

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



please ask for Kathrin John
direct line 0300 300 4033
date 19 January 2010

CONSTITUTION ADVISORY GROUP MEETING 3

Date:	Monday, 25 January 2010			
Time:	2.00 p.m.			
Venue:	Room 14a, Priory House, Monks Walk, Shefford			
Members	Cllrs	Mrs C F Chapman MBE D Jones M Jones	Cllrs	D Lawrence S F Male A J Shadbolt

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **NOTES OF PREVIOUS MEETING**

ENCLOSED

(To receive the notes of the meeting of the Constitution Advisory Group held on 9 November 2009)

3. **CHANGE OF PROCUREMENT THRESHOLDS**

ENCLOSED

(To propose changes to procurement thresholds that will reduce bureaucracy and speed up the procurement process whilst obtaining best value for money in the procurement ordering process. Also to update Members on the new mandatory changes to European Thresholds for advertising contracts across the EU.

Report of the Director of Corporate Resources)

4. **MEMBERS' ACCEPTABLE USE POLICY (ICT)** **ENCLOSED**
- (To agree to include the new policy in the constitution in place of the former interim protocol.
- Report of the Assistant Director Legal and Democratic)
5. **DELEGATED AUTHORITY FOR THE APPOINTMENT OF ASSISTANT DIRECTORS** **ENCLOSED**
- (To amend the constitution to allow for the Head of Paid Service or delegated Director to appoint Assistant Directors.
- Report of the Chief Executive)
6. **EFFICIENCIES - EXECUTIVE BUSINESS** **ENCLOSED**
- (To seek Members' views on removing the requirements to report Audit Committee minutes and Key Decisions taken by an individual Portfolio Holder, etc. to the Executive meeting.
- Report of the Head of Democratic Services)
7. **LEADER'S DELEGATIONS** **ENCLOSED**
- (To report for information two additional delegations made to officers.
- Report of the Assistant Director Legal and Democratic).
8. **PETITIONS** **ENCLOSED**
- (To report on draft statutory guidance on the duty to respond to petitions and note changes that are likely to be required to the Council's Petitions Procedure.
- The link to Appendix B is the following:
<http://www.communities.gov.uk/documents/communities/pdf/1400283.pdf>
- Report of the Head of Democratic Services).
9. **OUTSIDE BODIES - INDEMNITY COVER** **ENCLOSED**
- (To report (a) as requested on the issue of indemnity cover for Members serving on outside bodies, and (b) on a draft policy on Member appointments to outside bodies.
- Report of the Assistant Director Legal and Democratic).

10. **CORPORATE PARENTING PANEL - TERMS OF REFERENCE** **ENCLOSED**

(To seek comments on revised terms of reference recommended by the Panel at its first meeting on 4 January 2010.

Report of the Head of Democratic Services)

11. **CONSTITUTION: "FREQUENTLY ASKED QUESTIONS"** **ENCLOSED**

(To seek comments on a draft document to direct members of the public, councillors and officers to key sections of the constitution.

Report of the Head of Democratic Services)

12. **WORK PROGRAMME** **ENCLOSED**

(To agree the Advisory Group's future work programme.

Report of the Head of Democratic Services)

13. **DATE OF NEXT MEETING**

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Committee Room 15, Priory House, Monks Walk, Shefford on Monday 9 November 2009

PRESENT

Cllr Male (Chairman)

Cllrs Mrs C F Chapman MBE
D Jones
M Jones

Cllrs D Lawrence
A Shadbolt

Officers present: Mr Heaphy, Mrs Morris, Mr Bowmer, Mr Mills, Mr Eighteen

CAG/09/20 Notes of Previous Meeting

The Advisory Group considered the notes of the meeting held on 25 August 2009

AGREED:

That the notes of the meeting held on 25 August 2009 be confirmed as a correct record.

CAG/09/21 Review of Capital Programme Processes

The Advisory Group considered a report from the Director of Resources proposing a variation of the procedures relating to the Capital Programme. The Advisory Group noted that the report had arisen following a meeting between the Portfolio holders for Corporate Resources and for Culture and Skills, the Deputy Chief Executive/ Director of Children, Families and Learning and the Director of Corporate Resources to discuss problems that had arisen regarding the operation of the provisions within the Constitution relating to the Capital Programme.

Members were advised that since the establishment of the authority, a number of operational issues had emerged regarding the processes for incurring Capital Programme expenditure as set out in the Council's Constitution (primarily through the Code of Financial Governance) and the Capital Handbook. These included

- the nature of both the Constitution and Handbook processes which are more relevant for specific, higher-value, projects (rather than rolling programmes and low value schemes)

- the potentially restrictive nature of the Constitution re: approvals, variances, and virements;
- confusion and uncertainty regarding the application of processes to legacy authority schemes and the status of the CBC Capital Programme.

To address these issues Members were presented with suggested amendments to the Code of Financial Governance (Part I2 – Section 4.9) proposing the grouping of Capital Schemes into four main categories (Rolling Programmes, Major Capital Schemes over £500k whole life cost, Intermediate Capital Schemes between £60k - £500k whole life cost and Minor Capital Schemes under £59.999k whole life cost) together with a suggested approval process for each category and the level of project documentation to be produced through Outline and Detailed Business Case requirements. The current requirement in the Code of Financial Governance for Executive approval of a Project Initiation Document in all cases before a capital project could proceed would be removed.

These proposed amendments would impact upon other Constitution and Capital Handbook issues as follows:

- approval of new projects during the course of the year
- approval of variations in scheme costs
- virements

Members proposed lifting restrictions on capital programme variations and took the view that this action would obviate the need for virements.

It was noted that the new procedures would need to apply equally to capital projects that were wholly externally funded, where the Council was responsible for exercising proper governance arrangements.

Members also proposed amendments throughout the Code of Financial Governance to reflect that authority for approvals should be given by the relevant Portfolio Holder in consultation with the relevant Director rather than vice versa. In the interests of greater transparency, to allow call-in and to facilitate further Executive delegation, this should be adopted as a general principle in future, although it was not proposed at this stage to amend existing delegations to Directors elsewhere in the Constitution.

Members also noted that all references to the 'Assistant Director Audit, Risk and Health and Safety Management' would be amended to read 'Assistant Director Audit and Risk'.

AGREED TO RECOMMEND:

1. That Section 4.9 of the Code of Financial Governance (Part I2) be replaced by a new Section 4.9 as set out in Appendix A to these Notes.
2. That in Part C2, paragraph 1.3.3, the words 'project initiation document' be replaced by 'detailed business case'.
3. That, as a general principle, future delegations requiring sanction by a Portfolio Holder should be phrased as being to the relevant Portfolio Holder in consultation with the relevant Director, rather than vice versa.

CAG/09/22 Key Decisions/Delegations

The Advisory Group discussed the Definition of a Key Decision as set out in Part C2, paragraph 1 of the Constitution in the light of some uncertainty of interpretation as to the meaning of the financial threshold as between annual and whole life costs.

Members also sought to clarify uncertainty in relation to other delegated functions such as land acquisitions and disposals (Part H3, paragraph 4.6.71) and procurement (Part I3, paragraph 5.1) where a limit of £200,000 is set on Directors' powers.

The Advisory Group discussed whether the criterion in Part C2, paragraph 1.1.2 relating to a decision having a significant effect on communities living or working in an area comprising one or more wards in the Council's area should be amended. After discussion it was agreed that this could be revisited at a later date.

AGREED TO RECOMMEND:

1. That Paragraph 1.2 of Part C2 (Key Decisions and the Forward Plan) be amended to read:

"For the purposes of 1.1.1 above, savings or expenditure are significant if they exceed £200,000 per annum (revenue) or £200,000 whole life cost (capital), or 10% of the budget for the cost centre concerned, whichever is the smaller."

Arising from the above discussion and concerns expressed elsewhere about the need to reduce the extensive workload of the full Executive, the Group also considered the possible introduction of delegated arrangements to Portfolio Holders generally to authorise savings or expenditure (including procurement) between £200,001 and £500,000, which currently required approval by the full Executive. This would bring the delegation arrangements for revenue and capital into line with

the revised Capital Programme processes the Group was now recommending.

Members were aware that such a change would require a specific delegation by the Leader but would avoid the need for individual delegations to be made.

AGREED:

2. **That the Leader be requested to agree a general scheme of delegation to relevant Portfolio Holders, in consultation with the Portfolio Holder for Corporate Resources, the relevant Director and the Director of Corporate Resources, to authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum or capital whole life/total contract value), subject to compliance with Rule 19 of the Access to Information Procedure Rules, in order to assist in reducing the workload of the full Executive while avoiding the need to make individual delegations to the relevant Portfolio Holders.**
3. **That authority for approving savings or expenditure over £500,000 (revenue per annum or capital whole life/total contract value) continues to rest with the full Executive.**

AGREED TO RECOMMEND:

4. **That the thresholds in 1. and 2. above be applied to the Code of Procurement Governance (Part I3, paragraph 5.1) and Land Acquisitions and Disposals (Part H3 – paragraph 4.6.71).**

CAG/09/23 Fees and Charges

The Advisory Group discussed whether to include the individual fees and charges in the Fees and Charges Policy in the Budget and Policy Framework (Part B2, paragraph 1.1.3.2).

