  
**direct line** 0300 300 6076  
**date** 2 February 2010

## **NOTICE OF MEETING**

### **GENERAL PURPOSES COMMITTEE**

Date & Time

**Wednesday, 10 February 2010 at 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Chicksands, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the GENERAL PURPOSES COMMITTEE:

Cllrs Mrs J G Lawrence (Chairman), K Sharer (Vice-Chairman), R A Baker,  
P A Blaine, P Rawcliffe, R C Stay and Mrs P E Turner MBE

[Named Substitutes:

Cllrs: Mrs C F Chapman MBE, M Gibson, K C Matthews and P Snelling]

All other Members of the Council - on request

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

# AGENDA

1. **Apologies for Absence**

To receive any apologies for absence and notification of any substitutes.

2. **Minutes**

To approve as a correct record the minutes of the last meeting held on 17 December 2009.

3. **Declarations of Interest**

To receive from Members any declarations of interest and the nature thereof in relation to:-

- (a) personal interests in any agenda item;
- (b) personal and prejudicial interests in any agenda item.

4. **Chairman's Announcements and Communications**

To receive any announcements by the Chairman and receive any matters of communication.

5. **Public Questions, Statements and Deputations**

This is an opportunity for questions, statements and deputations from members of the public in accordance with the Public Participation Procedure set out in Section A4 of the Council's Constitution.

6. **Petitions**

To receive any petitions in accordance with the scheme of public participation set out in Annex 2 in Part 4 of the Council's Constitution.

7. **Disclosure of Exempt Information**

To consider proposals, if any, to deal with any item likely to involve the disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) prior to the exclusion of the press and public.

8. **Harmonisation Update**

To receive details of the latest position regarding the harmonisation process.

9. **Delegation of Assistant Director Appointments**

A report setting out a process for delegating approval of Assistant Director appointments was considered by the Constitution Advisory Group at its meeting on 25 January 2010. The Constitution Advisory Group agreed to seek endorsement from General Purposes Committee prior to Council considering the recommendation.

The report to Constitution Advisory Group and the draft minute arising from that meeting are attached.

10. **Use of Delegated Power regarding Authorisation of Compulsory Redundancy/Early Retirement**

To receive an oral update on this matter.

11. **Outside Bodies**

To consider a report proposing a policy with regard to outside bodies.

12. **Date of Next Meeting**

A reserve meeting of the Committee has been set for 4 March 2010. This meeting will be needed to consider further policy documents, including the Home Working Policy. There may also be matters for consideration in relation to the Boundary Committee.

There is also a meeting scheduled for 15 April 2010. A decision as to whether this meeting will be needed can be taken later.

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**CENTRAL BEDFORDSHIRE COUNCIL**

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15 Priory House, Chicksands, Shefford. on Thursday, 17 December 2009.

**PRESENT**

Cllr Mrs J G Lawrence (Chairman)  
Cllr K Sharer (Vice-Chairman)

Cllrs R A Baker  
P A Blaine

Cllrs P Rawcliffe  
Mrs P E Turner MBE

Apologies for Absence: Cllrs R C Stay

Substitutes: Cllrs K C Matthews (In place of R C Stay)

Members in Attendance: Cllrs D Bowater  
D J Lawrence  
S F Male  
P Snelling  
B Wells

Officers in Attendance: Mr S Cooke Electoral/Members' Services  
Manager  
Mr B Dunleavy Democratic and Administrative  
Services Manager  
Mrs C Jones Human Resources Manager, MBDC  
Mr G McFarlane Acting Assistant Director Human  
Resources and Organisational  
Development  
Ms M Peaston Senior Democratic Services Officer

GPC/09/1 **Apologies for Absence**

Apologies were received from Councillor Stay.

GPC/09/2 **Minutes of the last meeting**

The minutes of the last meeting held on 27 August 2009 were approved as a correct record and signed by the Chairman.

GPC/09/3 **Declarations of Interest**

There were no declarations of interest.

GPC/09/4 **Public Questions, Statements and Deputations**

There were no public questions, statements or deputations.

GPC/09/5 **Petitions**

There were no petitions.

GPC/09/6 **Working Group report on Proposed Electoral Arrangements**

The Committee considered the draft submission to be made in response to the consultation by the Boundary Committee for England on the number and location of electoral wards for Central Bedfordshire. It was noted that a recommendation from the Committee would be considered by full Council at its meeting on 7 January 2010.

The Committee noted the presentation from Councillor Rawcliffe, Chairman of the Electoral Arrangements Review Working Group which the Committee had set up to enable detailed consideration of the associated matters. He explained that the Working Group had established a preference for separating town and rural communities into separate wards, and had also tried to restrict the variance from the Boundary Committee's preferred number of electorate per 1, 2 and 3 members wards to no more than 10%.

Comments were made that the Boundary Committee's decision that there should be 59 elected members for Central Bedfordshire and not the 66 recommended by the Council meant that it was necessary to be pragmatic in the approach to determining the number and location of wards as the ideal, based on additional numbers of members, was not a possibility.

The Working Party had put forward the majority political group's preferred solution and had also allowed the Liberal Democrat Group's solution to be submitted to this Committee. The Committee therefore had two proposals before it for consideration; the Conservative Group's preferred option was set out at Appendix A of the papers and the Liberal Democrat Group's was set out at Appendix B.

Councillor Rawcliffe thanked the Working Group for the work they had put in to achieve the proposals before the Committee. He also paid tribute to the invaluable help the Working Group had received from Stephen Cooke and Brian Dunleavy who had provided detailed guidance to the Working Group and had worked through the many comments and suggestions which had been made.

The Chairman thanked Councillor Rawcliffe for the considerable work he had carried out as Chairman of the Working Group.

A discussion ensued and it became evident that the different political groups had different approaches and preferences regarding numbers of elected members for each ward.

**RESOLVED:-**

1. that having considered the conclusions of the Electoral Arrangements Review Working Group in relation to the number and

location of wards for Central Bedfordshire, the Committee determined that it would recommend to Council to approve the pattern of wards as shown in Appendix A set out in the report as the Conservative Group's option;

2. that the Director of Corporate Resources, in consultation with the Chairman of the Working Group and the Chairman of the Committee, be authorised to prepare the draft submission to be presented to Council on 7 January 2010 including taking account of any further responses to consultation received in the intervening period prior to the Council meeting;
3. to thank the officers, Stephen Cooke and Brian Dunleavy, for the invaluable help they had provided whilst supporting the Electoral Arrangements Review Working Party

### **RECOMMENDATIONS TO COUNCIL**

1. **to endorse the proposed pattern of wards set out in Appendix A of the submitted report;**
2. **to take into consideration any responses received from the Town and Parish Councils;**
3. **to approve the Submission to the Boundary Committee for England on the number and location of electoral wards for Central Bedfordshire;**
4. **to authorise the Director of Corporate Resources, in consultation with the Chairman of the Working Group, to respond to questions raised by the Boundary Committee regarding the Submission.**

### **GPC/09/7 Policies**

The Committee received a report setting out a number of proposed policies in relation to Human Resources matters. These were as follows:

- Managing Change Policy
- Redundancy/Redeployment Guidelines
- Work Life Balance and Flexible Working Policy
- Flexible Retirement Policy.

It was noted that these policies had been submitted to the Employee Partnership Committee on 17 November 2009 which had unanimously agreed to recommend them to the Committee for adoption.

The Committee gave careful consideration to each of the policies and commented on them. Some drafting amendments were identified as set out below.

A discussion took place regarding the Corporate Implications paragraph relating to the financial implications of the proposed policies. It was noted that adopting the policies was necessary to enable the management of change. As change happened, it would become possible to quantify the financial implications.

It was noted that the Central Bedfordshire Management Team had been required by the Chief Executive to find savings at a senior level representing 20%. Members considered whether there was anything in the Managing Change Policy which would prevent this being carried out and concluded that there was not.

In view of a recent case at another local authority Members sought an assurance that the Council was unlikely to carry out age discrimination by reason of the policies before it. The assurance was given.

In response to questions, Members noted the financial implications for the Council and the pension fund if an employee took a career break. It was noted that when an application was made for a career break such implications were taken into account.

#### Managing Change Policy

- Section 2 Consultation paragraph 2 2<sup>nd</sup> sentence add the word “formal” before “consultation” so the sentence reads “Managers must seek the advice of Human Resources before any formal consultation takes place.”.
- Section 8 Compulsory Redundancy final sentence starting NB: the term “establishment” to be replaced with a clearer description.

#### Redundancy/Redeployment Guidelines for Employees

- Section 5 Appeal paragraph 5.1 final sentence replace the word “Corporation” with a better description indicating that the appeal would be considered by people independent of determining the original decision.
- Career Profile Guidance Notes section 7.5 – add an explanation of the process if a person has changed between full time and part time work.
- Add a reference to the Pension Scheme Guidance Notes so employees know where to find help.

#### Flexible Retirement

- Pages 124, 128 and 129 – correct the entry 25%/40% which should read 40%.

**RESOLVED, subject to the drafting amendments detailed above being incorporated:-**

1. to adopt the Managing Change Policy for non-schools based employees with immediate effect;



2. to adopt the Redundancy/Redeployment Guidelines for non-schools based employees with immediate effect;
3. to adopt the Work Life Balance Policy for non-schools based employees with immediate effect;
4. to adopt the Flexible retirement Policy for non-schools based employees with immediate effect.

GPC/09/8

### **Redundancies**

The Committee considered a report seeking approval for the delegation of decisions involving the termination of employment on the grounds of redundancy/early retirement for both non-school and schools-based employees.

It was noted that redundancies tended to arise most often during a period of organisational change, such as the Council was currently undergoing. It was important to have robust procedures in place and ensuring that appropriate delegated powers were available contributed to this.

Members commented that they would like to see a statistical summary of the numbers of redundancies made together with associated costs brought to the Committee on a regular basis. The report should be anonymised so that it could be considered in public.

The Committee considered that the use of the proposed delegated powers should be monitored as it may not be appropriate for them to stay in place indefinitely, beyond the current period of management change. Members indicated that they would like a report to be brought to the February 2010 meeting indicating how much longer the delegated powers in relation to redundancies/early retirement should remain in place.

### **RESOLVED:-**

1. that a report be brought to the Committee on a regular basis setting out in broad terms the number of redundancies which had been made together with associated costs;
2. in accordance with paragraphs 10 and 11 of the report, to delegate authority to the relevant service Director in consultation with the service Portfolio Holder, the Director for Customer and Shared Services and the Chairman of General Purposes Committee, to approve redundancy/early retirement scenarios for all non-school employees;
3. that any redundancy/early retirement payments for non-schools based employees are made in accordance with the Managing Change policy of the Council or any other appropriate policy in force at the time of the delegation being implemented;

4. that in line with the practice of the predecessor authority, Central Bedfordshire Council should operate the discretion available under Regulation 52 of the Local Government Pension Scheme or the Teachers (Compensation for Redundancy or Premature Retirement) Regulations 2006 only in the most exceptional circumstances;
5. in accordance with paragraph 10 of the report, to delegate authority to the Director of Children, Families and Learning for all redundancy/early retirement cases for schools-based employees
6. that for a limited time only, in relation to any compulsory redundancies/early retirements relating to the senior management review and budget efficiencies, delegated authority be given to the Chief Executive in consultation with the relevant Service Director and relevant Portfolio Holder;
7. that a report be brought to the February 2010 meeting indicating the extent to which the delegated powers in relation to redundancies under resolution 6 above had been used and how much longer the powers should remain in place.

GPC/09/9 **Harmonisation of Terms and Conditions**

The Committee received an oral report advising on the progress of the project to harmonise terms and conditions of employees. It was noted that the work was progressing well despite some practical difficulties arising from the current directorates' re-organisation. It was noted that the effective date of the implementation of new terms and conditions would be 1 April 2010 and any which had not been finalised before then would be backdated to that date.

**RESOLVED** to note the oral report.

GPC/09/10 **Date of Next Meeting**

The Committee noted that the date of the next meeting was 10 February 2010.

The scheduled meeting date of 4 March 2010 would also be kept in reserve in case there was a need to consider Boundary Committee matters at that juncture.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.00 p.m..)

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**Meeting:** General Purposes Committee  
**Date:** 10 February 2010  
**Subject:** Update on Harmonisation Project  
**Report of:** Acting Assistant Director, Human Resources & Organisational Development  
**Summary:** This report provides Members with an update on the progress of the Harmonisation project.

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Contact Officer: Catherine Jones, Head of HR Strategy & Policy  
Public/Exempt: Public  
Wards Affected: none  
Function of: Council  
Key Decision No  
Reason for urgency/  
exemption from call-in n/a  
(if appropriate)

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

Moving all employees onto the same pay and conditions of employment is a key aim for Central Bedfordshire; however employment legislation does create some challenges to this which need to be carefully considered within this process.

##### **Financial:**

None arising from this report.

It is still too early to project the financial implications of the movement in pay and the three year pay protection that will apply for some employees, together with the harmonisation of terms and conditions of employment.

Details of the number of job evaluations (undertaken to date) where the CBC grade provides an increase in salary, the number that decrease, and those likely to remain unchanged will be reported to CMT on 3<sup>rd</sup> February 2010.

##### **Legal:**

The approach to harmonisation that the Council is proposing to take will need to comply with the relevant employment legislation.

##### **Risk Management:**

None resulting from this report.

**Staffing (including Trades Unions):**

Trade Unions will be consulted on the details of the proposal.

**Equalities/Human Rights:**

Will be taken into account.