AGREED:

That no change be made to the current provision in Part B2.

CAG/09/24 Analysis of Executive Agendas

Arising from growing concerns among Executive Members about the number and length of items submitted to the full Executive, the Advisory Group considered a report from the Assistant Director Legal and Democratic reviewing the impact of constitutional requirements on

the volume of work presented to the Executive for decision and hence the efficiency of the decision-making process. The report analysed the reasons for submitting over 30 reports to the two most recent Executive meetings and the constitutional provisions behind them.

Whilst Members concluded that all items had rightly been submitted, they were mindful that the recommendations proposed in CAG/09/22 above would help in reducing the number of reports to be referred to the Executive. Members also discussed other initiatives aimed at reducing paperwork to be presented to the Executive including more concise, streamlined reports without unnecessary history included, making a copy of appendices available in the Members' Room rather than being included with the agenda papers and circulating website links to the papers electronically to all Executive Members. Members were reminded that Executive had recently introduced guidelines that the narrative section of its reports should not normally exceed two pages with supporting evidence and detail contained in appendices.

The Advisory Group felt it was appropriate for the new measures to be given time to bed in before assessing their impact on the Executive workload.

AGREED:

That a further review of Executive agendas be undertaken in six months.

CAG/09/25 **Anti-Fraud and Corruption Strategy and Confidential Reporting ('Whistleblowing') Policy**

The Advisory Group considered the Anti-Fraud and Corruption Strategy and Confidential Reporting ('Whistleblowing') Policy which had been approved by both the Audit and Standards Committees and referred to the Group for inclusion in the Constitution.

AGREED TO RECOMMEND:

- 1. That the Anti-Fraud and Corruption Strategy be included in the Constitution under Part I1 – Finance, Contracts and Legal Matters.**
- 2. That the Confidential Reporting ('Whistleblowing') Policy be included in the Ethical Framework appended to the Constitution.**

CAG/09/26 **Variation of Scheme of Delegation – Member Development**

The Advisory Group was advised of a new delegation and amendments to officer delegations at Part H3, paragraphs 4.6.60 and 4.6.61, which had been referred by the Member Development Champions Group and approved by the Leader in respect of Member development. Members noted the history of the Group, its role in acting as Champions for member development and its remit in working towards the standards required to achieve East of England Member Development Charter status.

The Advisory Group noted that in order to achieve flexibility and to streamline the decision making process, the necessary powers to take forward elected Member development initiatives had been given to the Assistant Director of Legal and Democratic Services who would act after consultation with the “Champions” and, where appropriate, seek the views of the political leadership and wider Council membership.

The Leader of the Council had authority under Paragraph 3 of the Executive Procedure Rules to delegate Executive functions or amend existing delegations. In compliance with the wishes of the Member Development Champions Group the Leader had therefore approved the variations to the Scheme of Delegation to Officers.

AGREED:

That the revisions to the Scheme of Delegation to Officers and of the consequent winding up of the Member Development Champions Group be noted.

CAG/09/27 **NHS Campus Closure Programme**

The Advisory Group was advised of the resolution of the Executive on 15 September 2009 to grant an additional delegation to the Portfolio Holder for Social Care and Health, in consultation with the Portfolio Holder for Corporate Resources and the Director of Social Care, Health and Housing and the Director of Corporate Resources, to approve individual projects using the NHS Campus Closure capital grant allocation to accommodate people with severe learning disabilities, subject to

- consideration of the detailed business case for each project, and
- compliance with Rule 19 of the Access to Information Procedure Rules (i.e. decisions by individual Executive Members) in respect of any key decision.

Members noted that the Leader was being asked to sign her approval to the delegation, which would then be reported to Council.

AGREED:

That the additional delegation be noted.

CAG/09/28 Licensing Committee – Premises Licences

The Advisory Group was advised of the resolution of the Licensing Committee on 14 October 2009 to delegate responsibility for all minor variations to premises licences and club premises certificates to the Director of Sustainable Communities. This proposal was in response to new regulations that came into force on 29 July 2009. In noting the delegation, the Advisory Group was anxious to ensure that Members were made aware of any minor variations to premises licences/certificates in their Ward.

AGREED:

- 1. That the additional delegation to the Director of Sustainable Communities be noted.**
- 2. That it be recommended to the Licensing Committee that minor variations to premises licences/certificates be notified to the appropriate Ward Member(s).**

CAG/09/29 Petitions

Subsequent to a request following the Executive Chairman's briefing on 3 November and given the short notice, the Advisory Group held only a preliminary discussion on possible alternatives to reporting petitions to full Executive meetings.

Members received a copy of the existing petitions procedure and were also reminded of arrangements recently put in place for petitions relating to Traffic Regulation Orders and other highways-related matters to continue to be submitted to the Executive for public receipt for onward referral to public meetings of the Portfolio Holder for Safer and Stronger Communities. It was suggested that the Executive's workload could be reduced if such petitions were in future referred direct to the public meetings of the Portfolio Holder.

AGREED:

- 1. That the item be considered in greater detail at the next meeting of the Group, with reference to practices in other local authorities.**
- 2. That in the meantime, all petitions received be referred direct to the body most appropriate to consider them and that the**

Assistant Director Legal and Democratic be given delegated authority to determine that body, subject to a Member who is presenting a petition having the right to require that petition is included on the agenda of a particular body.

CAG/09/30 Future Meetings

AGREED:

That the Advisory Group would meet bi-monthly and that officers would schedule meetings in the calendar to link suitably with meetings of the full Council.

CAG/09/31 Work Programme

The Advisory Group identified items in connection with the development of a work programme.

AGREED:

That the following items be included in a Work Programme for the Advisory Group:

- **Overview and Scrutiny arrangements, with particular emphasis on the role of the Overview and Scrutiny Co-ordination Panel and the absence in the constitution of a single overarching Overview and Scrutiny Committee;**
- **Public participation arrangements for elected Town/Parish Council representatives at Development Management Committee meetings;**
- **The future of Town Centre Management Committees, where the Executive was being recommended to refer any constitutional change to the Advisory Group;**
- **Review of Procurement Rules particularly in relation to low-end transaction limits.**

(Note: The meeting commenced at 2.00 p.m. and concluded at 3.50 p.m.)

APPENDIX A

12 CODE OF FINANCIAL GOVERNANCE

4.9 Capital Programme:

- 4.9.1 Investment in capital assets shapes future service delivery and creates future financial commitments. The Capital Programme is a three-year programme of estimated capital expenditure and associated funding. The Full Council will approve a Capital Programme each year, recognising that approving initial estimates is the first stage in the process of progressing a proposed scheme to implementation. Estimates produced at this stage will be liable to change.
- 4.9.2 The Executive will receive budgetary proposals for inclusion in the Council's Capital Programme and will submit a proposed programme to the Full Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources or external funding sources.
- 4.9.3 Capital Schemes will be grouped into four main categories:
- Rolling Programmes;
 - Major Capital Schemes (over £500,000 Whole Life Cost);
 - Intermediate Capital Schemes (between £60,000 - £500,000 Whole Life Cost)
 - Minor Capital Schemes (under £59,999 Whole Life Cost);
- 4.9.4 **Outline Business Case**
All categories of capital projects will require an Outline Business Case in order to be considered for inclusion in the proposed Capital Programme. An Outline Business Case will normally have best estimates of capital and revenue costs, timescales, and deliverables. Outline Business Cases will be approved by the relevant Portfolio Holder in consultation with the relevant Director, the Portfolio Holder (Corporate Resources) and the Chief Finance Officer.
- 4.9.5 **Detailed Business Case**
A Detailed Business Case will have fully validated costs (including ongoing revenue costs), timescales, deliverables and where necessary an exit strategy. The process for approving capital schemes for subsequent implementation will be different according to their category and is explained in paragraphs 4.9.6 to 4.9.9 below.

4.9.6 Rolling Programmes

Rolling programmes in the Council's Capital Programme are largely concentrated on infrastructure and asset improvement and maintenance.

After a Rolling Programme has been approved by the Council for inclusion in the Capital Programme, a single Detailed Business Case will be produced for the whole programme before it proceeds.

The Detailed Business Case and release of capital expenditure will be approved by the relevant Portfolio Holder in consultation with the relevant Director, the Portfolio Holder (Corporate Resources) and the Chief Finance Officer.

4.9.7 Major Capital Schemes (over £500,000 Whole Life Cost)

After a Major Capital Scheme has been approved by the Council for inclusion in the Capital Programme, a Detailed Business Case will be produced for the scheme. Executive approval will be required for these schemes before proceeding to implementation.

For Major Capital Schemes, some further costs may need to be incurred to take a project up to Detailed Business Case stage. The relevant Portfolio Holder in consultation with the relevant Director can authorise expenditure up to a level of 5% of the total scheme cost at this stage to enable a Detailed Business Case to be produced. The revenue budget of the applicable directorate will meet these costs if ultimately the scheme does not proceed for any reason.

4.9.8 Intermediate Capital Schemes (between £60,000 and £500,000 Whole Life Cost)

After an Intermediate Capital Schemes in this range has been approved by the council for inclusion in the Capital Programme, a Detailed Business Case will be produced before it proceeds.

The Detailed Business Case and release of capital expenditure will be approved by the relevant Portfolio Holder in consultation with the relevant Director, the Portfolio Holder (Corporate Resources) and the Chief Finance Officer.

4.9.9 Minor Capital Schemes (under £59,999 Whole Life Cost)

A Detailed Business Case is not required for these schemes and Minor Capital Schemes in this range can proceed with the approval of the relevant Portfolio Holder in consultation with the relevant Director, the Portfolio Holder (Corporate Resources) and the Chief Finance Officer.

4.9.10 In year, the Executive may approve new Capital Schemes estimated to cost less than £500,000 (whole life cost) that have not previously been included in the Capital Programme, subject to the production of Outline and Detailed Business Cases as required by paragraphs 4.9.6 and 4.9.8 to 4.9.9. New Major Capital Schemes estimated to cost more than £500,000 (whole life cost) must be approved by Full Council.

4.9.11 Variations from the Detailed Business Case

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

Existing Scheme Additional Costs	Approval Powers
Up to £25k or 10% (whichever is the greater)	Relevant Portfolio Holder and relevant Director
Up to £100k or between 10-25% (whichever is the greater)	Executive
Over £100k or over 25% of the original budget (whichever is the greater)	Council

Where additional costs are agreed, the relevant Portfolio Holder in consultation with the relevant Director will seek compensatory savings.

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

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CONSTITUTION ADVISORY GROUP

DATE: 25 January 2010

TITLE	CHANGES TO PROCUREMENT THRESHOLDS	ITEM NO.
REPORT OF	Director of Corporate Resources	3

PURPOSE	To propose changes to procurement thresholds that will reduce bureaucracy and speed up the procurement process whilst obtaining best value for money in the procurement ordering process. Also to update Members on the new mandatory changes to European Thresholds for advertising contracts across the EU.
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ORIGIN OF PROPOSAL	The Procurement Team and Central Bedfordshire Council's staff feedback.
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RECOMMENDATION:

That the procurement thresholds and processes in the Code of Procurement Governance be amended as listed below, whilst steering officers into using both Central Bedfordshire Council's corporate contracts and framework agreements (contracts) set up by other councils and consortiums. The proposed process is as follows:

Step 1

Always use CBC corporate contracts or Consortium framework agreements (as listed on the Intranet) where they already exist. Where they do not, the rules below should apply.

Step 2

Up to £2,000: seek best value or two quotations;

£2,001 to £20,000 – 3 written quotations demonstrating best value (based on price and quality)

£20,001 to £59,999 – 3 to 5 written quotations by sealed bid;

£60,000 to EU threshold – invite 5 tenders, advertised and by sealed bid.

Above EU threshold (works £3,927,260, supplies and services £156,442) - must be advertised in OJEU and 5 written Tenders must be invited (Mandatory New EU Law)

SUPPORTING INFORMATION

1. The new mandatory EU Thresholds introduced 1 January 2010 mean we have to amend our procurement procedure rules and the Code of Procurement Governance to reflect these changes. This also gives us an opportunity to review the current thresholds for lower levels of expenditure.
 2. Feedback from both the staff survey and officers using the thresholds introduced in April 2009 suggested they were too onerous at the lower levels, in particular from £200 to £999 where it was a requirement to obtain three quotations. Of the waivers that were raised between May and November 2009 a total of 48% (52) were for expenditure below £2,000. With the exception of 4 all were approved. There has been little support from the business areas and poor compliance in some areas, in particular schools which have a number of unusual proprietary expenditure items (e.g. clowns, drama groups, specialist training courses etc). There has also been limited use of existing corporate contracts and framework agreements, where expenditure has been aggregated and best value obtained.
 3. Through our own performance measuring, consultation with the service areas and investigating the procurement rules adopted by other councils including the highly rated councils of Hampshire and Westminster we make the following recommendations.
 4. The first stage of any procurement process must be that officers look to use existing corporate contracts listed on the Intranet, or framework agreements available to them from other councils and consortia, the path to which is clearly shown on the intranet. After this the thresholds below will apply.
 5. £200 to £999 (three quotations are currently required): this should now become “**Up to £2,000 look for best value or two quotations**” (best value here means that the onus is on the officer to prove they have best value, via an enquiry or knowledge of that market).
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6. £1,000 to £9,999 (three written quotations are currently required): this should now become “**£2,001 to £20,000 – 3 written quotations giving best value**” (effectively the process is similar but we have extended the limit before a sealed bid is required, i.e. quotations arrive in a sealed envelope and are all opened at the same time).
7. £10,000 to £59,999 (three to five formal quotations are currently required to be invited by sealed bid): this should now become **£20,001 to £59,999 - 3 to 5 written quotations by sealed bid** (the process is the same but the lower limit is raised).
8. £60,000 to EU threshold – (five tenders must currently be invited by sealed bid and advertised): this should remain the same, in line with most councils.
9. Above EU threshold - Works £3,927,260 (raised from £3,497,313) Supplies & Services £156,442 (raised from £139,893):

Must be advertised in OJEU and 5 written Tenders must be invited
(Mandatory New EU Law changes).

10. We have also created an easy-to-use template for simple quotations, which will cut down on the bureaucracy of multiple forms, making it easier and quicker, whilst still maintaining a high standard of best value for both CBC officers and suppliers.
11. These changes will be communicated to officers via
 - the changes in the Code of Procurement Governance and within the Financial Regulations
 - the staff newsletter
 - the Intranet
 - the Procurement Toolkit
 - face to face meetings
 - e-mail.
12. Additional supporting documentation to assist officers will be:
 - a laminated A4 procurement threshold summary, which has proved to be very popular with officers and:
 - a credit card-sized aide-memoire showing key requirements.

Contact Officer Details:

Terry Gittins

Key Background Papers:

None

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I3 CODE OF PROCUREMENT GOVERNANCE

1. Introduction

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

2. Strategic Principles

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

3. Responsibilities of Directors

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

4. Responsibilities of Officers

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

5. Key Elements of the Procurement Procedures

- 5.1 **Thresholds:** All procurement is subject to the financial thresholds in Table 1 below. The Executive must approve expenditure before commencing any procurement over £500,000 per annum (revenue) or £500,000 whole life/total contract value (capital). Expenditure approval between £200,001 and £500,000 inclusive is delegated to the relevant Portfolio holder – see Part C3, paragraph 3. Following approval, the Executive need only approve the award of contracts where the recommended contractor's tender exceeds the approved sum, or where there are exceptional circumstances.

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

Table 1

Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
£0-£2,000	Authorised officer	Budget holder	No short listing required	<p>For contracts valued below £2,000 the principles of best value apply and the selection process should be documented. Wherever possible at least 2 competitive quotations should be obtained.</p> <p>If the contract is then awarded to any other than the lowest bidder then the reasons for doing so should be justified and recorded in writing</p>

Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
£2,001 to £20,000	Authorised officer	Budget holder	No short listing required	A minimum of three written quotations on the suppliers' headed notepaper or from the suppliers' email domain to the originating officer. If the contract is then awarded to any other than the lowest bidder then the reasons for doing so should be justified and recorded in writing
£20,001-£59,999	Authorised officer	Budget holder	Budget holder	Formal quotation by sealed bid, (Unopened Envelope) opened in the presence of an independent authorised officer. At least three tenders should be invited; five or more is best practice where possible.

<p>£60,000 – European Union threshold</p>	<p>Authorised officer</p>	<p>Assistant Directors</p>	<p>Assistant Directors</p>	<p>A formal tender with advertisement and the inclusion of contract conditions is required. Five or more tenders should be invited where possible. A minimum of three is permitted by exception subject to the approval of the Chief Finance Officer. Guidance must be sought from the Procurement Team.</p>
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Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
Above European Union thresholds below Works £3,927,260 Supplies & Services £156,442	Director	Director up to and including £200,000 Portfolio holder between £200,001 and £500,000 inclusive Executive above £500,000	Director	A formal European Union compliant tender is required. The Procurement Team must be involved in the project as a senior supplier in Prince 2 terms.