**Community Safety:**

n/a

**Sustainability:**

n/a

**Summary of Overview and Scrutiny Comments:**

- This report has not been considered by Overview & Scrutiny.

**RECOMMENDATION(S):**

**1. that the Committee**

- (a)** Notes the issues impacting on the completion and implementation of the project;
- (b)** Notes the timetable for completion of the job evaluation of legacy district posts;
- (c)** Notes the legal context for the implementation of harmonisation.

*Reason for Recommendation(s): To keep the Committee updated on this project.*

## Background

1. The Harmonisation project covers three main elements of work (set out below) required to help move employees who transferred from three different legacy authorities to Central Bedfordshire Council on 1 April 2009 onto one pay and grading scheme and one common set of terms and conditions of service.
  - Job Evaluation
  - Terms and Conditions of Employment
  - HR Policies and Procedures

2. At previous meetings, Members have considered and approved HR Policies and Procedures which have then been adopted for all employees regardless of their previous legacy authority. Some further policies will come forward to the next meeting of the Committee.

Other information regarding the project has been provided by verbal updates to the Committee.

### Issues

3. There are a number of significant issues which are impacting on the completion and implementation of this project:-
  - the completion of the job evaluation work when this requires full co-operation of employees and managers, the impact of the delays caused by the BPR work in Sustainable Communities and some restructuring now impacting on work already completed
  - our approach to the implementation of any changes to terms and conditions of employment given the strong employment legislation surrounding TUPE
  - the expectation that full harmonisation of terms and conditions of employment for all staff is achieved with effect from 1 April 2010.

### Job Evaluation

4. The deadline for completion of job description questionnaires to be returned to HR was revised from 31/12/09 to 31/1/10 to reflect more realistically the pressures on services.
5. Whilst many of the job evaluations have been completed, there are still a number of outstanding areas, including a large number in Sustainable Communities (due in part to the BPR work).

In addition to the work on job evaluation for harmonisation, a further 280 job descriptions have also been written and evaluated.

6. Appendix A (to follow) provides a summary of the number of posts completed and those still outstanding as at 1 February 2010. The posts are split between those that are evaluated under the Hay job evaluation scheme and those under the NJC job evaluation scheme.

An updated position will be provided to Members at the meeting. The timetable below is tight, and relies on senior management support and pressure.

7. Key dates for the next phases of the project are as follows:-

1-12 <sup>th</sup> February –	completion of outstanding JDQs excluding agreed posts in Sustainable Communities
15 -19 February –	completion of job evaluation by HR
22 - 26 February -	completion of moderation within HR
1 - 19 March –	Advise ADs and HoS of results and adjust as necessary based on feedback
24 March – 31 March	Issue report to CMT (excluding some SC posts)
1 April	Advise trade unions of outcomes
26 April	Report to CMT on job evaluation outcomes of remaining SC posts.

8. The completion of this element of the project will provide information as to the best strategy to adopt on how we can then implement any changes to terms and conditions given the constraints of TUPE, and to understand all the associated costs.

### **Terms and Conditions**

9. The initial work on analysis and costing of terms and conditions has been completed and following a detailed review of a number of options, work is now progressing in preparing a report for CMT on 24 February 2010 with firmer proposals to consider.

### **HR Policies and Procedures**

10. Four further policies were approved by General Purposes Committee on 17 December 2009.

Subject to consultation with the trade unions three further policy documents should come to General Purposes Committee on 4 March 2010; these are:

- Home working
- Recruitment and Selection
- Market Supplements, Honoraria.

**Legal Context impacting on the harmonisation process**

11. Implementation of harmonisation for all employees who have transferred from the legacy authorities is unlikely to be achievable at 1 April 2010. Whilst we will wish to utilise the opportunities that arise under the economic, technical and organisational change umbrella, it is likely that there will be a number of employees who will remain on their legacy terms and conditions for a period of time
12. Where the new grade and salary provides for an increase in salary the employee will be given the choice to accept the new pay and associated CBC terms and conditions. However it is their choice and they may choose to remain on legacy pay and legacy terms and conditions.
13. Where there is no increase in pay or the job evaluation outcome results in the commencement of pay protection, there will be no means of implementing any changes to the terms and conditions of employment unless there is an economic, technical or organisational reason which provides a legal opportunity/reason to implement a change and move the employee onto CBC terms and conditions.

**Background Papers:** (open to public inspection)

**Location of papers:**

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Central  
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Chicksands,  
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<b>CONSTITUTION ADVISORY GROUP</b>
<b>DATE: 25 January 2010</b>

<b>TITLE</b>	<b>Delegated authority for the appointment of Assistant Directors</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Chief Executive	<b>5</b>

<b>PURPOSE</b>	To propose an amendment to the Constitution to allow for the Head of Paid Service (or delegated Director) to appoint Assistant Directors
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<b>ORIGIN OF PROPOSAL</b>	The proposal was discussed by Cabinet on 7/1/10 during an officer briefing in relation to the review of senior management
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<b>RECOMMENDATION:</b>	<b>That, subject to the endorsement of the General Purposes Committee the Council be recommended to amend sections E2 (8.1.1), F4 (5.1.4), H3 (3.2.1.3), and H4 of the Constitution to facilitate officer appointments of posts at Assistant Director level across the organisation, subject to Executive approval.</b>
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**SUPPORTING INFORMATION**

**Introduction**

1. Following a briefing for Cabinet Members in relation to the review of senior management structures, it was proposed that consideration be given to the delegation of appointments of posts at Assistant Director level to the Head of Paid Service (or delegated Director).
2. Rules governing the appointment of Directors and Assistant Directors (Chief and Deputy Chief Officers) are contained in statute, regulations and the Council’s Constitution. The latter currently provides that the Appointments Sub-Committee is responsible for the appointment of Assistant Directors (together with the Head of Paid Service and Directors).

**Proposal**

3. It is proposed that, subject to the endorsement of the General Purposes Committee on 10 February 2010, the Constitution Advisory Group consider making a recommendation to Council that the authority to appoint posts at Assistant Director level is delegated on an ongoing basis to the Head of Paid Service (or delegated Director).
4. However, given that Assistant Directors are classed as Deputy Chief Officers, it will still be necessary, before an offer of appointment is made, for the Monitoring Officer to notify every member of the Executive of the relevant details of the proposed appointments, and offers will not be made until it is confirmed that there are no material or well founded objections.
5. During this initial process of review, this will allow the Authority to fill these key roles quickly, following the principles contained with the Council’s Management of Change policy. Longer term, it will establish an appropriate level of delegation to officers.
6. This change would involve a number of amendments to the wording of sections of the Constitution, which relate to the appointment of Assistant Directors.

<b>Contact Officer Details:</b>
Gordon McFarlane – Acting Assistant Director (HR/OD) 01234 276679

<b>Key Background Papers:</b>
None

## **General Purposes Committee 15 January 2010**

### **Draft Minute – Delegated Authority for the Appointment of Assistant Director**

The Advisory Group considered a report of the Chief Executive proposing an amendment to the Constitution to allow for the Head of Paid Service (or delegated Director) to appoint Assistant Directors.

A discussion ensued regarding the position of statutory posts such as the S151 Officer, the Monitoring Officer and the Scrutiny Officer. It was noted that there was a legal requirement that an independent review take place before the postholders of the designated S151 Officer and the Monitoring Officer could be dismissed by the Council.

Members were reminded that appointments to any post at a lower tier than Assistant Director were statutorily required to be made by officers, not members of the Council.

Members were of the view that if the posts of S151 Officer and Monitoring Officer were at Assistant Director level or above, the appointments should be made by Members. All other Assistant Director appointments should be delegated to the Chief Executive.

A discussion took place on the review of the Senior Management Structure which was currently in progress.

Members noted that the proposals for the Senior Management Review, including moving to a four directorate model, had been subject of consideration by the Executive which had authorised the Chief Executive to implement the necessary arrangements, including a review of Assistant Director and Head of Service level posts. Following questions from Members, a copy of the relevant minute of the Executive was circulated at the meeting.

A view was expressed that there should be an opportunity for the emergent management structure to be subject to review at Member level to ensure it was fit for purpose.

Reference was also made to the fact that the outcome of the review would require amendments throughout the Constitution, including the structure diagram at part H2. It was noted however that the review was not yet sufficiently progressed to enable officers to advise the Advisory Group of the consequential amendments likely to be required to the Constitution. It would be necessary to report to Council at the appropriate time regarding the designation of statutory officers where these varied from the Council's current structure.

It was suggested that the management structure diagram included in the Constitution should perhaps be at a higher level and reflect the tier of officers to be appointed by Members.

**AGREED TO RECOMMEND**

**that, subject to the endorsement of General Purposes Committee, sections E2 (8.1.1), F4 (5.1.4), H3 (3.2.1.3) and H4 of the Constitution be amended to facilitate officer appointments of posts at Assistant Director level across the organisation.**

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**Meeting:** General Purposes Committee

**Date:** 10 February 2010

**Subject:** Appointments to Outside Bodies - Policy

**Report of:** Director of Corporate Resources

**Summary:** The report proposes a policy for making Member appointments to outside bodies, followed by a review in the autumn 2010 of the bodies to which appointments should be made from May 2011. The policy includes a proposal that appointments should not be made, other than as non-voting observers, to companies and charities unless they provide their own indemnity cover to Council appointees.

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Contact Officer: Barbara Morris, Assistant Director Legal and Democratic

Public/Exempt: Public

Wards Affected: All

Function of: Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Member appointments to outside bodies play an important part both in fulfilling the Council's statutory responsibilities and in providing strong community leadership.

### **Financial:**

Members' attendance at meetings of outside bodies as the Council's duly appointed representative is an approved duty for the payment of travelling and subsistence allowances, unless claimed from the outside body concerned.

### **Legal:**

Members' responsibilities and liabilities when serving on outside bodies, which vary according to the type of body and the capacity in which the member serves, are explained in more detail in the policy.

### **Risk Management:**

There are no strategic or service risks from appointments, but Members should be aware of their potential personal liabilities towards registered companies or charities on which they serve, which will not be covered by the Council's own insurance-backed indemnity unless they are serving on behalf of the Council as a non-voting observer.

### **Staffing (including Trades Unions):**

None.

**Equalities/Human Rights:**

None.

**Community Safety:**

None.

**Sustainability:**

None.

**RECOMMENDATION(S):**

1. That, subject to amendment to accommodate the recommendations of the Constitution Advisory Group, as set out in paragraph 8, the attached policy for making Council appointments to outside bodies be approved and circulated to all Members.
2. That, as a matter of principle, Council appointments should not be made, other than as non-voting observers, (a) to companies or charities which have not provided their own insurance-backed indemnity cover to Council appointees; and (b) to any unincorporated association where there is a significant risk of personal liability; and that any such existing appointments be rescinded unless the body confirms it intends to provide suitable cover.
3. That, in relation to all other current Council appointments, the Assistant Director Legal and Democratic be requested:-
  - (a) to ask all Members who have been appointed to an outside body to report in 6 months' time on the value or not of the Council continuing to appoint Members after May 2011, on the basis of the criteria set out in the policy; and
  - (b) to report back to this committee on the outcome.
4. That Members meanwhile be requested to report from time to time on the work of the bodies to which they have been appointed via the Members' Newsletter.

### **Our Current Appointments to Outside Bodies**

1. Since June 2009 the Council has made 161 Member appointments to 88 outside bodies of various descriptions, as set out in Appendix A. The current list of bodies is based on a review carried out in 2008/09 as part of the transition to Central Bedfordshire Council of all the bodies to which the three legacy authorities had previously made Member appointments. Members were also asked for their views on whether Central Bedfordshire Council should be represented on the organisation. That review achieved an overall reduction in the number of outside bodies to which this Council was appointing from nearly 200 across the three legacy authorities.
2. All appointments were made for the period until the next election in May 2011 under a Council authority at its annual meeting on 18 June 2009, which delegated the necessary authority to the Assistant Director Legal and Democratic in consultation with Group Leaders.

### **Reviewing the Value of Council Representation**

3. While some of the bodies are key strategic organisations or partners in service delivery, others are more locally-based, possibly in just one ward. Some are active and meet regularly while others may meet only infrequently or have a time-limited task to perform. With the Council now more firmly established and the expectation of only 59 councillors in 2011, Members may wish to conduct a further review of the current arrangements during 2010 to determine in particular whether it is
  - (a) desirable in terms of benefit to the Council and/or the local community,
  - (b) appropriate in terms of Members' roles and potential liabilities, and
  - (c) sustainable in respect of Members' time commitments after May 2011to continue the present extent of Council representation on outside bodies.
4. A clearer policy on outside body appointments will make such a review easier to accomplish. This will however need to be supplemented by good feedback from Members who currently sit on the various bodies to help us judge the value of Council representation. We suggest conducting another survey of Members in the autumn of 2010 to inform the review. It would therefore be extremely helpful if, over the next few months, Members could make their own assessments of the value of continued Council representation on each body, in preparation for that survey.

### **Key Issues for Consideration**

5. The attached draft policy (Appendix A) seeks to clarify several key issues which have been raised over recent months, with reference to the legal issues involved and comparisons with best practice in other local authorities.
  - 5.1 What is an outside body and what are our criteria for deciding whether to appoint Members?