5.2 Requirements for Tendering:

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

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

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

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

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

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

5.4 **Register of Contracts:** The Council is required to keep records of its contracting activity. Every contract over £60,000 must be recorded on the Council's Register of Contracts.

- 5.5 **Equal Opportunities:** The Procurement Procedures recognise the Council's duties under Race, Disability and Gender Equality legislation, including the requirement to target services on the most vulnerable sections of the community and increase inclusion and participation amongst these groups.
- 5.6 **Risk Management:** The Procurement Procedures require appropriate risk management and contingency planning arrangements for all contracts exceeding £60,000 in value.
- 5.7 **Financial Protection:** The Procurement Procedures require officers to take appropriate advice regarding bonds or parent company guarantees.
- 5.8 **Probity and Record Keeping:**
- 5.8.1 The criteria for awarding contracts must always be designed to give best value for money. Award criteria must always be appropriate to the contract, must be subject to strict change control processes, and must not be changed after tender proposals have been opened.
 - 5.8.2 In the event of a marked or late tender the Section 151 Officer must decide whether or not the tender should be accepted.
 - 5.8.3 Officers must ensure the confidentiality of all tender/quotation submissions.
 - 5.8.4 The policy regarding the prevention and detection of corruption is set out in the Council's Code of Conduct for officers.
- 5.9 **Post Contract Management:**
- 5.9.1 All contracts must have a nominated officer to act as contract manager for the whole contract.
 - 5.9.2 All contracts which exceed the EU threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.
 - 5.9.3 Officers must not terminate a contract over £60,000 prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Section 151 Officer.

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

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CONSTITUTION ADVISORY GROUP

DATE: 25 January 2010

TITLE	MEMBERS' ACCEPTABLE USE POLICY (ICT)	ITEM NO.
REPORT OF	Assistant Director Legal and Democratic	4

PURPOSE	To agree to include the new Members' Acceptable Use Policy at Part F6 of the Constitution in place of the 'Interim Members' Protocol on the Use of ICT at Home'.
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ORIGIN OF PROPOSAL	Executive 13 October 2009
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RECOMMENDATION:

That Members note the Executive's approval on 13 October 2009 of the new Members' Acceptable Use Policy and agree its inclusion at Part F6 in the constitution, in place of the Interim Members' ICT Protocol.

SUPPORTING INFORMATION

- Members may recall that shortly before finalising the new CBC constitution a year ago it was decided to include an 'Interim Members' Protocol on the Use of ICT at Home' at Part F6. This reflected the continuation of the legacy authorities' own very similar protocols until such time as a new protocol was agreed following the June 2009 election.

2. A new CBC Members' Acceptable Use Policy was approved by the Executive on 13 October 2009 for publication and implementation. The new policy (attached) updates the previous one, which is now replaced.
2. Assuming that the Group considers that the document should continue to form part of the constitution, the new Policy document will be included in the next reprint of constitution pages and circulated to all Members.

Contact Officer Details:
Kathrin John

Key Background Papers:
None



Central Bedfordshire Council

Members Acceptable Use Policy

Version 1.2

October 2009

Not Protected

Policy Governance

Accountable Director	Director of Corporate Resources
Policy Author (Title)	Assistant Director for ICT and Property in consultation with portfolio holders
Approved By (Title)	Executive Committee
Date Approved	
Issue Date	
Review Date	
Person Responsible for Review (Title)	AD for ICT and Property
Include in Publication Scheme (Y/N)	Yes
Publish to Web (Y/N)	Yes
Circulation	This policy is to be made available to all Elected Members.

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1. Introduction

The digital age brings with it many advantages as well as many threats. If used correctly, computer and telephony services can provide local authorities with the ability to serve its customers efficiently in an economical, secure, accessible and legally compliant manner.

Much of the Council's business is now conducted by electronic communication and Councillors are encouraged to routinely use ICT in the course of their duties. Central Bedfordshire Council is committed to ensuring that its elected Members can access the ICT equipment they need to carry out their duties as a Councillor.

It is Council policy for members to use either Council supplied ICT equipment or suitable ICT equipment provided by individual members. For the purposes of this document, the 'equipment' means any form of information and communications technology (ICT) equipment.

This policy applies to all Central Bedfordshire elected Members.

2. Telephony

For Members who use mobile phones we recommend the following best practice guidelines:

- store all mobile numbers in the sim card rather than the phone memory (unfortunately SIM's do not allow multiple numbers to be stored);
- ensure that a sim pin is entered and enabled and that no phone pin is used;
- do not divulge sensitive or confidential information unless you are sure of the other person's identity and are confident you can not be overheard; and
- do not use a mobile phone whilst driving.

3. Security of systems and information

Access to the Council's information systems via the equipment is subject to password security. The Councillor shall ensure that no one other than the Councillor is given access to those Council information systems and shall not reveal any such password to any other person.

Passwords will be changed every 30 days and the system will prompt Councillors to do so. Passwords must be a mixture of upper and lower case letters, include numbers and must be a minimum of 8 characters in length. You are expected to take all reasonable steps to ensure your password remains confidential to you.

All Council provided software is licensed only for use on the Council's equipment and must not be installed, copied, duplicated or used in any way other than that specified by the Council.

The Council regularly backs up systems and all the data held on them. However, it does not back up any information held locally. The Councillor is advised to back up any personal data held locally.

If any part of the equipment supplied ceases to function correctly, the Council will repair or replace it with another unit. Any private software or data may not be recoverable and the Council accepts no liability or responsibility for such loss.

All Councillors must use the 'Ctl-Alt-Delete' to lock their screens when they are out of view of their workstation. At the end of the day Councillors should choose the 'shut down' option and power down their machines, this requirement is essential for reasons of system backup.

4. Confidentiality

The Councillor may be able to access confidential Council information using the equipment and as such is responsible for ensuring the continuing security of any such confidential information that he/she receives, including the storage of such information on the equipment.

The Councillor is reminded of his/her obligations under the Council's code of conduct for Councillors not to disclose such confidential information to any third party.

Some of this information may be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from the equipment. Further guidance is provided in the Council's Data Protection Policy available on the intranet.

5. Software / hardware

Only approved, legal computer software may be used with Council ICT systems. For all Councillors who chose to use the Councils ICT provision all software and hardware has to be purchased and approved by the ICT service unless written permission is given to the contrary.

6. Virus checking

All computers have a virus scan system and this software must not be disabled. Please report any difficulties or identified viruses immediately to the ICT service desk. Until the issue is resolved the user must not use their PC.

PC equipment supplied by a member must be provided with a reliable virus checker updated regularly.

7. Mobile working

If taking Council equipment offsite please ensure where practical it is kept from public view as this decreases the chances of theft.

8. Private use

The Councillor may use the Council supplied equipment for private and family purposes and may permit members of his / her immediate family to use the equipment for private purposes but is then responsible for their use of it.

The Council is prohibited from publishing any material of a party political nature. If the Councillor uses the Council supplied equipment for the preparation of any material of such a nature, he / she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication.

Use of the Council supplied equipment for business purposes is not permitted.

The Councillor shall not use any part of the Council supplied equipment or, permit its use, in any manner which may bring the Council or the Councillor into disrepute. The Council reserves the right to remove or require the removal of any material that is unlawful, defamatory or likely to cause offence or bring the Council into disrepute.

Economic use of the Council supplied equipment will also make a cumulative contribution to reducing energy use and, ultimately, carbon emissions from Central Bedfordshire Council.

9. E-mail

Councillors must be aware of the following:

- An electronic mail message is not a confidential or secure means of communication, unless sent via the Government Connect system.
- E-mail has the same legal status as other paper and electronic media.
- The E-mail system should not be used to send racist or other discriminatory, pornographic, illegal, libellous or offensive material that might bring you, your service or the council into disrepute.

10. Audit

The Council reserves the right to inspect all Council owned equipment at any time. The Councillor is required to give Officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that the equipment includes a history file, which records its use and particularly any websites it has accessed.

11. Ownership and safe keeping

Council supplied equipment is any equipment provided to the Councillor by Central Bedfordshire Council or by a predecessor Council. This equipment shall remain at all times the property of Central Bedfordshire Council

The Councillor is required to return the Council supplied equipment to the Council upon ceasing to be a Councillor.

The Councillor shall make reasonable arrangements for the safe keeping and the safe operation of the Council supplied equipment.

The Council reserves the right to require the Councillor to return the Council supplied equipment at any time and the right to recover it from the Councillor.

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CONSTITUTION ADVISORY GROUP

DATE: 25 January 2010

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

PURPOSE	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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ORIGIN OF PROPOSAL	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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RECOMMENDATION: 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.

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.

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

Key Background Papers:
None

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CONSTITUTION ADVISORY GROUP

DATE: 25 JANUARY 2010

TITLE	EFFICIENCIES - EXECUTIVE BUSINESS	ITEM NO.
REPORT OF	Head of Democratic Services	6

PURPOSE	To seek comments on a suggestion that it no longer be a requirement to report minutes of the Audit Committee or key decisions taken by an individual Portfolio Holder, committee of the executive or officer to meetings of the Executive.
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RECOMMENDATION:

Members' views are requested.

SUPPORTING INFORMATION

1. Part C4 of the constitution, Executive Procedure Rules, sets out at paragraph 10 the business to be conducted at each meeting of the Executive. This includes:
 - 1.1 at paragraph 10.1.8, minutes of the Audit Committee; and
 - 1.2 at paragraph 10.1.11, report on any key decisions taken by an individual portfolio holder, committee of the executive or officer.

2. Reservations were raised at a recent Executive Chairman's briefing about whether this was still necessary or whether, in the interests of more efficient conduct of Executive business, these two requirements should be deleted. It could be argued that they are superfluous, given that both the minutes of the Audit Committee and notices of delegated decisions taken by Portfolio Holders are published on the Council's website in any event.
3. The Advisory Group's views are requested.

Contact Officer Details:	Key Background Papers:
Kathrin John	None

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CONSTITUTION ADVISORY GROUP
DATE: 25 January 2010

TITLE	LEADER'S DELEGATIONS	ITEM NO.
REPORT OF	Assistant Director Legal and Democratic	7

PURPOSE	To note two additional delegations to the Director of Children, Families and Learning.
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ORIGIN OF PROPOSAL	Leader's delegations 21 December 2009
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RECOMMENDATION:
That the additional delegation be noted.

SUPPORTING INFORMATION

- The Leader has approved two variations to the Scheme of Executive functions Delegated to Officers in Part H3 of the constitution as follows:

Delegation to the Director of Children, Families and Learning

Power

Qualifications (if any)

To approve grant applications under the Youth Capital Fund, subject to the application being submitted in accordance with the approved Department for Children, Schools and Families (DCSF) criteria.

After consultation with the "Streetcred" Panel (a panel of young people appointed for this purpose) and to any grant being "one-off" with no recurring liability.

To approve allocation of funds under the Consortia Support Grant, to ensure future development and preparation for Diplomas and functional skills is influenced and directed by Central Bedfordshire in accordance with the conditions of the grant set down by the Department for Children, Schools and Families.

After consultation with the 14 – 19 Strategic Forum (the partnership forum established to oversee 14 - 19 education provision in Central Bedfordshire).

2. These delegations will be included in the next reprint of pages to be circulated to all Members.

Contact Officer Details:

Kathrin John

Key Background Papers:

None

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CONSTITUTION ADVISORY GROUP
DATE: 25 January 2010

TITLE	THE DUTY TO RESPOND TO PETITIONS - CONSULTATION ON DRAFT STATUTORY GUIDANCE	ITEM NO.
REPORT OF	Head of Democratic Services	8

PURPOSE	To decide whether to respond to draft statutory guidance on the duty to respond to petitions contained in the Local Democracy, Economic Development and Construction Act 2009 and to note that changes are likely to be required to the Council's Petitions Procedure when the final guidance is published.
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ORIGIN OF PROPOSAL	Draft statutory guidance issued by Communities and Local Government
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RECOMMENDATION:	<ol style="list-style-type: none"> 1. That the Constitution Advisory Group considers whether it wishes to respond to the draft statutory guidance. 2. That the Council be recommended to authorise the Monitoring Officer, after consultation with this Group, to vary the Petitions Procedure in Part A4 of the Constitution and any associated provisions within the Constitution, to comply with the statutory guidance, when published.
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SUPPORTING INFORMATION

1. The Local Democracy, Economic Development and Construction Act 2009, which received Royal Assent on 12 November 2009, is in 9 Parts. Part 1 (Democracy and Involvement) contains 6 Chapters and aims to reinvigorate local democracy by placing local authorities on the front line of ensuring local citizens connect with local decision makers.
2. Chapter 2 of Part 1 contains provisions for handling petitions and draft statutory guidance has been issued. The guidance sets out the key principles and requirements of the petitions duty, which requires local authorities to create a scheme for responding to the petitions they receive, and to comply with that scheme.
3. Chapter 2 requires all principal councils to make, publicise and comply with a scheme for handling petitions (including electronically through their websites). Schemes will set out the requirements for petitions in order for them to be dealt with, including the number of signatures required which must be no more than 5% of the total local authority population. Signatures must be from people who live, work or study in the authority's area. Schemes will also need to set out how the authority will acknowledge the petition and in what time scale. The acknowledgement must give information about what the authority has done or proposes to do in response to the petition.
4. Authorities are required to take steps in response to the petition and to inform the petition organiser and the public about what steps will be taken. The Act indicates a number of steps that councils may consider taking as a result of a petition. Planning and licensing decisions are excluded from this duty, as are other matters relating to an individual or entity in respect of which there is already a separate right of appeal, and petitions which are in the authority's opinion vexatious, abusive or otherwise inappropriate.
5. Petitions above a certain size must be debated by the full council. A petition organiser is able to refer a petition to the Council's Overview and Scrutiny Committee if dissatisfied with the process adopted. It will also be possible for a petition to require an officer to be 'called to account' at a council meeting.
6. Whilst the Council has a Petitions Procedure in place at Part A4, Annex 2 of the constitution ([Appendix A](#)), this does not exactly follow the proposed model within the Act and the draft statutory guidance, nor does the Council at this time have an e-petitions facility within its website. Beyond the finer points of detail and wording, the main differences are:

CBC Constitution
(paragraph numbers in brackets)

Petitions require at least 7 clear working days' notice to the Monitoring Officer (1.1).

New Model Petitions Scheme

Petitioners are advised to contact Council for assistance at least 5 working days before the meeting.

Written acknowledgement within 3 clear working days of receipt, saying what the Council proposes to do in response to the petition, including date and time of meeting and advising rights to speak (3.1).

Acknowledgement within 14 days, saying what the Council plans to do with the petition and when the petitioner can expect to hear again.

Required to publish responses to petitions on the website, but not at the point of receiving the petition (4.5.2).

Details of all petitions received and related correspondence (except personal details) to be published on the website. Signatories to an e-petition can ask for information by e-mail.

Council to follow one of a list of options following consideration of the petition (5.1).

Includes all those listed, plus the options of holding a public meeting, consultation or meeting with petitioners or calling a referendum.

(No similar provision)

If the petition is about something over which the Council has no direct control, it should consider making representations on behalf of the community to the relevant partner organisation.

(No similar provision)

If the petition is about something for which a different council is responsible, Council to consider the best way of responding.

Petitions to be validly signed by at least 10 people who live, work or study in the authority's area (1.2.3).

No stipulation – valid number of signatures to be specified in each local authority's petition scheme, (but must not exceed 5% of the total local authority population).

Petitions to be relevant to the Forum to which they are addressed, i.e. Council, Executive or a committee (1.3).

Petitions with more than 1,500 signatures to be debated by full Council (or at a public meeting which all councillors can attend).

Petitions presented at full Council to be discussed for up to 10 minutes (4.3).

Petitions presented at full Council to be discussed for 15 minutes max.

(No similar provision) Petition may ask for senior council officer to give evidence at a public meeting – at overview and scrutiny committee meeting where it contains at least 750 signatures.

(No similar provision) Council must provide for e-petitions – see new provisions in the draft model scheme.

Petitioner may request overview and scrutiny committee to review the adequacy of the Council's response at its next scheduled meeting (7.1 & 7.2). Same but committee to consider request within 30 days of receipt.

Outcome of overview and scrutiny review to be notified within 5 clear working days (7.4). Same but within 7 days.

7. The current Petitions Procedure will ultimately need to be revisited to take account of the provisions of the new Act. This needs to await final statutory guidance.
8. With regard to the requirement for e-petitions, Members are advised that the Council's current committee management system (Modern.Gov.) does have provision to enable the submission of e-petitions, subject to an upgrade of the software (at no cost).
9. The Department for Communities and Local Government (DCLG) is consulting on draft statutory guidance on the duty to respond to petitions to which local authorities will be required to pay regard. The consultation asks whether the guidance adequately explains the key principles and requirements of the duty, whether it is clear and easily understood with an appropriate level of detail. It also asks views on the matters to be excluded from the duty through the draft order and on suitable timescales for implementation. A copy of the draft statutory guidance issued by Communities and Local Government is set out in Appendix B and a summary of the questions in the consultation document is set out in Appendix C.
10. The closing date for responses to the consultation is 24 February 2010. Following consultation DCLG will analyse responses and they will be used to inform the final version of the statutory guidance and the model scheme which will underpin the petitions duty when it comes into effect. The Minister of State has confirmed that a decision on the commencement date will be made after the consultation concludes. The Minister simultaneously announced that, given the current economic situation, implementation of the wider Duty to Promote Democracy contained in the Act is being deferred until after the next government spending review.