- 5.2 In what capacity do our Members serve on that body and what are their responsibilities?
  - 5.3 What liabilities and indemnity cover do Members have when serving on outside bodies?
  - 5.4 In what circumstances would Members have a conflict of interests when serving on an outside body?
  - 5.5 Should Members be expected to report back to the Council on the work of the outside body and/or the usefulness of Council representation?
6. The current schedule of outside bodies (Appendix B) includes brief details of each body including its function or role; its legal status including whether it is a corporate or non-corporate body; whether it is strategic, ward-based or general in nature; whether it provides its own indemnity cover; whether the Council's appointed representatives are voting members or just observers; meeting arrangements; and the Member(s) who currently serve on it.
  7. We have also taken the opportunity also to attach advice which the Monitoring Officer issued in December 2009 (Appendix C) about the potential for conflicts of interest arising in relation to the business of outside bodies for Executive Members and the implications in terms of the Members' Code of Conduct.
  8. The Constitution Advisory Group considered the draft policy at its meeting held on 25 January 2010 and recommended:-
    1. **That a separate category be established within the policy to recognise those bodies which, whilst not part of the Council's formal governance structure, are in effect, informal Council-initiated consultative or liaison forums (eg leisure centre joint consultative groups) and do not therefore fall within the strict definition of "outside bodies" set out in paragraph 1 of the policy.**
    2. **That the list of outside bodies be reviewed to ensure that it is correct.**
    3. **That outside bodies be required to provide all necessary information before agreement is given to the appointment of a Council representative.**

**Appendices:**

Appendix A – Draft Policy on Appointments to Outside Bodies

Appendix B – Schedule of Outside Bodies 2009/11

Appendix C1 and C2 – Monitoring Officer's Advice on Conflicts of Interest

**Background Papers:** (open to public inspection)

None.

**Location of papers:** Not applicable.



**Appendix A**

**CENTRAL BEDFORDSHIRE COUNCIL**

**DRAFT POLICY ON MEMBER APPOINTMENTS TO OUTSIDE BODIES**

**Definition of an Outside Body**

1. For our purposes an outside body can be loosely defined as either a corporate or an unincorporated body which is not part of the Council's own governance structure but whose work helps in some way towards fulfilling the Council's own responsibilities and/or improving community life in Central Bedfordshire.
2. The term can embrace a diverse range of organisational purposes and structures and is in effect a "label of convenience" rather than an exact description. We have categorised outside bodies as either strategic, ward-based or general in nature.

**Criteria for Appointing Members**

3. Member appointments to outside bodies should only be made if there are clear benefits from this arrangement for either the Council or local communities, with reference to the descriptions below.

*Strategic Bodies:*

- 3.1 a body whose functions make a substantial contribution to the achievement of the Council's overall aims and objectives, as set out in its approved policies, plans and strategies, and to the delivery of essential local services;
- 3.2 an organisation which directly or indirectly represents local government (or aspects of its work) at local, regional or national level and whose membership comprises representatives of some or all local authorities;
- 3.3 an organisation to which the Council is required by statute to make appointments and where not doing so would affect the Council's ability to properly discharge its functions and obligations;

*Ward-Based Bodies:*

- 3.4 a local organisation or group, falling within one or more ward boundaries, which seeks the Council's assistance in meeting local needs;

*General Bodies:*

- 3.5 a voluntary/community organisation which receives funding from the Council and Member representation will provide a valuable mechanism for the exchange of information and views;
- 3.6 an organisation or discussion/liaison group where Council representation will in some other way provide clear 'added value' to either the Council or local communities in Central Bedfordshire.

**The Capacity in which Members Serve On Outside Bodies**

- 4. The capacity in which Members serve on outside bodies will mainly depend on:
  - 4.1 what legal form each organisation takes, and in particular whether it is incorporated as a separate legal entity or not;
  - 4.2 whether the appointment is to the main body or to a particular committee or sub-committee;
  - 4.3 whether the Member is acting as a voting or non-voting member.
- 5. Depending on the terms of the appointment, Members may serve as either:
  - 5.1 a board, executive or management committee member (voting);
  - 5.2 a committee or sub-committee member (voting);
  - 5.3 an ordinary member (voting only at the AGM);
  - 5.4 a company director (voting);
  - 5.5 a charity trustee (voting);
  - 5.6 an observer (non-voting); or
  - 5.7 a member of a discussion or liaison forum (where voting may not apply).

6. In relation to 5.6, an observer is a person who is not a member of the body but is invited to attend in order to give the body the benefit of the Council's views and to keep the Council informed of the body's actions.
7. The capacity in which the member serves, along with the organisation's duties and accountabilities under the law, as well as to any parent body or regulator, will determine the extent of their responsibilities and liabilities.

### **Members' Responsibilities and Potential Liabilities**

8. The type of organisation to which the Council make appointments is so diverse that it is virtually impossible to give comprehensive guidance that covers every situation. The circumstances will vary widely from one organisation to another, but for convenience they have been divided below between corporate and non-corporate bodies.

#### *Corporate Bodies*

- 8.1 A corporate body has its own legal personality and is responsible for its own governance arrangements, finances and contractual responsibilities. The body itself will incur direct liability for its actions or inactions. Individual members who are acting within any mandate given to them by that body will usually be protected by limited liability if it becomes insolvent (except in the case of wrongful or fraudulent trading).
- 8.2 A Member appointed to a corporate body must when attending meetings of the body act in that body's best interests, which may not necessarily be the same as the Council's. Members may of course bring to bear their own experience and knowledge as a councillor, and may have regard to the Council's interests, but have a duty to exercise independent judgement when making decisions. Members should not claim to act or give the impression that they are acting under a Council mandate.

8.3 In the event of a clear conflict of interests the Member should consider whether it is (a) minor or occasional enough that it can be dealt with by declaring an interest and withdrawing from either the organisation's meeting or the Council's meeting, or (b) so frequent or significant that it prevents the Member from effectively fulfilling their responsibilities towards the outside body, in which case resignation from the body may need to be considered. Conflicts of interest are likely to be more acute for Executive Members, particularly where the financial position of the outside body is under consideration and the body depends on Council financial support (see the Monitoring Officer's guidance at Appendix C).

8.4 Corporate bodies include statutory or chartered corporations (including local authorities, non-departmental public bodies, NHS trusts, colleges and community, foundation or voluntary schools); companies limited by shares; companies limited by guarantee (not-for-profit, including incorporated charities where liability is normally limited to a nominal £1); industrial and provident societies (not-for-profit, including most housing associations); and limited liability partnerships. In many cases the body will have accountability requirements to a regulator such as the District Auditor, another inspectorate or government department, or Companies House.

*Registered Companies*

8.5 A Member appointed to a registered company may, depending on the approach taken by that organisation, be expected to become a signed-up company director rather than an observer. If appointed as a company director, the Member will be acting on behalf of the body itself, not as a 'representative' of the local authority, even though the Council may have appointed them. Company directors must have their appointment filed with Companies House and must abide by the company's own Memorandum and Articles of Association. Under the Companies Act 2006 a company director has duties:

- (a) to act within the company's powers;
- (b) to promote the success of the company;
- (c) to exercise independent judgement;
- (d) to exercise reasonable care, skill and diligence;
- (e) to avoid conflicts of interest;

- (f) not to accept benefits from third parties;  
and
  - (g) to declare any interests in a proposed transaction or arrangement entered into by the company.
- 8.6 It should also be borne in mind that an observer, even though not formally a director, can in some circumstances assume the status of a 'shadow director' if they are especially influential in the company's decision-making process.
- 8.7 Examples of corporate bodies to which this Council has made appointments would be school governing bodies, hospitals' councils of governors, housing associations, Citizens Advice Bureaux and a number of other third sector organisations which are fulfilling social objectives in the Central Bedfordshire area (where listed as a company limited by guarantee or an industrial and provident society in Appendix B). There may be different levels of responsibility and accountability for ordinary members and management or executive committee members. The Council has made no voting appointments to companies limited by shares or limited liability partnerships but has appointed a non-voting observer to the Board of NIRAH, a private limited company.

#### *Statutory Bodies*

- 8.8 In some cases a Member will be acting as the Council's representative on a board, committee or body that is exercising specific statutory functions which are distinct from the Council's own functions, where Council membership is required by law. These would include a police or fire authority, regional flood defence committee, internal drainage board, joint access forum or conservation board; also EERA, as the regional chamber and planning authority. While each body will have its own purpose and constitutional arrangements, in general an appointed Member can be expected to play their part in supporting the body's work, but taking particular account of the need to safeguard the Council's best interests and those of its communities. There may be some potential for conflicts of interest where there is a financial relationship such as a levy or precept between the body and the Council.

#### *Non-corporate Bodies*

- 8.9 A non-corporate body has no separate legal personality and is in effect a collection of individuals who will usually be acting together under a formal structure such as a constitution, rules or terms of reference that have been agreed between the members.

*Advisory, Consultative or Liaison Bodies*

- 8.10 In many cases Members will be appointed to an advisory, consultative or liaison body of some kind. It could take the form of a joint committee, partnership arrangement or discussion forum between the local authority and one or more other public and/or private or third sector bodies. Again, the Member appointed will be acting as the Council's representative and contributing to that body's purposes while taking account of the best interests of Central Bedfordshire and its residents.
- 8.11 Examples would include local government forums such as the LGA and County Councils Network; key partnerships such as the LSP, the Community Safety Partnership and the BDAT Partnership Board. The potential for incurring liabilities or conflicts of interest as a result of membership is likely to be minimal.
- 8.12 In other cases the 'body' will be more of an informal discussion group, acting as a forum for the exchange of views and information and inter-agency consultation, often on quite local issues. Council appointments have been made to several quarry, waste and transport liaison groups, the cycling forum, leisure centre advisory groups and town centre partnerships or working groups. With no decision-making powers, the scope for liabilities or conflicts of interest arising should again be minimal unless perhaps if a planning consent were involved.

*Registered Charities*

- 8.13 Charities and charitable trusts can be conveniently subdivided into:
- (a) endowed grant-making trusts where the trustees' duties are primarily to protect the trust's assets and ensure the charity is well-managed in accordance with its stated purposes (including disbursement of its funds, for instance as small educational or welfare grants); several of these are currently listed in our schedule of outside bodies; and

- (b) voluntary organisations and community associations that exist to provide some kind of local service, which can present more risks particularly if they have charge of annual budgets and/or financial reserves, or contractual obligations towards staff, property or suppliers; for this reason most of those voluntary or community groups to which the Council has made appointments have already incorporated themselves as companies limited by guarantee, a form which presents less risk to individual members.

- 8.14 Where the organisation is a registered charity there will also be specific accountability requirements towards the Charity Commission which include always to act in accordance with the charity's stated purposes (set out in its charity registration and constitution or trust deed) and to submit an annual report and accounts.

*Other Unincorporated Associations*

- 8.15 An unincorporated association, having no separate legal existence, is no more than a group of individuals who agree to pursue a common purpose. Members may be asked to make a financial contribution, for example in the form of a subscription, and to sign a membership agreement which can include an agreement to contribute to liabilities incurred by other members. When a member acts on behalf of the unincorporated association, for example in buying equipment to be used by the association, he/she incurs a personal liability for the cost of that equipment and then seeks to recover that expenditure from the funds of the association or from the other members of the association. In particular cases, the association may be regarded in law as a partnership in which case each member may be personally liable for any debts incurred by any member of the association.
- 8.16 Because of this potential liability the Council should avoid appointing voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.
- 8.17 In general, Members who are appointed to charities, community associations or other third sector bodies (whether incorporated or not) should:
- (a) understand clearly the organisation's purposes and main objectives and their own role in the organisation;
  - (b) attend meetings regularly and take an active, informed and supportive role in the body's affairs;

- (c) take care always to act in the best interests of the organisation and in accordance with its rules or governing document, while contributing their knowledge and experience as a councillor;
- (d) satisfy themselves that the organisation has transparent governance arrangements, regular reports on its activities and sound financial management, with accounts regularly monitored; and that annual reports and accounts are submitted in timely fashion;
- (e) seek to protect the body's assets and manage its affairs prudently;
- (e) be aware of the main risks the body faces (including funding risks) and the steps to be taken to deal with them;
- (f) ensure it maintains its membership, so that the work of running the organisation and any financial obligations continue to be shared by a reasonable number of people;
- (g) behave ethically in accordance with the organisation's own code of conduct, if they have one, or otherwise the Council's Code of Conduct for Members;
- (h) not gain or seek to gain from their appointment any benefit or remuneration (beyond any travel or other allowances formally approved by the body);
- (i) ensure the organisation has appropriate health and safety and equal opportunities policies and adequate insurance arrangements;
- (j) seek to safeguard the Council's interests on those bodies which are funded by or through the Council, to the extent that this does not conflict with their duties towards the organisation; and
- (k) seek advice from the Monitoring Officer or other relevant Council officer if they have concerns about the running of the body.

### **Indemnity and Insurance Cover**



9. The Council's Indemnity for Members and Officers (at Part 6 of the Ethical Handbook at the back of the Constitution) provides cover in connection with any liability the member may incur by reason of any action, or failure to act, which has been authorised by the Council or which forms part of, or arises from, any duties or functions placed upon the Member. This includes functions arising from the Member's service on an outside body, where the Member has been officially appointed by the Council and the outside body itself does not provide its own cover. Insurance cover is only provided, however, when either the Member is sitting on the outside body purely to represent the Council, or the body on which the Member sits is acting only in the interests of the Council.
10. This means that the Council's insurance-backed indemnity would extend to membership of statutory bodies, where the Member would be acting as the Council's representative (in situations where the body did not provide its own cover); to membership of the many advisory, consultative or liaison bodies of which the Council is a member; and to situations where the Council's representative was appointed purely as a non-voting observer on a company or other incorporated body. Insurance cover would not be provided, however, where the Member was appointed by the Council to serve as either a company director or a charity trustee, where their primary obligations would be to that body rather than to the Council. In this situation the outside body should be expected to provide its own indemnity, to avoid any potential liability falling back upon the Council.
11. The Schedule of Outside Body Appointments shows where appointments are understood to be covered by the Council's own indemnity and where they are covered by the company or charity concerned. As a matter of principle, Council appointments should not be made, other than as non-voting observers, to companies or charities which have not provided their own insurance-backed indemnities to appointed Members, nor to any unincorporated association where there is a significant risk of personal liability.
12. To avoid any potential liability, non-voting observers sitting on registered companies should take care not to exercise undue influence over the decisions of those companies.
13. In no circumstances will the Council's indemnity/insurance cover Members who are serving on an outside body in a personal capacity, i.e. at their own choice rather than by formal Council appointment.