11. Under Part H3, paragraphs 3.1.8 and 3.1.9 of the constitution, directors may prepare draft responses to external consultation papers of this nature (i.e. not purely operational) subject to their publication on the Intranet for Member comment for seven working days, and all Members being notified by e-mail. The director, in consultation with the relevant Portfolio Holder, may then finalise the response in the light of any comments received, subject to any consultations of major significance being referred to the Executive. In this instance it is suggested that, if the Advisory Group wishes to make a response, publication on the Intranet and e-mail notice prior to a final response in consultation with the Portfolio Holder for Corporate Resources will suffice.

12. The draft petitions order specifies that the petitions duty will come into force on 1 April 2010. It is therefore suggested that the Council be asked to delegate authority to the Monitoring Officer, after consultation with this Group, to vary the Petitions Procedure to comply with the statutory guidance, when issued.

Appendices –

Appendix A – Copy of Council’s current Petitions Procedure

Appendix B - Copy of draft statutory guidance (including a draft model scheme)
issued by Communities and Local Government

Appendix C – Summary of Consultation questions

Contact Officer Details:
Kathrin John

Key Background Papers:
Chapter 2 Local Democracy, Economic Development and Construction Act 2009
Draft statutory guidance on the duty to respond to petitions

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APPENDIX A

PETITIONS PROCEDURE

1. Submission and Content of Petitions

- 1.1 Members of the public may present the council, or the Executive, or a committee with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer. If, following consideration of the petition as provided in paragraphs 4 or 5 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 6.
- 1.2 The petition shall:-
 - 1.2.1 be addressed to the Monitoring Officer of the Council;
 - 1.2.2 request the Council to take or cease action described in the petition;
 - 1.2.3 be validly signed by at least 10 persons who live, work or study in the Authority's area (a petition shall be deemed to be "validly signed" if the person has signed it and the petition states the person's name and address and the date of signature)
 - 1.2.4 Designate one of the persons who has validly signed it as the person with whom the Council may deal in relation to the petition.
- 1.3 Petitions should be relevant to the forum to which they are addressed and:-
 - 1.3.1 concern a matter which relates to a function of the Authority; or
 - 1.3.2 whilst not relating to a function of the Authority, relate to an improvement in the economic, social or environmental well-being of the Authority's area to which any of its partner authorities could contribute.

2. Rejection of Petitions

- 2.1 The Monitoring Officer may reject any petition which :-
 - 2.1.1 does not meet the criteria set out in 1.2 and 1.3 above; and/or

- 2.1.2 is, in his/her reasonable opinion, vexatious, abusive or otherwise inappropriate to be dealt with under the Council's Petitions Scheme; and/or
- 2.1.3 is the same as, or has a substantially similar effect to a petition which has been made to the Council within a period of six months ending with the date on which the petition was made to the Council.

3. Acknowledgement of Petitions

- 3.1 The Monitoring Officer will send a written acknowledgment to the petition organiser within 3 clear working days of the date of receipt. The acknowledgement will give information about what the Council proposes to do in response to the petition, including the date and time at which the petition will be considered by the Council, executive or relevant committee and will advise the petitioners of their rights to speak under the provisions of this procedure.

4. Petitions presented at full Council

- 4.1 At meetings of full Council (other than annual or extraordinary meetings, except at the discretion of the chairman), a period of up to 30 minutes per meeting shall be allowed for the receipt and discussion of petitions.
- 4.2 Petitions will be considered in the order that they are received on the basis of the following procedure:-
 - 4.2.1 Petitions should be presented by either:-
 - 4.2.1.1 The lead petitioner; or
 - 4.2.1.2 An individual nominated by the lead petitioner; or
 - 4.2.1.3 A member of the Council on behalf of the lead petitioner.
 - 4.2.2 who shall be entitled to speak for no more than 5 minutes to summarise the contents of the petition.
- 4.3 Petitions shall normally be discussed by the Council for up to 10 minutes and the Council will take one of the following steps in relation to the petition:-
 - 4.3.1 Giving effect to the request in the petition; or
 - 4.3.2 Holding an inquiry; or
 - 4.3.3 Commissioning research; or

- 4.3.4 Giving a written response to the petition organiser setting out the Council's views about the request in the petition; or
- 4.3.5 Referring the petition to the Executive or relevant committee or to an overview and scrutiny committee.
- 4.3.6 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer and Stronger Communities convened to deal with traffic regulation orders and highways related matters.
- 4.4 The chairman shall have discretion to extend the period allowed for the receipt and discussion of petitions, in the event that any petitions of which notice has been given remain to be received.
- 4.5 The Monitoring Officer shall within 5 clear working days of the date of the Council agreeing its response to the petition:-
 - 4.5.1 Notify the petition organiser in writing of the steps the Council has taken or proposes to take in response to the petition and the reason for doing so; and
 - 4.5.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 4.6 Where a petition has been referred to the Executive, the relevant committee, an overview and scrutiny committee or the Portfolio holder for Safer and Stronger Communities, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

5. Petitions presented at or referred to the Executive or Committees

- 5.1 Where the petition has been presented directly to the Executive or a committee, or referred to the Executive or a committee from the Council, that body shall take one of the following steps in relation to the petition:-
 - 5.1.1 Giving effect to the request in the petition; or
 - 5.1.2 Holding an inquiry; or
 - 5.1.3 Commissioning research; or
 - 5.1.4 Giving a written response to the petition organiser setting out the Executive's or committee's views about the request in the petition; or

- 5.1.5 Referring the petition to an overview and scrutiny committee; or
 - 5.1.6 Referring the petition to the full Council.
 - 5.1.7 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer and Stronger Communities convened to deal with traffic regulation orders and highways related matters.
- 5.2 The Monitoring Officer shall within 5 clear working days of the date of the Executive or relevant committee agreeing its response to the petition:-
- 5.2.1 Notify the petition organiser in writing of the steps the Executive or committee has taken or proposes to take in response to the petition and the reason for doing so; and
 - 5.2.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 5.3 Where a petition has been referred to the Council, an overview and scrutiny committee or the Portfolio holder for Safer and Stronger Communities, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

6. Petitions referred to meetings of the Portfolio holder for Safer and Stronger Communities

- 6.1 Where the petition has been referred to a meeting of the Portfolio holder for Safer and Stronger Communities, the Portfolio holder shall take one of the following steps in relation to the petition:-
- 6.1.1 Giving effect to the request in the petition; or
 - 6.1.2 Holding an inquiry; or
 - 6.1.3 Commissioning research; or
 - 6.1.4 Giving a written response to the petition organiser setting out the Portfolio holder's views about the request in the petition; or
 - 6.1.5 Referring the petition to an overview and scrutiny committee; or
 - 6.1.6 Referring the petition back to the Executive where the Portfolio holder considers it appropriate having regard to the circumstances relating to the petition in question.

- 6.2 The Monitoring Officer shall within 5 clear working days of the date of the Portfolio holder agreeing his response to the petition:-
- 6.2.1 Notify the petition organiser in writing of the steps the Portfolio holder has taken or proposes to take in response to the petition and the reason for doing so; and
 - 6.2.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 6.3 Where a petition has been referred to the Executive or an overview and scrutiny committee, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.
- 7. Review by Overview and Scrutiny of Adequacy of Response to Petition**
- 7.1 The petition organiser may, by giving notice in writing to the Monitoring Officer, request that the relevant overview and scrutiny committee review the adequacy of the response to the petition.
- 7.2 Where such a request is received, the Monitoring Officer shall arrange for the request, together with the response to the petition to be included on the agenda for the next scheduled meeting of the relevant overview and scrutiny committee.
- 7.3 The overview and scrutiny committee has four options having reviewed the adequacy of the response to the petition:-
- 7.3.1 To agree with the steps taken or proposed to be taken in response to the petition;
 - 7.3.2 To call upon the Executive, relevant committee or the Council to reconsider the matter; or
 - 7.3.3 To make recommendations to the Executive, committee or the Council to pursue a particular course of action; or
 - 7.3.4 To refer the matter for consideration by the full Council.
- 7.4 The Monitoring Officer shall within 5 clear working days of the date of the overview and scrutiny committee completing its review of the response to the petition:-
- 7.4.1 Notify the petition organiser in writing of the results of the review; and

- 7.4.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 7.5 The presentation of petitions will also be subject to the general principles governing public participation set out at paragraph 2 of Appendix A.

Chapter 1

The petition scheme

Key principles:

- ensuring that local people know how to express their views
- local authorities will take action to respond to petitions
- local people know that their views have been listened to
- keeping prescribed requirements on councils to a minimum, and
- building on local authority best practice

Key outcome:

Everyone, no matter where they live, will be easily able to find information about how to petition their local authority and they will know what to expect from their local authority in response.

Overview

7. The petitions duty in the Local Democracy, Economic Development and Construction Act 2009 means that for the first time councils will be required to respond to petitions and tell local people what action is going to be taken to address their concerns. Petitions can no longer be ignored because they raise a difficult or challenging issue in the local area.
8. Government believes that local authorities should approach their petition scheme from the starting point of responding to all the petitions they receive. Petitions are an important tool for local people to raise concerns with their locally elected representatives and we expect petitions to trigger action where appropriate. This guidance includes examples of the responses local authorities should consider in four key areas, under-performing schools, alcohol related crime and disorder, under-performing health services and anti-social behaviour.
9. The model scheme at Annex A demonstrates these principles by setting out that all petitions, regardless of the number of signatures, will receive a response providing they follow the guidelines set out in the scheme. The model scheme also gives details about the types of action the 'model' local authority will take in response to petitions on key areas of concern.

Summary of requirements

10. The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to establish a scheme for handling petitions made to the authority.
11. The scheme:
 - must be approved by a meeting of the full council before it comes into force
 - must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area
 - can be revised at any time but the revised scheme must be approved and publicised as detailed above
 - the authority must comply with its petition scheme
12. The 2009 Act requires petition schemes to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect. Beyond this small number of requirements local authorities have a high level of flexibility about how they approach the duty – leaving a lot of scope for local determination.
13. The requirements are:
 - anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
 - a facility for making electronic petitions is provided by the local authority
 - petitions must be acknowledged within a time period specified by the local authority
 - among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included in the scheme:
 - taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee

- petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population (see Chapter 2)
 - petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee (see Chapter 3)
 - petition organisers⁶ can prompt a review of the local authority's response if the response is felt to be inadequate (see Chapter 4)
14. The requirements listed above are the minimum set by the 2009 Act. Local authorities are encouraged to consider designing a scheme which is wider than these requirements, for example, responding to petitions from those who do not live, work or study in the local area or e-petitions which are not made through the authority's own e-petition facility.
15. Section 18 of the 2009 Act clarifies that local authorities can include other information which they consider to be appropriate in their petition scheme. For example, details about how they handle petitions which do not qualify under the scheme or which apply to the functions of another principal local authority, particularly in areas with two tiers of local government.
16. Once published the local authority must comply with its petition scheme but can revise it at any time by taking the steps set out in Section 11 of the 2009 Act.

Designing a petition scheme

17. Principal local authorities, when designing their petition scheme, are expected to
- take into account local circumstances to ensure that the scheme is locally appropriate; for example, *the same thresholds set in a densely populated urban area may not be suitable for a rural authority*
 - ensure that the scheme is accessible to all; for example, *an authority could decide to promote its petition scheme as part of its responsibility to promote understanding of the council under the requirements of the duty to promote democracy, the e-petitions facility is compliant with web accessibility standards*
 - ensure that the process is easy for citizens to use; for example, *that the scheme sets thresholds which are achievable for petitions on very local, as well as authority wide, concerns, no previous knowledge of council procedure is needed in order to submit a petition, the scheme is written in Plain English, people know what they have to do in order to receive a response*

⁶ "petition organiser", in relation to a petition made to a principal local authority, means—

(a) the person designated in the petition as the person with whom the authority may deal in relation to the petition, or
(b) such other person as agrees with the authority to be the person with whom the authority may deal in relation to the petition;

18. Government expects any thresholds which local authorities decide to set to be locally achievable. We expect that where practical local authorities will set low thresholds, such as those used in the model scheme at Annex A. The model scheme takes the approach already used by some local authorities of setting no threshold for triggering a response to a petition. This means the 'model' local authority responds to all the petitions it receives, providing that the petition follows the guidelines set out in the scheme i.e. the petition is not discriminatory or about an excluded matter such as a planning decision.
19. Local authorities should also consider whether variable thresholds would be appropriate to their local circumstances. For example, top tier authorities might consider what appropriate thresholds might be set for matters specific to each of their constituent district areas. Government expects local authorities' petition schemes to ensure that petitions on very local issues, such as anti-social behaviour in a particular street, will receive a response from the council. Setting no threshold, or thresholds which vary depending on the issue or geographic location affected might be one method of achieving this.
20. Thresholds can be reviewed after a period of activity and amended if necessary provided the process set out in paragraph 11 and Section 11 of the 2009 Act is followed. Should it become apparent that a principal local authority, or authorities, are setting requirements which are unachievable, the Secretary of State has the power to direct the principal local authority, or authorities, to amend their petition scheme.
21. The model petition scheme at Annex A can be used by local authorities as a starting point and guide as to how a scheme might operate. Principal local authorities may choose to adopt this scheme as a whole or amend it to reflect local circumstances.

Responding to petitions

22. As a minimum, a local authority's petition scheme must apply if a petition:
 - calls for the authority to take action
 - is signed by the requisite number of people who live, work or study in the local area
 - is made under another enactment but does not qualify under that enactment (see paragraph 33)
 - If made electronically, is made through the authority's e-petition facility

Verification of signatures and acknowledgement

23. Local authorities can choose to verify the signatures given on a petition should they wish. Authorities must take account of the signatures of people who provide valid addresses where they live, work or study within the local authority area; but authorities may take account of signatures of people who do not supply such information, or supply information which shows that they do not live, work or study in the area.
24. In the case of e-petitions the local authority must decide what counts as an authentic signature, for example it might decide that a valid email address is sufficient, a valid postcode or both.
25. All petitions which meet the scheme criteria (see Section 12(1) of the 2009 Act) must be acknowledged within the period specified in the authority's scheme.

Relevant matters

26. Petitions are a valuable opportunity for local authorities to demonstrate strong leadership on issues of concern to the community. As community leaders and place shapers local authorities have a key interest in issues which, although wider than their functions, affect the local area. In view of this, and their role in the local area agreement process, Section 14(2)(b)(ii) of the 2009 Act requires top tier authorities to respond to petitions which relate to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute. This means that these local authorities must deal with petitions which relate to the functions of partner authorities as well as petitions which relate to their own functions, including petitions on matters which are sub-regional and cross-authority.
27. In practice, this may mean acting as an advocate for the local community, working with partners to resolve the issue, lobbying a partner organisation on behalf of the community or instigating an overview and scrutiny review of the issue.
28. Should a petition of this sort call for something which goes against council policy a principal local authority may choose to say 'no' to the request. However, to ensure the step taken in response to the petition is substantive a local authority must clearly explain their position in their response.

Exclusions

Vexatious, abusive or otherwise inappropriate

29. Local authorities should approach the petitions they receive positively and not assume that the motivation is one which is vexatious, abusive or inappropriate. However, petitions, which are in the opinion of the authority vexatious, abusive or otherwise inappropriate, do not qualify under the Section 14 requirement to take steps in response to the petition. Principal local authorities must acknowledge these

petitions, as set out in Section 13 of the 2009 Act, and this acknowledgement should explain why the authority will not be taking action.

30. When considering whether a petition is vexatious a principal local authority should use as a starting point the guidance under the Freedom of Information Act 2000. Guidance to the Act states that *“Deciding whether a [Freedom of Information] request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause”*⁷. In most circumstances it should be the subject matter of the petition, rather than the personality of the petitioners or the manner in which the issue is supported, that is the deciding factor.
31. It is important that petitions which are abusive or otherwise inappropriate are also identified at this stage. Particular care must be taken when considering petitions which call for an officer to give evidence under Section 16 of the 2009 Act that these petitions relate to the role of the individual in delivering public services and not matters relating to an officer’s personality or private life.
32. The types of petitions which local authorities may consider inappropriate include those relating to matters which are part of ongoing legal proceedings or which target individual members of a community. However, the decision on what constitutes an inappropriate petition is ultimately for the local authority to decide considering the circumstances of the individual case.

Petitions under other enactments

33. Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, should be dealt with according to the procedures set out in those enactments. If such a petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it should be addressed through a local authority’s petition scheme in exactly the same manner as any other petition.

Matters excluded by order

34. In order not to duplicate procedures where established processes exist for communities to have their say Government has excluded the following matters from the scope of the petitions duty (see Annex B for draft order):
 - any matter relating to a planning decision, including about a development plan document or the community infrastructure levy

⁷ http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/wareness_guidance_22_vexatious_and_repeated_requests_final.pdf

- any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005
 - any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
35. However, failure to deliver services in these areas remain within the scope of the duty. For example, a petition on an individual planning application is excluded from the duty but a petition about the local authority's failure to deliver an effective service for planning applications would be within scope.
36. When in receipt of a petition on an excluded matter a principal local authority should acknowledge receipt of the petition and explain why the matter is not covered by the authority's petition scheme. If the petition can be taken into account as part of existing procedures, the authority should explain how this will happen. If the petition cannot be taken into account as part of these procedures a principal local authority should explain the existing arrangements for communities to have their say as part of the process in question.