### **Conflicts of Interests**

14. As indicated earlier, Members appointed by the Council to an outside body will, when sitting on that body, often have duties to the organisation which take precedence over their duties to the Council. This will depend on the type of organisation on which they serve. Members will therefore wish to consider, at any time when it appears that the organisation's interests may conflict with the Council's interests, whether that conflict prevents them from taking part in decision-making either at the organisation's meeting or at the Council's meeting.
15. Under the Council's Code of Conduct for Members a personal interest always arises from membership of an outside body "of which you are a member or in a position of general control or management", including one to which a Member has been appointed or nominated by the Council. This interest needs to be recorded in the Register of Members' Interests and declared at any meeting where the business relates to or is likely to affect that body, although it does not impede full participation in the Council's meeting.
16. A personal and prejudicial interest will arise "where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest", but only where the business at hand either:
  - (a) affects the financial position of the outside body; or
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to that body.
17. Where a personal and prejudicial interest does arise at a Council meeting, the Member must withdraw from the room and take no further part in the discussion. The Monitoring Officer's advice note to Executive Members (Appendix C) elaborates.
18. For the sake of clarity it is unlikely, owing to an exemption in the Members' Code of Conduct regarding the setting of Council Tax, that a personal and prejudicial interest will arise solely by reason of funding for an outside body being included in the Council's overall annual budget at the time it is submitted in draft form for Council approval. An exception to this would be if a specific decision is sought about that particular organisation's funding arrangements.

### **Bias and Predetermination**

19. Where membership of an outside body gives rise to a personal and prejudicial interest, it would be a breach of the Code of Conduct for a Member to participate within the Council on matters which affect that outside body. However, the common law goes further than the Code of Conduct in this respect and provides that decisions of the Council may be open to judicial review and held to be invalid where any Member who participated in that decision was, or gave the appearance that they might be, either "predetermined" or "biased".
20. "Predetermination" would arise if a Member made up their mind on a matter before they had all the relevant information to make that decision; it could be a particular problem in respect of outside bodies which made representations to the Council on matters such as planning and licensing applications, where a Member may be asked to take a view on a matter in the outside body, and then have to take a formal decision on the matter within the Council. Members who will be involved in decision-making within the Council should therefore be careful not to commit themselves, or appear to commit themselves, in advance as to how they will vote in the Council.
21. "Bias" would arise if a Member took a decision within the Council not on a balanced consideration of material factors, but allowed their decision to be improperly influenced by loyalty to an outside body, or agreed to act on the direction of an outside body.
22. For this reason any Member serving on an outside body should be particularly careful in dealing with any matter within the Council not to give the appearance of predetermination or bias.

### **Reporting Back on the Work of Outside Bodies**

23. Members may wish to report back to their colleagues on the work of the outside body to which they are appointed by contributing an occasional article to the Members' Newsletter.
24. Any such articles should be forwarded to Member Services in Legal and Democratic Services.

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CORPORATE BODIES (NON-STATUTORY)	Aragon Housing Association	Bedford & Milton Keynes Waterway Partnership Board	Bedford Hospital Council of Governors	Bedford Race Equality Council
Function/role	Policy approval and monitoring of housing management standards for Aragon property in area.	To promote and assist the creation of a linked chain of waterway parks between the River Great Ouse in Bedford and the Grand Union Canal in Milton Keynes.	To consult on development plans, significant changes in hospital services. Represent members' views in developing forward plans. Receive financial accounts, annual reports and appoint auditors. Ensure a public perspective on hospital performance.	Provides advice and support to groups and individuals in matters of racial discrimination / harassment and on best practice.
Status & registration no. (if any)	Industrial and Provident Society 27816R. Registered Social Landlord L4048 (Tenant Services Authority)	Registered charity 1114294. Company limited by guarantee 5760839.	NHS Trust (seeking Foundation status)	Registered charity 1111652. Company limited by guarantee 4205560.
Strategic, General or Ward	S	S	S	G
Members' role	Full voting member & company director	Full voting member	Full voting member	Non-voting observer
Indemnity provided	Yes	Yes	Yes	Not applicable - observer only
Conditions or Comments	One of the representatives should be the Portfolio Holder for Housing	LA representation not a requirement but LA involvement an essential part of the partnership process. Appointment should be Portfolio Holder for Economic Growth & Regeneration	People in north of area are more likely to use to Bedford and people in south Luton or Aylesbury. Trust seeking to become NHS Foundation Trust requiring a Council of Governors to be established.	LA representation not a requirement but appointees must be over 18
Frequency of meetings	6 per year	3 per year	Quarterly	Quarterly plus AGM
Usual day, time and venue	Tues 6.30pm Amphill	W'days 10-noon County Hall Bedford or Cent Milton K'ynes	To be arranged	Thurs 6.30pm
No. of CBC clrs (subs) required	2(0)	1 (1)	1 (0)	1 (1)
Appointments from 01/09/2009 to 09/05/2011	Clirs Peter Blaine + one vacancy (Cons.)	Clr Ken Matthews	Clr Andrew Turner	Clr Mrs Rita Drinkwater (Sub: Clr Nigel Aldis)

<b>CORPORATE BODIES (NON-STATUTORY)</b>	<b>Bedfordshire Rural Communities Charity</b>	<b>Buzzer Buses (Dial-a-Ride) Ltd</b>	<b>Christian Family Care</b>	<b>Community &amp; Voluntary Service (Mid/North Beds)</b>
Function/role	To see thriving and sustainable communities across Bedfordshire and Luton.	To provide door-to-door transport for elderly and disabled people within a 5 mile radius of Leighton Buzzard.	Provider of family services in accommodation and community (formerly on behalf of Beds CC and MBDC).	To support the local voluntary and community sector.
Status & registration no. (if any)	Registered charity and company limited by guarantee	Registered charity 1109107. Company Limited by Guarantee 5338802.	Registered charity 276677. Company Limited by Guarantee 137119.	Registered charity 1091423. Company Limited by Guarantee 4312967.
<b>Strategic, General or Ward</b>	S	G	G	G
Members' role	Ordinary member - voting at AGM (entitled to be elected to Board)	Non-voting observer	Non-voting observer	Non-voting observer
Indemnity provided	No - would expect CBC to cover	Not applicable - observer only	Not applicable - observer only	Not applicable - observer only
Conditions or Comments	LA representation not a requirement. Rep is appointed to the organisation not to the Board and only meeting is the AGM. Receives Council grants.	LA representation not a requirement of the constitution. Receives Council grant.	LA representation not a requirement	LA representation not a requirement
Frequency of meetings	AGM only	Every 2 months	Quarterly	6-8 per year
Usual day, time and venue	Varies	7.30pm at Buzzer Office Leighton Buzzard	Monday 7.30pm at Chairman's home	Evenings, Bedford
No. of CBC clrs (subs) required	1	1	1	1
Appointments from 01/09/2009 to 09/05/2011	Cllr Norman Costin	Cllr Ken Sharer (Sub: Cllr Peter Snelling)	Cllr Mrs Jane Lawrence	Cllr Lewis Birt

CORPORATE BODIES (NON-STATUTORY)	Cranfield University Court	Dunstable Citizens Advice Bureau	Dunstable College Board (CBC nominates only, the College appoints)	East & North Herts NHS Trust
Function/role	To advance, disseminate & apply learning & knowledge in the disciplines of the Sciences, Engineering, Technology and Management & apply them to the practices of design, development & manufacture & to the organisation of industry and the public services.	Provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities.	Further education college.	Represents community views & interests; influences spending & investment decisions; approves appointment of Trust's Chief Exec; considers annual accounts; ensures Trust operates within its terms of authorisation.
Status & registration no. (if any)	Educational charity (founded by Royal Charter)	Registered charity 1110676. Company limited by guarantee 5408107.	Exempt charity created by statute	NHS Trust (seeking Foundation status)
Strategic, General or Ward	G	G	S	S
Members' role	Voting at AGM	Voting at AGM only (to elect directors)	Full voting member	Will be a partner governor once Foundation status is achieved.
Indemnity provided	Public liability insurance. No other liability should arise.	No	Yes	To be advised in due course.
Conditions or Comments	Comment from a member that the one meeting a year is purely ceremonial and Member appointed therefore ought to be the Chairman of the Council	LA representation not a requirement	Local authority representation is not a requirement. Under its January 2008 Instrument of Government the College appoints members based on skills and experience - for which a CBC nominee has been invited.	Cannot be a member of more than one Foundation Trust; Member will be 1 of 6 local council governors on 38 strong Council of Governors.
Frequency of meetings	Annual meeting in May	Quarterly + AGM	4 Board meetings p.a. + termly committee meetings, 2 away days	To be advised in due course.
Usual day, time and venue	Wed 6pm Cranfield University	Thurs 7.30pm Grove House Dunstable	8.30am in boardroom at main College site	To be advised in due course.
No. of CBC clrs (subs) required	1	2	1	1
Appointments from 01/09/2009 to 09/05/2011	Cllr Brian Spurr	Cllrs Tony Green & Mrs Carole Hegley	Cllr Mrs Christina Turner	Cllr John Street

<b>CORPORATE BODIES (NON-STATUTORY)</b>	<b>Groundwork Trust for South Beds &amp; Luton Advisory Panel</b>	<b>Leighton Buzzard Narrow Gauge Railway Society</b>	<b>Leighton Linslade Citizens Advice Bureau</b>	<b>Luton and Dunstable Hospital Council of Governors</b>
Function/role	Supports voluntary, public and private organisations to take action to improve the environment and aims to build sustainable communities through joint environmental action.	Operation of narrow gauge light railway on the tracks of the former Leighton Buzzard Railway.	Provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities.	To consult on development plans, significant changes in hospital services. Represent members' views in developing forward plans. Receive financial accounts, annual reports and appoint auditors. Ensure a public perspective on hospital performance.
Status & registration no. (if any)	Registered charity 293141. Company limited by guarantee 1944186.	Industrial & Provident Society 20830R	Registered charity 1117337. Company limited by guarantee 5957866.	NHS Foundation Trust
<b>Strategic, General or Ward</b>	S	W	G	S
Members' role	Non-voting observer (general guidance & support at advisory panel meetings).	Non-voting observers	Non-voting observers. Could choose to become company directors and trustees.	To be advised
Indemnity provided	Not applicable - observer only	Not applicable - observer only	Yes for directors/trustees (but not applicable if observers).	To be advised
Conditions or Comments	LA representation not a requirement. Receives Council grant.	LA representation not a requirement	LA representation not a requirement	Has 2 LA Governors: 1 CBC, 1 LBC. Cannot be member of CBC's Health Scrutiny Committee. May not hold office for longer than 9 consecutive years; not eligible for re-appointment if already held office for more than 6 consecutive years.
Frequency of meetings	6 per year but likely to reduce to 3 or 4	Monthly	6 per year	Minimum of 3 per year
Usual day, time and venue	Wed 2pm	Fri 8pm Pages Park Station	Normally Thurs 7.30pm but occasionally lunchtime	Wed 6.30pm at Hospital or Vauxhall Centre Luton
No. of CBC clrs (subs) required	1	1(1)	2	1
Appointments from 01/09/2009 to 09/05/2011	Cllr David McVicar	Cllr Adam Fahn (Sub. Cllr Ray Berry)	Cllrs Brian Spurr (voting) & Peter Snelling	Cllr John Kane



<b>CORPORATE BODIES (NON-STATUTORY)</b>	<b>Luton Gateway (Luton and South Beds Local Delivery Vehicle)</b>	<b>Luton Law Centre Management Committee</b>	<b>Marston Vale Trust</b>	<b>Mid Bedfordshire Citizens Advice Bureau</b>
Function/role	To drive sustainable development in L&SB (MKSM) area; promote a step change in housing/growth that is infrastructure and jobs-led; stimulate investment to deliver key economic, social and green infrastructure requirements; capture funds from any increase in land values to provide infrastructure or community benefit.	To provide free, independent legal advice and casework services in social welfare law.	To promote the environmentally-led regeneration of the Marston Vale and the provision of public recreational facilities in the Marston Vale and surrounding areas.	Provides free, confidential advice on a wide range of topics including debt, benefits, housing, employment, family and personal issues, consumer, immigration and discrimination.
Status & registration no. (if any)	Will be company limited by guarantee (registration process not yet completed)	Registered charity 1039998. Company limited by guarantee 2906544.	Registered charity 1069. Company limited by guarantee 3462405.	Registered charity 1109976. Company limited by guarantee 5351800.
<b>Strategic, General or Ward</b>	S	G	G	G
Members' role	Will be full voting members and company directors	Full voting member and company director/trustee - or could choose to be observer.	Full voting member - company director & trustee	Full voting members - company directors & trustees
Indemnity provided	Will provide once company registration is completed.	No	Yes	Yes
Conditions or Comments	LA representation essential. Normally Portfolio holders for (a) Sustainable Development and (b) Economic Growth & Regeneration. Substitute nomination delegated to Leader/Chief Exec.	LA representation is provided for in Memorandum & Articles but Committee would not be invalidated if LA chose not to appoint	LA representation not a requirement. Receives Council grant.	LA representation not a requirement; trustees must be members of the company.
Frequency of meetings	Undecided	Monthly except Aug & Dec	5 per year	6 per year
Usual day, time and venue		2nd Mon 6pm	Wed 4.30pm	Weekdays 7.30pm Shefford
No. of CBC clrs (subs) required	2	1	1	2
Appointments from 01/09/2009 to 09/05/2011	Cllrs Tom Nicols & Ken Matthews	Cllr Peter Hollick	Cllr Mrs Fiona Chapman	Cllr Mrs Alison Graham + one vacancy

CORPORATE BODIES (NON-STATUTORY)	Mid Beds Link-a-Ride Community Transport Ltd	NIRAH Board (National Institute for Research into Aquatic Habitats)	Raglan Housing Association Midlands & East Regional Committee	Relate (Bedfordshire & Luton)
Function/role	To provide door to door service for those people who are unable to use ordinary transport because of disability.	Transformation of disused brick pits near Stewartby into a 40 hectare freshwater aquarium and international research centre.	Provides housing, assistance & facilities for people who are poor, aged, disabled or chronically sick.	To provide relationship counselling to couples, individuals, young people and families; also sex therapy, relationship training, education programmes and workshops.
Status & registration no. (if any)	Industrial and Provident Society 27887R	Company limited by guarantee 500800	Industrial & Provident Society 20558R. Registered Social Landlord L1556 (Tenant Services Authority)	Registered charity 1096688. Company limited by guarantee 4672292.
Strategic, General or Ward	G	S	G	G
Members' role	Full voting members - management committee members	Non-voting observer	Sub-committee member	Currently non-voting observer, but Relate would prefer appointee to be company director/trustee.
Indemnity provided	Yes	Yes	Yes	Yes, for company directors/trustees
Conditions or Comments	LA representation is a requirement under the Rules of the body. Receives Council grant.	Observer status only, on behalf of Beds Funding Consortium	LA representation not a requirement; desirable for member nominated to be in former Mid Beds Portfolio Holder for Housing.	LA representation not a requirement - optional only
Frequency of meetings	Quarterly		Quarterly	6 per year + AGM + sub groups as required
Usual day, time and venue	Tues 7pm		Thurs 10.30am at hotel in Bedford	Wed 5.30-8.30pm
No. of CBC clrs (subs) required	Suggest 3	1 observer	1	1 (1)
Appointments from 01/09/2009 to 09/05/2011	Clirs Nigel Aldis, Mrs Fiona Chapman & Paul Duckett	Cllr Richard Stay	Cllr Mrs Rita Drinkwater	Cllr Gary Summerfield

CORPORATE BODIES (NON-STATUTORY)	RIGHTS Luton	South Beds Dial-a-Ride	(blank)	(blank)
Function/role	Provides advice and support for the unemployed on benefits and employment.	To provide door-to-door transport for the disabled and elderly frail of Bedfordshire who are unable to use normal public service transport.		
Status & registration no. (if any)	Registered charity 1096672. Company limited by guarantee 5828180.	Industrial and Provident Society 25620R		
Strategic, General or Ward	G	G		
Members' role	Full voting member - management committee member	Full voting members - management committee members		
Indemnity provided	No	Yes		
Conditions or Comments	LA representation not a requirement. Receives Council grant.	LA representation not a requirement. Receives Council grant.		
Frequency of meetings	Every 2 months	6 per year		
Usual day, time and venue	First Tues at 15 New Bedford Rd Luton	7.30pm Totterhoe		
No. of CBC clrs (subs) required	At Council's discretion. Suggest one rep.	2		
Appointments from 01/09/2009 to 09/05/2011	Cllr Mrs Susan Goodchild	Cllrs Dr Rita Egan & Ken Sharer		

CORPORATE BODIES (STATUTORY)	Anglian (Central) Region Flood Defence Committee	Bedford Borough Council Pensions Committee	Bedfordshire & Luton Combined Fire Authority	Bedfordshire & Luton Joint Access Forum
Function/role	To carry out the flood defence function of the Environment Agency in the Anglian (Central) Region, including consultation on local flood defence schemes.	To discharge the functions of Bedford Borough Council as LGPS Administering Authority on behalf of its 3 member authorities (BBC, CBC & LBC) and other admitted bodies.	Combined Fire and Rescue Authority for the areas of Bedford Borough, Central Bedfordshire and Luton Borough.	Independent advisory group and statutory consultee, working to improve public access to the countryside in Beds & Luton for open air recreation & enjoyment.
Status & registration no. (if any)	Statutory body (S.106 Water Resources Act 1991 and S.15/Sch.5 of Environment Act 1995)	Statutory body (Ss 7 & 12 Superannuation Act 1972 and Local Government Superannuation Regulations 2007)	Statutory body (S.2, Fire & Rescue Services Act 2004 and Beds Fire Services (Combination Scheme) Order 1996, S.I. 1996/2918.	Statutory body (S.94 Countryside & Rights of Way Act 2000 & Local Access Forums Regulations 2002.
Strategic, General or Ward	S	S	S	S
Members' role	Full voting member	One voting (Cllr Lawrence), one non-voting (Cllr Snelling)	Full voting member	Full voting member
Indemnity provided	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	Persons appointed should have some experience of the committee's functions.	Must be elected Members. Proportionality does not apply where only 2 Members are appointed.	Must be elected members. Local authority places are allocated to BBC, CBC & LBC in proportion to their electorates (see report item L2 to CBC Shadow Executive 30/09/08).	Must have an interest in outdoor access issues. Normally Portfolio holder for Culture & Skills or their Assistant.
Frequency of meetings	4 per year	2 formal meetings + annual meeting + min. 8 Pensions Fund Panel meetings per year	Quarterly + AGM	Up to 6 per year
Usual day, time and venue	Thurs 10am Brampton Agency Office	Main meetings 4pm Bedford. 4 Panel meetings per year 10.30am in London.	Ordinary mtgs - 10 am Dunstable Community Fire Station. AGM - 10 am F&R Service HQ, Kempston	Varies - 7.30pm weekdays
No. of CBC clrs (subs) required	1(1)	2 (only one with voting rights)	5, who must be appointed under normal CBC proportionality rules	1
Appointments from 01/09/2009 to 09/05/2011	Cllr Mrs Tricia Turner	Cllrs David Lawrence (voting), Peter Snelling (non-voting)	Cllrs Tony Brown, Tony Green, John Saunders, Peter Snelling, John Street	Cllr Mrs Christina Turner

CORPORATE BODIES (STATUTORY)	Bedfordshire & River Ivel Internal Drainage Board	Bedfordshire Police Authority (nominations only) & Joint Selection Committee	Buckingham & River Ouzel Board	Chilterns AONB Conservation Board
Function/role	Exercises a general supervision over all matters relating to the drainage of land within the district, excluding main river.	JSC - to make formal appointments to the Bedfordshire Police Authority. Bedfordshire PA - to be the Police Authority for the areas of Bedford Borough, Central Bedfordshire and Luton Borough.	Exercises a general supervision over all matters relating to the drainage of land within the district, excluding main river.	To conserve and enhance the natural beauty of the Area of Outstanding Natural Beauty (AONB) and to increase the understanding and enjoyment of its special qualities.
Status & registration no. (if any)	Statutory body (S.3 Land Drainage Act 1991 & Reconstitution of the Bedfordshire & River Ivel IDB Order 1993)	Statutory body (S.3, Police Act 1996 & Police Authority Regulations 2008, S.I. 2008/630)	Statutory body (S. 3 Land Drainage Act 1991 & Amalgamation of Buck. & R. Ouzel ID Districts Order 2001)	Statutory body (Chilterns AONB Order 2004, amended by Reg. 20, Loc Govt (Structural Changes) Order 2009)
Strategic, General or Ward	G	S	G	S
Members' role	Full voting members	Full voting members (JSC and PA)	Full voting members	Full voting member
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	Local levying councils have representation according to the value of their land in the drainage district; prefer members with local knowledge and interest in drainage or flood management issues.	Must be elected members. BBC, CBC & LBC decide allocation of JSC places between them. JSC determines number on PA and makes the formal appointments (see report item L2 to CBC Shadow Executive 30/09/08).	Local levying councils have representation according to the value of their land in the drainage district; prefer members with local knowledge and interest in drainage or flood management issues.	LA representation is a requirement under the AONB Order 2004
Frequency of meetings	Full Board meetings bi-annual	JSC: following council elections. PA: quarterly	Full Board meetings bi-annual	Quarterly + Exec & Planning Committees quarterly
Usual day, time and venue	Mon pm Elstow playing field hall	times??. Bridgbury House, Woburn Road, Kempston	Tues 2pm Longueville Hall Newton Longueville	Board & Exec 10.30am no set day, Planning Wed 10.30 am all in Village Centre, Chinnor.
No. of CBC clrs (subs) required	5	JSC: 5, must reflect proportionality across all 3 authorities. PA:4	6	1
Appointments from 01/09/2009 to 09/05/2011	Cllrs Lewis Birt, Tony Brown, David Lawrence, Howard Lockey & Tom Nicols	PA nominations: Cllrs Fiona Chapman, Ms Alison Graham, Peter Hollick, Mrs Christina Turner. JSC apptm'ts: 4 + Cllr Brian Spurr	Cllrs David Hopkin, Howard Lockey, Tom Nicols, Peter Rawcliffe, Alan Shadbolt & Peter Snelling	Cllr Mrs Marion Mustoe

CORPORATE BODIES (STATUTORY)	East of England Regional Assembly	East of England Regional Planning Panel	Milton Keynes Partnership Committee	PATROL & Bus Lane Adjudication Joint Committees
Function/role	To promote the economic, social and environmental well being of the region	To promote the economic, social and environmental well being of the region. EERA is the designated regional planning body	To contribute to the successful and sustainable growth of Milton Keynes, incl. planning, coordinating & implementing development within the MK Urban Development Area.	Provision for adjudication for Councils undertaking civil enforcement of parking & traffic regulations outside London and bus lanes.
Status & registration no. (if any)	Statutory body (S.8 Regional Dev. Agencies Act 1998 & S.2 Planning & Compulsory Purchase Act 2004)	Statutory body (S.8 Regional Dev. Agencies Act 1998 & S.2 Planning & Compulsory Purchase Act 2004)	Statutory body: powers delegated by Homes & Communities Agency (formerly New Towns Commission & Urban Regeneration Agency)	Joint Committee (discharging functions under S.81 Traffic Management Act 2004 & 2007 Regulations)
Strategic, General or Ward	S	S	S	S
Members' role	Full voting member	Full voting member	Non-voting observer	Full voting members
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	LA representation is a requirement, normally the Leader	LA representation is a requirement		LA representation is a requirement under the Deed of Agreement. Representative must be a member not an officer
Frequency of meetings	Quarterly	5 per year	Quarterly	a. 1 per year for joint c'ttee b. 1 per year for exec sub c'ttee
Usual day, time and venue	am Cambridge		Tuesdays (whole day), various venues in MK.	a. Tues Jan b. Tues end June
No. of CBC clrs (subs) required	1, subject to review	1	1 observer	1 (1)
Appointments from 01/09/2009 to 09/05/2011	Cllr Mrs Tricia Turner	Cllr Tom Nicols	Cllr Tom Nicols	Cllr David McVicar (Sub. Cllr Budge Wells)

<b>CORPORATE BODIES (STATUTORY)</b>	<b>Arlesey Landfill Liaison Group</b>	<b>Bedfordshire &amp; Luton Local Government Association</b>	<b>Bedfordshire Drugs &amp; Alcohol Team (BDAT) Partnership Board</b>	<b>Bedfordshire Rural Transport Partnership (Exec Steering Group)</b>
Function/role	To act as forum for information, consultation & discussion on planning permission conditions, legal agreements & operations relating to/at the landfill site.	To draw attention to local govt issues in Beds; exchange views; promote public participation; commission research; influence the LGA; promote the county's interests; coordinate community planning; promote the sub-region's well-being.	To oversee the establishment and delivery of BDAT's strategic priorities.	To improve transport in rural areas in response to needs identified by the community
Status & registration no. (if any)	Informal liaison group (includes residents, Environment Agency and Arlesey Landfill site owners).	Unincorporated association	Advisory partnership body including PCT, police, probation, prison service, Go East.	Unincorporated association (administered by Bedfordshire Rural Communities Charity)
Strategic, General or Ward	W	S	S	S
Members' role	Not a voting group	One vote per member authority (Cllr Mrs Turner)	Full voting member	Full voting members
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	Members for Arlesey (1), Stotfold (1) and Shillington & Henlow (1) to be appointed	Normally Leader, Deputy Leader & one minority group member. Leader to discuss the future of the branch with Bedford and Luton BCs.	LA representation is a requirement, Normally Portfolio Holder for Social Care, Health & Housing.	Requirement for LA representation by portfolio holder in transport or related area
Frequency of meetings	Every 6 months	Annually	Minimum 4 a year	Every 6 months
Usual day, time and venue	Tues 5pm Arlesey VH	AGM March. Location rotates.		Wed pm Chicksands
No. of CBC clrs (subs) required	3	3(3)	1(1)	4 (2)
Appointments from 01/09/2009 to 09/05/2011	Cllrs Ian Dalgarno, Tony Rogers & John Street	Cllrs Mrs Tricia Turner (voting), Richard Stay, Ms Alison Graham (Subs: Cllrs Peter Blaine, Peter Rawcliffe, John Street)	Cllr Mrs Carole Hegley	Cllrs Nigel Aldis, Angela Barker, David McVicar & Ken Matthews (Subs: Cllrs Dennis Gale & Tony Northwood)

UNINCORPORATED BODIES (ADVISORY)	Biggleswade Town Centre Partnership	Broom Quarry Liaison Group	Central Bedfordshire Cycling Forum	Community Safety Partnership (Executive Group)
Function/role	Informal partnership body established in December 2008 to provide advice, guidance and support to officers in the development of a Biggleswade Town Centre Strategy and Masterplan.	To discuss progress in the working and restoration of the quarry owned by Tarmac Ltd.	To facilitate discussion between the council and local cycling groups. Replaces former County Cycling Forum.	To enable effective partnership working between public, private and voluntary sectors to reduce crime and provide reassurance to Central Bedfordshire's communities.
Status & registration no. (if any)	Consultative/advisory group	Informal liaison group	Discussion group	Public partnership body
Strategic, General or Ward	S	G	S	S
Members' role	Full voting members	Not a voting group	Not a voting group	Full voting member
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	One place reserved for Portfolio Holder for Economic Growth & Regeneration. Two places reserved for Biggleswade ward members.	LA representation a requirement of the Section 106 Agreement	New terms of reference to be agreed (first meeting September 2009).	Under its constitution, the Member will be the Portfolio Holder for Community Safety
Frequency of meetings	Every 2 months, for up to 24 months (task & finish).	Twice yearly	3 per year	At least quarterly
Usual day, time and venue	TBA	On a convenient day 6.30pm Broom Quarry Offices	Rotate between Council offices	
No. of CBC clrs (subs) required	3 (0)	3	1	1
Appointments from 01/09/2009 to 09/05/2011	Cllrs Maurice Jones, David Lawrence & Ken Matthews (PFH)	Cllrs Jon Clarke, Ms Caroline Maudlin, Tony Rogers	Cllr David Bowater (Cllr Nigel Aldis sub)	Cllr David McVicar



UNINCORPORATED BODIES (ADVISORY)	County Councils Network - CCN Council	East of England Chairmen of Health O&S Committees' Forum	Flitwick Leisure Centre Joint Consultative Group	Flitwick Town Centre Partnership
Function/role	National network of county councils (now including unitaries), working closely with the LGA to represent the voice and interests of member authorities and share good practice.	Reviews substantial developments or variations in NHS services in the Region being consulted upon by the relevant NHS bodies across the whole or substantial parts of the 10 social services authorities in the area.	To co-ordinate consultation and consider schemes for improvement or enhancement to the Flitwick Leisure Centre within the framework of the relevant management agreement.	Town Centre refurbishment
Status & registration no. (if any)	Local government consultative/advisory body	Local government discussion forum, comprising Health O&S Chairmen in the region	Consultative/advisory group	Consultative/advisory group
Strategic, General or Ward	S	S	W	W
Members' role	Full voting members	Not a voting group	Full voting member	Non-voting observers
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	Normally Leader, Deputy Leader & 2 other members	LA representative to be the Chairman of CBC Social Care, Health and Housing Overview and Scrutiny Committee.	Reps to include either Portfolio holder or Assistant Portfolio holder, one rep to be local to facility; meetings administered by contractor Stevenage Leisure Ltd	
Frequency of meetings	CCN Council 2x a year. Executive (political nominations) 4x a year.	No fixed dates - meet as and when to consider region-wide issues referred to it		Twice monthly
Usual day, time and venue	LGA, Smith Square, London SW1. Group mtgs 10.30am, main session 12.00-2.00pm.	No fixed venue		1st and 3rd Tues of month (except Aug)
No. of CBC clrs (subs) required	4	1 (1)	2	2
Appointments from 01/09/2009 to 09/05/2011	Cllrs Mrs Tricia Turner, Richard Stay, Maurice Jones & Peter Blaine	Cllr Miss Anne Sparrow	Cllrs Steve Male & Gary Summerfield	Cllrs Dennis Gale & Andrew Turner

UNINCORPORATED BODIES (ADVISORY)	Haynes Green Waste Liaison Group	Henlow Multi-Use Games Area Management Committee	Leighton Buzzard Community Liaison Group	Leighton Linslade Access for All Committee
Function/role	To discuss complaints about odour from the site with the site operator, parish council, residents, Council members & officers and the Environment Agency	Responsible for decision making/monitoring the multi use games area at Henlow Middle School. The school manage the facility on a day to day basis.	To provide information to elected members, local groups and others on progress of quarry operations by Sibelco UK (formerly WBB Minerals), discuss development plans & any issues arising.	To press for improvements in access to premises, goods and services in Leighton Linslade and villages, especially for disabled people; to publish access guides.
Status & registration no. (if any)	Informal liaison group	Advisory body	Informal liaison group	Discussion / liaison group convened by Leighton-Linslade Town Council
Strategic, General or Ward	W	W	W	W
Members' role	Not a voting group	Full voting member	Not a voting group	Full voting members
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments		LA representation not a requirement	LA representation not a requirement but very desirable in order to discuss future development plans with elected members. Number of reps. depends on ward boundaries, but ideally to cover all LB operations.	Representatives are usually ward members in Leighton Linslade and have an interest in disability issues
Frequency of meetings	Every 6 months. Last met Sep 08 (Feb 09 cancelled)	Termly (3 per year)	2 per year	3 per year in Feb, June and Oct
Usual day, time and venue	Fri 9.30am, Priory House, Chicksands	Mon 4pm	Normally Wed at WWB offices at Heath and Reach	Tues 7.15pm Vandyke Upper School
No. of CBC clrs (subs) required	2	1	As needed to cover Leighton Buzzard quarry operations	2 or 1 (1)
Appointments from 01/09/2009 to 09/05/2011	Cllrs Mrs Angela Barker & Howard Lockey	Cllr Jon Clarke	Cllrs Peter Rawcliffe, Alan Shadbolt and Peter Snelling	Cllrs Ken Sharer & Brian Spurr

UNINCORPORATED BODIES (ADVISORY)	Leighton Linslade Combating Crime Working Party	Leighton-Linslade Ouzel Valley Park Steering Group	Leighton Linslade Public Transport Users Committee	Local Government Association - General Assembly
Function/role	Discussions and issues relating to combating crime in the parish.	To achieve consensus on strategy for Ouzel Valley Park and oversee delivery.	A platform for all issues relating to all aspects of public transport.	Voluntary lobbying organisation, acting as the voice of the local government sector, and an authoritative and effective advocate on its behalf.
Status & registration no. (if any)	Discussion/liaison group convened by Leighton-Linslade Town Council	Registered charity (Greensand Trust)	Unincorporated association	Unincorporated association
Strategic, General or Ward	W	W	W	S
Members' role	Non-voting observers	Non-voting observers	Full voting members	Full voting members
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	LA representation not a requirement	LA representation (BCC, SBDC and LLTC) is a requirement under Terms of Reference; Members should be interested in the area of Ouzel Valley Park.	LA representation not a requirement	Must be an elected member, normally the Leader, Deputy Leader and two others..
Frequency of meetings	4 per year	At least quarterly	4	Annually
Usual day, time and venue	Mon-Thurs 7pm White House L Buzzard	Usually Thurs 10am	Midweek 7pm White House, L Buzzard	In July around the country
No. of CBC clrs (subs) required	2	2	2	up to 4, preferably including a minority group leader.
Appointments from 01/09/2009 to 09/05/2011	Cllrs Ray Berry & Brian Spurr	Cllrs David Hopkin & Brian Spurr	Cllrs Ken Sharer & Adam Fahn	Cllrs Mrs Tricia Turner, Richard Stay, Maurice Jones & Peter Snelling

UNINCORPORATED BODIES (ADVISORY)	Local Government Association - Rural Commission	Local Government Association - Urban Commission	Local Strategic Partnership (LSP)	London Luton Airport Consultative Committee
Function/role	Forum for rural authorities to discuss matters of common concern, exchange good practice and experience. To help formulate and promote LGA policies and promote role and interests of rural authorities/ communities.	Forum for urban authorities to discuss matters of common concern, exchange good practice and experience. To help formulate and promote LGA policies and promote role and interests of urban authorities/ communities.	To provide vision & strategic leadership to improve quality of life for CB residents & encourage partnership working at a local level. To ensure delivery of the Sustainable Community Strategy & that each partner makes an effective contribution.	Advisory body representing the views of communities affected by London Luton Airport and to stimulate interest of local population and business community in the facilities of the airport.
Status & registration no. (if any)	Unincorporated association	Unincorporated association	Non statutory multi-agency partnership	Consultative/advisory group
Strategic, General or Ward	S	S	S	G
Members' role	One vote per member authority (Cllr Shadbolt)	One vote per member authority (Cllr Nicols)	Full voting member	Full voting members
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	1st representative must be an elected member. 2nd can be a member or officer. Not a requirement to appoint	1st representative must be an elected member. 2nd can be a member or officer. Not a requirement to appoint	Member will be the Leader of the Council.	LA representation (including BCC, MBDC and SBDC) is a requirement under the Constitution
Frequency of meetings	2 per year	2 per year	4 times per year (minimum)	Full meeting quarterly, sub meeting quarterly
Usual day, time and venue	Mon-Fri 10am - 4pm. Various locations	Mon-Fri 10am - 4pm. Various locations	To be advised	Monday pm Putteridge Bury Conference Centre
No. of CBC clrs (subs) required	Up to 2 (2nd can be member or officer). Subs as required.	Up to 2 (2nd can be member or officer). Subs as required.	1 (Leader)	2 (2)
Appointments from 01/09/2009 to 09/05/2011	Cllrs Alan Shadbolt (voting) & Howard Lockety (non-voting)	Cllrs Tom Nicols (voting) & Peter Blaine (non-voting)	Cllr Mrs Tricia Turner	Cllrs David Bowater, Dr Rita Egan (Sub. Cllr Ray Berry)

UNINCORPORATED BODIES (ADVISORY)	Marston Vale Surface Waters Group	Milton Keynes Reference Group	Rail Station Car Parking (Flitwick)	Renaissance Bedford (formerly Bedfordshire Growth)
Function/role	Promotes an integrated approach to surface water issues in the Marston Vale, principally through the Surface Waters Plan.	Liaison on issues affecting the growth of Milton Keynes across the boundary and into Bedfordshire.	To discuss the service provided by the rail operator (First Capital Connect) and Network Rail who manage the car parks associated with the stations.	To foster housing and employment growth in the Bedford and Marston Vale Growth Area supported by the necessary infrastructure.
Status & registration no. (if any)	Non-statutory association of representatives of public and quasi-public bodies and Anglian Water	Liaison Group of adjoining authorities	Discussion/liaison group	Informal partnership
Strategic, General or Ward	G	S	W	S
Members' role	Full voting members	Not a voting group	Not a voting group	Full voting members
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	LA representation is a requirement (to include at least 1 member & 1 officer); members required to provide input on planning, flood risk & drainage.	LA representation is a requirement; portfolio holder to appoint to substitute if necessary.	LA representation not a requirement; Members appointed represent parishes of Flitwick and Harlington.	LA representation (an elected member) is a requirement of the Memorandum of Understanding; usually portfolio holder for planning.
Frequency of meetings	2 per year + Steering Sub-Group if required		Every 4 months	Quarterly
Usual day, time and venue	Day varies (am). Marston Moretaine or Bedford		Tues 10am SBDC offices	Thurs in March, June, Sept & Dec 3-5pm Venue varies
No. of CBC clrs (subs) required	Max. 2 members plus substitute	1 - relevant portfolio holder	Suggest 3.	1 (subs at Coucil discretion)
Appointments from 01/09/2009 to 09/05/2011	Cllrs Mike Gibson & Ken Matthews	Cllr Ken Matthews	Cllrs Dennis Gale, James Jamieson & Steve Male	Cllr Ken Matthews (Sub. Cllr Tom Nicols)

UNINCORPORATED BODIES (ADVISORY)	Sandpit Strategy Steering Group	Sandy Sports & Community Centre Consultative Group	Saxon Pool & Leisure Centre Joint Consultative Group	South East Strategic Leaders (SESL)
Function/role	Advise and guide on minerals developments and restoration in area (Greensand Trust acts as Secretariat for Steering Group).	To co-ordinate consultation and consider schemes for improvement or enhancement to the Sandy Sports & Community Centre within the framework of the relevant management agreement.	To co-ordinate consultation and consider schemes for improvement or enhancement to the Saxon Pool & Leisure Centre within the framework of the relevant management agreement.	To support and promote the shared interests of a group of upper tier authorities in the south-east and east of England.
Status & registration no. (if any)	Steering group	Consultative/advisory body	Consultative/advisory body	Consultative meeting
Strategic, General or Ward	W	W	W	S
Members' role	Full voting member	Full voting member	Full voting member	Agreement through consensus of those present at meeting
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	Geographic restriction to sandpits around Heath & Reach and Leighton Linlade	Reps to be Portfolio holder or Assistant Portfolio holder + 2 ward cllrs ( 1 Sandy, 1 Northill & Blunham). Meetings administered by contractor, Stevenage Leisure Ltd.	Reps to include either Portfolio holder or Assistant Portfolio holder; one rep to be local to Centre. Meetings administered by contractor, Stevenage Leisure Ltd.	LA representation is a requirement
Frequency of meetings	2 per year			Quarterly approx.
Usual day, time and venue	Mon 2pm LLTown Council			Time variable. Venue usually Central London.
No. of CBC cllrs (subs) required	1	2	2	1
Appointments from 01/09/2009 to 09/05/2011	Cllr Peter Rawcliffe	Cllrs Peter Blaine & Steve Male + one vacancy	Cllrs Mrs Jane Lawrence & Steve Male	Cllr Mrs Tricia Turner

UNINCORPORATED BODIES (ADVISORY)	Strategic Aviation Special Interest Group (SASIG)	Sundon Landfill Restoration Group	Swiss Gardens Management Advisory Committee	Thameslink 2000 Consortium
Function/role	To ensure that any national aviation strategy for the UK is implemented through regional planning guidance and other planning processes so as to reconcile economic, social and environment issues in a sustainable way.	Overseeing the management, development and/or restoration of Sundon Landfill site.	To oversee the management and development of the Swiss Garden.	Key strategic transport initiative intended to enhance and expand the existing Thameslink network throughout London, the South East and East of England.
Status & registration no. (if any)	Special interest group of the LGA operating as a membership organisation comprising local authorities	Consultative/advisory body	Consultative/advisory body	Consortium of some 140 organisations ranging from local authorities and passenger groups to business organisations
Strategic, General or Ward	S	W	G	S
Members' role	Full voting members	Not a voting group	Full voting member	Not a voting group
Indemnity cover	CBC indemnity	CBC indemnity	CBC indemnity	CBC indemnity
Conditions or Comments	LA representation is a requirement but only one member to be designated	Reps to be councillors for the areas bordering Sundon Landfill; arrangements for future meetings to be considered by AD Waste Services..	LA representation is a requirement but can be reduced to one	
Frequency of meetings	3 per year	Quarterly	Annually	Annually
Usual day, time and venue	Fri 11am-1pm LG House, Smith Square	Daytime Sundon Landfill	Sept	Thurs pm Guildhall London
No. of CBC clrs (subs) required	1 (1 substitute if Council wishes but observer status only)	Not yet specified	1	1
Appointments from 01/09/2009 to 09/05/2011	Clr Budge Wells (Sub. Clr Ray Berry)	Clrs Tony Northwood & Ms Janet Nunn	Clr Ms Caroline Maudlin	Clr Steve Male

UNINCORPORATED BODIES (ADVISORY)	The Public Transport Consortium		
Function/role	Forum for promoting public transport issues affecting non metropolitan authorities; advising LGA on public transport issues; exchange of experience and good practice between member authorities.		
Status & registration no. (if any)	Consultative/advisory body		
Strategic, General or Ward	S		
Members' role	Full voting members		
Indemnity cover	CBC indemnity		
Conditions or Comments	LA members only (currently 32 authorities). Cross party representation to be reflected. Membership nominates group of 13 to form executive.		
Frequency of meetings	Quarterly		
Usual day, time and venue	Fri 10.30am LGA House Westminster or hosted by member authority		
No. of CBC clrs (subs) required	Up to 3		
Appointments from 01/09/2009 to 09/05/2011	Clrs Steve Male & Brian Spurr		



UNINCORPORATED BODIES (CHARITIES)	Ashton Schools Foundation	Barton-le-Clay Educational Trust	Bedfordshire & Luton County Sports Partnership (Team Beds and Luton)	Chew's Foundation
Function/role	To support through grants children in their education eg uniform, books etc. Grants awarded to residents within 6 mile radius of St Peter's Priory Church and according to parental income.	Promoting the education of persons under the age of 25 within the ecclesiastical parishes of Barton-le-Clay, Higham Gobion and Pulloxhill.	County Sports Partnership responsible for the strategic coordination of sport across the county. Also known as Team Beds & Luton.	To financially assist people in education towards clothing and equipment & to enable students to study music & arts. Upkeep of Chew's House.
Status & registration no. (if any)	Registered charity 307526	Registered charity 307470	Registered charity (reg. no. to be advised)	Registered charity 307500
Strategic, General or Ward	W	W	S	W
Members' role	Full voting members - trustees	Full voting member - trustee	Full voting member	Full voting member - trustee
Indemnity cover	No, but to be provided by January 2010	No	To be advised	No, but to be provided by January 2010
Conditions or Comments	None	Historically the appointed councillor has been ward member for Barton-le-Clay	LA representation is essential; request that the member nominated has a passion/ commitment to sport. Normally the Portfolio Holder for Sport.	1 Member a requirement of the scheme regulating the Foundation
Frequency of meetings	2	2 (Dec (AGM) and Feb)	Quarterly	2 per year
Usual day, time and venue	Mon pm Grove House Dunstable	Thurs 5.30pm Barton Church Hall	Wed 3pm	Tuesday am Chew's House Dunstable
No. of CBC clrs (subs) required	2(0)	1	1	1
Appointments from 01/09/2009 to 09/05/2011	Cllrs Tony Green & Peter Hollick	Cllr Ms Janet Nunn	Cllr Steve Male	Cllr Miss Anne Sparrow

UNINCORPORATED BODIES (CHARITIES)	Henlow School Foundation	LuDun Industries Trust	Sir John Cotton Educational Foundation	West's Educational Foundation
Function/role	To make modest grants to young people of Henlow to help them prepare for a profession, trade or calling.	Provides employment training & other facilities to Bedfordshire persons who by reasons of physical or mental disability are temporarily or permanently incapable of obtaining normal employment.	Administers grants for the benefit of education of children under 21 within Biggleswade.	Considers grant applications, level of grants for 5-25 year olds in Chalgrave and Hockliffe as well as the financial position of the charity.
Status & registration no. (if any)	Registered charity 307474	Registered charity 284271	Registered charity 307435	Registered charity (reg. no. to be advised)
Strategic, General or Ward	W	G	W	W
Members' role	Full voting member - trustee	Full voting members - trustees	Full voting members - trustees	Full voting member
Indemnity cover	No	No, individual trustees not liable for breach of trust (Trust Deed, cl.	To be advised	To be advised
Conditions or Comments	LA representation is a requirement under the Charity Commission Scheme	LA representation is a Trust Deed requirement (max. 8, min.4). 7 trustees formerly appointed by Beds CC + 1 non-elected member	LA representation is a requirement	LA representation should be councillor for Hockliffe/Chalgrave
Frequency of meetings	Annually	Minimum of 2 per year	Annually	Half yearly
Usual day, time and venue	By mutual agreement	Usually Fri 2pm LuDun premises Dunstable	Day varies 4pm offices of Brignalls Balderston Warren, 2 London Rd, Biggleswade	7.30pm Heath Farm Wingfield
No. of CBC clrs (subs) required	1	7	2	1
Appointments from 01/09/2009 to 09/05/2011	Cllr Tony Rogers	Cllrs Mrs Susan Goodchild, Tony Green, Mrs Carole Hegley, Peter Hollick, John Kane, Tony Rogers & Nigel Young	Cllrs David Lawrence & Peter Vickers	Cllr Tom Nicols

UNINCORPORATED BODIES (CHARITIES)	Woburn Almshouse Charity			
Function/role	To apply income from the charity for the benefit of the almspeople of the charity.			
Status & registration no. (if any)	Registered charity 200392			
Strategic, General or Ward	W			
Members' role	Full voting member - trustee			
Indemnity cover	No			
Conditions or Comments	LA representation is a requirement under the charity scheme. Appointee may be but need not be a councillor			
Frequency of meetings	4 per year (Jan/April/July/Oct)			
Usual day, time and venue	Usually Mon 7pm			
No. of CBC clrs (subs) required	1			
Appointments from 01/09/2009 to 09/05/2011	Cllr Budge Wells			

UNINCORPORATED BODIES (OTHER)	Beecroft Community Assoc. Management Cttee	Cranfield Village Sports Association	East Anglia Reserve Forces & Cadets Association	Sheffield Bloomfield Games Association
Function/role	To provide facilities for social, educational, cultural and recreational development and foster community spirit among residents.	(No information supplied)	Youth organisation engaging with society, youth/cadets, TA units	To provide and maintain Multi Use Games facility with particular emphasis on youth provision.
Status & registration no. (if any)	Unincorporated association	(No information supplied)	Part of Ministry of Defence	Unincorporated association
Strategic, General or Ward	W	W	S	W
Members' role	Non-voting observer(s)	(No information supplied)	Non-voting observer(s)	Full voting members
Indemnity cover	Not applicable - observer	(No information supplied)	Not applicable - observer	To be advised
Conditions or Comments		(No information supplied)	LA representation not a requirement but considered essential	LA representation is a requirement. Should be Sheffield and district representatives
Frequency of meetings	Every 6 weeks approx	(No information supplied)	3 per year	Quarterly
Usual day, time and venue	Tues 8pm Beecroft Centre	(No information supplied)	TA Centres throughout county	Wed 6pm Robert Bloomfield Middle School
No. of CBC clrs (subs) required	2		3	Not specified
Appointments from 01/09/2009 to 09/05/2011	Cllr Mrs Jeannette Freeman	Cllrs Alan Bastable & Ken Matthews	Cllrs Mrs Fiona Chapman, Norman Costin & Ms Janet Nunn	Cllrs Lewis Birt & Tony Brown

## Appendix C1

### **Appointments to Outside Bodies: The Councillors' Roles – General Guidance & Potential Pitfalls and Conflicts**

As a Central Bedfordshire Councillor you may be nominated by the Council to sit on various types of outside bodies.

You need to be aware that this does not necessarily mean that you will be representing the Council's interests on that outside body. Indeed there are a number of cases, for example, if you are a trustee or a company director, where you must always act in the interests of the outside body and not in the Council's interests.

This can lead to conflicts of interests between your role as a Councillor and your representative role on the outside body.

#### **How are appointments made?**

You can only be appointed to an outside body as a Councillor if this is done in accordance with the Council's Constitution. Part B6 (page3) Local Choice Functions, paragraph 18 of the Constitution requires that initial appointments to outside bodies after a new Council is elected are to be made by the full Council. Thereafter the Assistant Director Legal and Democratic is authorised, in consultation with Group Leaders, to make new appointments, fill vacancies, approve variations to existing appointments and delete organisations from the approved list.

You must ensure that your appointment has been made in accordance with the Constitution and should not purport to act as a Council representative on an outside body unless a formal appointment has been made. This guidance does not cover any situation where a Member chooses to sit on an outside body in their own private capacity (i.e. not as a Councillor).

Set out below are a number of matters that you should take into account if you act as a Council representative on one or more outside bodies.

### **General Advice and Guidance to Members Appointed to Outside Bodies**

- Ensure that you know the legal status of the organisation – read the constitution, rules, trust deed or Memorandum and Articles of Association, etc. - and understand your responsibilities;

Note: the main types of body to which you may be appointed may be:

- a statutory body – undertaking specific duties conferred by law;
  - a registered company – usually a non-profit company limited by guarantee; rarely a company limited by shares (profit making);
  - a registered charity or industrial and provident society providing a voluntary/community service;
  - a grant-making trust (normally a registered charity) disbursing endowed funds;
  - an unincorporated association – often local community groups that are neither companies nor charities, and have no separate identity from their individual members;
  - a consultative or advisory body – which may be a joint forum of local authorities or a partnership arrangement with other public/private/third sector bodies (national, regional or local);
  - a discussion/liaison group with no responsibilities of its own.
- Ensure that if you are represented on the Board of a Company the relevant form 288 is filed upon your appointment and resignation;
  - Make any general declarations of interest at the first board meeting;
  - Ask if there is any insurance or indemnity in place;
  - Clarify whether the organisation will pay allowances or expenses;
  - Ensure the board or management committee, has regular financial and other reports which detail the current financial situation of the organisation and any liabilities – take an interest in the business plan;
  - Ensure the organisation has sound financial practices and procedures;
  - Exercise independent judgement in making decisions;
  - Act with integrity;

- Discuss any new activities with relevant Council officers (you may need to provide them with copy papers) and ensure that risks are properly identified in reports (consistent with local authority decision making – ensure that all relevant information is presented);
- Ask questions and make reasonable enquiries – remember that each enquiry has a cost to the organisation to answer;
- Observe duties of confidentiality (in both directions);
- Carefully consider any conflicts of interest, declare interests, and if appropriate, leave the room for consideration of the business;
- Question responsibility and accountability;
- Take advice from the Monitoring Officer, the Chief Finance Officer and your lead officer contact as appropriate – not just when the organisation is likely to become insolvent, but generally. Occasionally, that advice may be to seek external advice on your position, especially if there is a conflict between the organisation and the Council;
- Manage conflict – usually issues can be balanced, but ensure that when in meetings of the body you act in the body's best interests which may not necessarily be those of the Council – if all else fails, resign. Do not just remain a director and fail to attend meetings or you may find that you are in breach of your duty to act in the best interests of that organisation;
- Finally, question the need for future Council involvement! Does it link in some way with the Council's strategic objectives? Does continued Member representation bring clear benefits for either the Council or the local community? Has the organisation changed direction from when the Council first became involved – what useful purpose would ongoing representation serve?

### **General Duties of a Representative on an Outside Body**

As a representative on the Management Committee or on the board of an independently constituted outside body, you must act in the interests of that body and exercise independent judgement in making decisions, in accordance with your duty of care to the body. You are not there just to vote in accordance with the Council's wishes. You may have regard to the interests of the Council, but this should not be the overriding consideration. In some cases voting in the Council's interests could be a breach of a Director's duty to a company.

(The only exceptions will be certain consultative/advisory bodies such as EERA, the LGA or the LSP, where the representative will normally be expected to act in the Council's interests; each case will need to be considered on its merits).

The overriding responsibility is to seek to avoid the situation where duty and interest conflict. Therefore if you are unsure about declaring an interest, it would be wise to declare and leave the meeting during consideration of the business.

### **Particular duties and responsibilities of Directors and Trustees**

If you are appointed as a company director then you must act in the best interests of the company. The main duties of a director are:-

- To act honestly and in good faith and in the best interests of the company as a whole;
- A fiduciary duty of the company, not to make a personal profit and to take proper care of the assets;
- To attend board meetings and follow the rules on the declaration of interests;
- To exercise reasonable skill and care (this is a subjective test based upon the individual's own knowledge and experience) and involves due diligence in the performance of his/her duties as a director. In the case of adult safeguarding or children's safeguarding, take advice from the relevant Director. Just as with Council business you should not become involved in the detail of individual cases or staff below Executive level;
- To comply with statutory obligations imposed by the Companies Acts, other legislation and any procedural rules set out in the Constitution; and
- You should not commit Council resources unless you are sure that Officers can make them available.

If you are appointed as a trustee of a registered charity then the duties of trustees are generally the same as for a director but in addition you must make sure the trust acts in accordance with the aims and objectives of the trust and you should make sure that you have a clear understanding of what these are (there is normally a trust deed which sets these out).

### **Declarations of interest and duties of confidentiality – the Members' Code of Conduct**

When outside bodies consider issues related to the Council or where you may have a personal interest in relation to the body's activities, these need to be declared in line with the rules of the outside body and the Members' Code of Conduct. The specific rules adopted by each body will vary and therefore you should ask for advice and guidance from the secretary of the organisation and/or the Monitoring Officer, as appropriate.

If you are appointed to the Management Committee or board of outside bodies you must declare this interest in meetings of the Council which consider issues related to that body. You will also need to ensure those duties are included on the Register of Interests kept by the Monitoring Officer.



Confidential information must be treated with care and if you have any doubt over the status of any information then you should keep that confidential and check with the relevant officer, whether or not it is something which is already in the public domain or which may be disclosed. Always seek clarification from the outside bodies whether you are permitted to release particular details of decisions of that body if you intend to discuss matters with the Council.

The legal position is that someone who has received information in confidence is not allowed to take improper advantage of it. Deliberate leaking of confidential information will also be a breach of the Members' Code of Conduct.

Where you act as a representative of the Council on an outside body, you must comply with the Council's Code of Conduct, unless that body is another relevant authority which has its own Code; or unless observance of the Code would conflict with any other obligations (e.g. the duty to act in the best interests of the outside body).

Under the Council's Code you must not:-

- Disclose information given to you in confidence by anyone; or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it, or unless you are required by law to do so;
- Prevent another person from gaining access to information to which that person is entitled by law.

Disclosing confidential information may also contravene other parts of the Code, e.g. it may be regarded as bringing the Member or the Council into disrepute; may compromise the impartiality of people who work for the Council; may improperly confer or secure an advantage or disadvantage for the Member or any other person; and in some cases knowledge may give someone a personal interest.

### **Managing conflicts of interest**

In general terms the purposes of the body and what it wants to do often coincide with the Council's interest and so conflicts may be rare. However, there may be difficulty in some circumstances, for example, if the body is not complying with the terms and conditions of a funding agreement between the Council and the body; or the organisation wishes to appeal against a planning decision made by the Council; or where the organisation has wider objects than the reason behind the Council's appointment and wishes to pursue activities which would conflict with Council policy.

You will need to manage the conflicts that will arise appropriately and in certain circumstances may feel that your only option is to resign from the company or body. Similarly, if the Council does not feel that a representative on an outside body is properly fulfilling their role and responsibilities, e.g. the person is not attending meetings or is voting in ways which may be inappropriate, then the Council could choose to change its representation on the outside body. Clearly there is a greater scope for conflicts to arise where you hold an office in the outside body, e.g. Chair, Vice-Chair, Secretary or Treasurer, than if you are a general member.

### **Reporting back to the Council**

Many local authorities require that anyone who is appointed to an outside body provides information and reports periodically to the Council on what the organisation is doing. Central Bedfordshire Council has not adopted any policy on this matter, but you should ensure that the outside body provides you with sufficient information to enable you to make this report back if requested. However, you are not required to disclose anything which is commercially confidential to the outside body as this may be in breach of:-

- the Members' Code of Conduct;
- your duties of confidentiality to the outside body (whether as director, trustee or more generally); or
- confidence in the general sense.

### **Members' Allowances**

The Council's Members' Allowances Scheme defines attendance at meetings of all outside bodies where the Member is attending as the Council's duly authorised representative (whether appointed for a fixed term or authorised on an ad hoc basis) as an approved duty for the purposes of travelling and subsistence allowances, subject to no such allowances being claimed by the Member from the outside body concerned. If the body does pay such expenses, you may not claim from the Council. For further information on allowances contact the Senior Members' Support Development Officer.

Barbara Morris, Monitoring Officer  
August 2009

## Appendix C2

### Monitoring Officer's Advice Note to Executive Members

#### Personal and Prejudicial Interests

I have been asked to bring to the attention of Executive Members the need for them to consider the issue of personal and prejudicial interest where they are appointed to outside bodies by this Council - in particular when there is a report at Executive relating to the outside body and the matter falls within the Portfolio the Member is required to cover.

This may not be too problematic if such a conflict is a rare occurrence. It could be more difficult however where the Executive Member's involvement in an outside body gives rise to such a frequent requirement for them to withdraw from meetings, by reason of having a personal and prejudicial interest, that it impacts on their ability to act effectively either within the Council or on the outside body.

Members should be aware that under paragraph 10 of the Members' Code of Conduct a **personal** interest always arises from membership of an outside body "of which you are a member or in a position of general control or management", including one to which you have been appointed or nominated by the Council. While this interest needs to be both registered and declared at any meeting where the business relates to or is likely to affect that body, this does not in any way impede your full participation in the meeting.

This note is concerned with the circumstances in which a **personal and prejudicial** interest might arise, when under paragraph 14 of the Code you would have to withdraw from any council meeting at which relevant business within the meaning of paragraph 12 of the Code was being considered. Furthermore Members could not exercise executive functions nor seek improperly to influence a decision in relation to that business. This is mainly where the financial position of the outside body is under discussion.

In light of the concerns raised, advice has been sought from a specialist Local Government Lawyer, Peter Keith-Lucas. Set out below is an extract of the key relevant points contained in his advice.

#### ***"In what circumstances would it be difficult for a Cabinet Member to be a member of an outside body?"***

*It is important that the Council is seen to be at the centre of its community and therefore senior Councillor involvement in outside bodies is important. I would certainly not advocate any blanket prohibition on elected members being members of outside bodies, but there are clearly some areas which cause more difficulties than others.*

*My advice is that Councillors with an interest in and commitment to a particular area of activity should be very cautious about becoming a member*

*of an outside body where this will mean that they would need to declare a prejudicial interest and withdraw from consideration of any related matter within the Council, as this means that they are unable to act effectively within the Council. For this purpose the danger areas are as follows -*

*Bodies which rely on Council financial support*

*The revised definition of “prejudicial interest” requires that the decision of the Council either affects the financial position of the outside body or that it determines the outside body’s planning or other application. The planning application point is of less concern to a Cabinet Member, as he/she can always declare and withdraw for particular applications. It is more of a problem where the outside body is dependent upon the authority for funding, or for the supply of land, and its activities are within the Cabinet Member’s Portfolio, as it is then likely that the Cabinet Member will have a prejudicial interest (and apparent bias) in decisions on funding and land provision whenever they come before him/her as a single Cabinet Member or before the full Cabinet.*

*Note that under the old Code there was an exception where a Councillor was appointed to an outside body as a “representative” of the Council, allowing the Councillor to treat it merely as a personal interest. Without explanation, that exception was removed from the 2007 Code, which does cause problems.*

*A particular issue arises during the preparation and approval of the Council’s Budget. The issue arises if support for outside bodies is likely to come up regularly during the Budget preparation, requiring the Cabinet Member to withdraw. At the formal Budget Debate in Council, it is arguable that all Councillors who are members of outside bodies which stand to receive financial support approved (individually or collectively) in the Council Budget may have prejudicial interests or apparent bias. The issue will be more problematic for Cabinet Members rather than ordinary Councillors, because they are appointed by the authority to more outside bodies, and to those which are more likely to be directly funded by the authority.*

*Lobbying Organisations and Pressure Groups in respect of matters for which Central Bedfordshire Council is responsible*

*Where a Cabinet Member is also a member of an outside organisation which is campaigning on a particular local issue, it is likely to give rise to at least apparent bias on the part of the Cabinet Member whenever a relevant matter comes before Cabinet. So it is sensible for a cabinet Member particularly not to be a member of a local campaigning organisation. I am less worried about national organisations such as RSPB or the Ramblers Association, but a local organisation such as “Stop the Bypass” or “Keep the Hospital Open” will cause problems.*

*Directors*

*A particular difficulty arises with being appointed as a director of a company. This is because being a paid company director is a specific class of personal (and potentially prejudicial) interest, and a company director has specific statutory obligations under the Companies Act 2006 to promote the best interests of the company and not to allow a conflict of interest to arise.*

*In practice, it may be possible for the outside body to invite the Councillor to attend and to speak, but not to vote, at its Board meetings as an observer. Provided that the Board does not subordinate itself to the Councillor, making him a “shadow director”, this arrangement allows the Councillor to participate in the outside body without creating a personal or prejudicial interest when relevant matters are under consideration within the Council.*

### *Trustees*

*Being a trustee is more of a problem in terms of bias than under the Code of Conduct. This is because many trusts are unincorporated, so that there is no “body” that is capable of legal identification. Where the trust is incorporated (normally as a company limited by guarantee), a prejudicial interest in land arises where the Councillor has a “beneficial interest” in the land, but a trustee’s interest in the trust land is not “beneficial”.*

*On the other hand, a trustee is under an obligation to act in the best interests of the beneficiaries of the trust, and that is likely to give rise to apparent bias.”*

From the above advice it is clear that the most problematic areas are likely to be where an outside body depends on the Council either for funding or for providing land, where it is campaigning on a particular local issue, or where the Member is appointed as a company director or a trustee; and the business before the Executive relates to either the body’s finances or the determination of any consent or permission. As always, it is not possible to give clear-cut advice to Members that will cover all situations, as the nature of any interest will depend on the particular circumstances in each case.

It may be helpful just to reiterate that, while I would always advise Members to exercise great caution in relation to potential conflicts of interest, there is no reason to recommend a blanket prohibition on Executive Members serving on outside bodies. In occasional cases of conflict this could be dealt with by withdrawing from either the outside body’s meeting or the Executive’s meeting. The key issue is **how often a personal and prejudicial interest is likely to arise**, and whether the frequency is so great that the Member can no longer effectively conduct their role either on the Executive, or on the outside body to which they have been appointed.

This advice applies equally to Members serving on school governing bodies as to other outside bodies.

In light of the above, I would request you review your entry in the Register of Interests, which can be found under the ‘Your Councillors’ pages on the Council’s website at

<http://www.centralbedfordshire.gov.uk/modgov/mgMemberIndex.asp?FN=ALPHA&VW=LIST&PIC=0>

to check that it lists all the outside bodies to which you have been appointed or nominated by the authority and let me know please of any omissions, inaccuracies or changes that may occur.

#### Insurance Cover and Indemnity

I have also been asked to establish whether Council Members appointed or nominated to outside bodies are covered by the Council's own indemnity and insurance policy for any liabilities they may incur in the course of their duties on that body.

The Council's Indemnity for Members and Officers (at Part 6 of the Ethical Handbook at the back of the Constitution) provides cover in connection with any action, or failure to act, which has been authorised by the Council or which forms part of, or arises from, any duties or functions placed upon the Member. This does in theory include functions arising from the Member's service on an outside body, where they have been officially appointed by the Council and the outside body itself does not provide its own cover. Enquiries of both the Council's present insurers and our insurance brokers confirm, however, that insurance cover can only be provided when either the Member is sitting on the outside body purely to represent the Council, or the body on which the Member sits is acting only in the interests of the Council.

This means that the Council's insurance-backed indemnity would extend to membership of statutory bodies, where the Member would be acting as the Council's representative (in situations where the body did not provide its own cover); to membership of the many advisory, consultative or liaison bodies of which the Council is a member; and to situations where the Council's representative was appointed purely as a non-voting observer on a company or other incorporated body. Insurance cover would not be provided, however, where the Member was appointed by the Council to serve as either a company director or a charity trustee, where their primary obligations would be to that body rather than to the Council; in this situation the outside body should be expected to provide its own indemnity. From a recent survey it appears that most already do so; further enquiries are being made where this is not the case.

I should stress that in no circumstances will the Council's indemnity/insurance cover Members who are serving on an outside body in a personal capacity, i.e. at their own choice rather than by formal Council appointment.

Officers intend to report in more detail to the next meeting of General Purposes Committee recommending a review of the Council's current appointments to outside bodies, which will take account of the above position.

For school governors, while there is provision in education legislation which severely limits their personal liability, most schools in Central Bedfordshire purchase insurance cover from the Council which includes combined liability. This will provide cover for public liability, employer's liability, libel & slander, officials' indemnity and personal accident, subject to an excess of £50 if a claim against the governor were to be successful.

Please contact me if you need any additional information on conflicts or interest, either generally or in relation to a specific situation, or in relation to potential liabilities.

Barbara Morris  
Monitoring Officer

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