Appropriate steps

37. Principal local authorities are required to take appropriate steps when responding to the petitions they receive. A local authority's response should be proportionate to the seriousness of the issue and the level of support contained in the petition. The actions referred to above (see paragraph 13) and in Section 14(6) of the 2009 Act need to be among those considered but should not be regarded as the only options. Government encourages authorities to be innovative when considering their response to petitions, **including considering any courses of action open to them that are specific to the subject of the petition.**
38. Examples of appropriate steps local authorities should consider in response to specific subjects are included in the table below:

Petition subject	Appropriate steps
Alcohol related crime and disorder	If a local authority receives a petition about alcohol-related crime or disorder, Government expects them to fully consider with their partners the range of options available to them including considering the case for establishing a designated public place order or, as a last resort, establishing and imposing an alcohol disorder zone covering the relevant area.

<p>Anti-social behaviour (ASB)</p>	<p>As the elected representatives of the local area, and often as social landlord and licensing authority, local councils have a significant role to play in tackling anti-social behaviour. Recently crime and disorder reduction partnerships, of which local authorities are a constituent member, have been challenged to set minimum service standards and publicise these to their local communities by March 2010. The police and many local authorities also have a target to increase public confidence that the police and council are working together to deal with crime and ASB issues that matter most locally. As such, when responding to petitions on ASB, local authorities are expected to consider, in consultation with local partners, all the options available to them including the wide range of powers and mechanisms they have to intervene as part of these roles. They should, for example, work with the neighbourhood policing team in the affected area to identify what action might be taken, consider identifying a dedicated contact within the council to liaise with the community, Registered Social Landlords and other neighbourhood partners on issues of ASB in the area in question and, where appropriate, alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
<p>Under-performing schools</p>	<p>Local authorities are expected to consider, in consultation with local partners, all the options available to them when working with schools to secure their improvement. For example, on behalf of the local authority, the school improvement partner (SIP) will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing the local authority should consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to local authorities, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures include; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>

Under-performing health services	Local authorities are expected to work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LiNK) might have in reviewing and feeding back on the issue. The health overview and scrutiny committee should also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue should be referred to them to consider for review.
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39. The local authority must notify the petition organiser of the steps it intends to take and publish this notification on the authority's website.

E-petitions

40. The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:
- principal local authorities are only required to respond to e-petitions made through their e-petition facility
 - principal local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility
 - principal local authorities will decide what equates to a signature on an e-petition (see paragraph 24 above and also Section 12(3)(b) of the 2009 Act)
 - Principal local authorities are required to provide a facility for people to submit petitions to the authority electronically. In addition to this, local authorities can choose to respond to e-petitions submitted by other means and should indicate in their petition scheme how they will deal with these types of petitions.
41. A local authority's petition scheme must secure that the authority's e-petition facility allows citizens to create a petition which can be published online and made available to others for electronic signature. Government does not consider that mere acceptance of emailed petitions meets this requirement.
42. Local authorities should consider how best to integrate their e-petition process with relevant online information and existing online functions, for example, linking petitions to council meetings or decisions, to the minutes or webcast of the relevant meeting, to online forums and most importantly, to the authority's published response to the petition.
43. When taking the decision whether to host an e-petition principal local authorities should, in addition to following the guidance above on vexatious, abusive and otherwise inappropriate petitions, consider those issues pertinent when publishing

any information of their website. For example, issues such as data protection, libel and the statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation⁸.

44. Under Section 10 (2) of the 2009 Act principal local authorities are required to give reasons should they decide not to host an e-petition. This will allow petitioners an opportunity to amend and resubmit their petition.
45. Further sector led best practice guidance on e-petitions will be available, including practical advice for selecting and setting up an e-petitions facility and a set of recommended data standards.

⁸ Section 33 of the Equality Act 2006 for sets out a list of "equality enactments" covering equalities and anti-discrimination legislation

Chapter 2

Petition debates

Key principle:

Local people know that their views have been listened to and they have the opportunity to hear their local representatives debate their concerns.

Key outcome:

Local people will know that if they can get the number of signatures specified in their council's petitions scheme, they will be guaranteed a public, full council debate on their concerns.

46. A systematic review of evidence on empowerment found that when petitions are linked with decision making there are increased levels of empowerment⁹. Section 15 of the 2009 Act therefore requires that petitions which receive a significant level of support should be debated at a meeting of the full council. Principal local authorities are required to set out in their petition scheme the number of signatures needed to trigger a debate as part of the authority's response. This debate may be added to the agenda of a normal meeting of the full council.
47. Where a petition receives the required level of support to trigger a council debate the council should also consider what other steps they should take in order to ensure their response is adequate (see Chapter 4 – Petition Reviews). A debate alone may not be considered a sufficient response to a petition with this level of support.

The debate

48. The principle behind a petition debate is the increased transparency of the local decision making process. Therefore the petition organiser should be informed in writing about when the debate will be held and with sufficient notice to enable their attendance. This notification should also be published on the authority's website.
49. Petitioners should be offered the option of presenting their petition to the council at the beginning of the debate. Principal local authorities should also consider what other contribution the petitioners might make to the discussion, for example, answering questions put by councillors.

⁹ *Empowering communities to influence local decision making – A systematic review of the evidence*, Communities and Local Government 2009, <http://www.communities.gov.uk/publications/localgovernment/localdecisionreview>

50. The debate should conclude with a decision being taken by the full council. This could be a decision to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. In line with the principle that local authorities should listen to the people they represent, and give them feedback, the petition organiser should then receive written notification of this decision. The notification should also be published on the local authority's website.

Setting the threshold for debates

51. Local authorities are required to set a threshold for triggering a full council debate and to include this information in their petition scheme. We recommend where practical, that local authorities set low thresholds, such as those used in the model scheme at Annex A, at the outset. These thresholds can be reviewed after a period of activity and amended if necessary provided the process set out in paragraph 11 and Section 11 of the 2009 Act is followed. If, for example, no debates were triggered in the space of a year, a local authority should review their threshold and consider lowering it in order to ensure that it is locally achievable.
52. Should it become apparent that a local authority, or authorities, are setting requirements which are unachievable, the Secretary of State has the power to direct a principal local authority, or authorities, to amend their petition scheme.
53. The draft order at annex B stipulates that the absolute maximum threshold which can be set is 5 per cent¹⁰ of the local population. We expect that in most cases a much lower figure will be considered locally appropriate. The maximum figure should be calculated using the estimate of the population of the area of the authority contained in the Registrar General's population estimates for England and Wales published by the Office of National Statistics. The threshold should be expressed in the scheme as a simple figure so that people know the number of signatures they need to trigger a debate (see model scheme at Annex A for an example).

Exclusions

54. An authority is not required to hold a debate in response to any petition which falls outside the scheme, for example because it is vexatious, or relates to a licensing or planning decision. Petitions calling for evidence from an officer are also excluded from the requirement to hold a debate.

¹⁰ The 5 per cent maximum threshold is a proxy figure, easy for local authorities to calculate, but not directly related to the number of people eligible to sign a petition.

Chapter 3

Giving evidence

Key principle:

Local people know that their views have been listened to.

Key outcome:

Local people have the right to petition for a senior member of council staff to attend a public meeting of the council’s overview and scrutiny committee. If enough people sign the petition, a senior officer will have to attend the meeting, answer the committee’s questions and explain how they are delivering public services.

55. Principal local authorities’ petition schemes must allow for petitions to trigger a senior member of council staff to attend a meeting of the authority’s overview and scrutiny committee and answer questions about their work. This builds on existing powers of overview and scrutiny committees who can already require members and officers to attend a meeting of the committee and give evidence. It is based on the principle that local government should be as transparent as possible and that officers are accountable to elected members. It allows members of the local community to make use of petitions to influence the way that this scrutiny takes place.

Existing guidance

56. Guidance¹¹ under the Local Government Act 2000 is already in place to cover the way in which overview and scrutiny committees should conduct themselves when questioning an officer of the local authority – including, for example, considering the appropriate seniority of witnesses to ensure that junior officers are not put under undue pressure, and restricting questions to matters of fact and explanation.

Setting an appropriate threshold

57. Local authorities must consider the detail of how these provisions should work in the broader context of their petition scheme. An authority’s petition scheme must specify how many signatures will be needed to require an officer to attend a public hearing.

¹¹ *New council constitutions: guidance to English Authorities*
<http://www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

58. Local authorities should consider a suitable threshold according to local circumstances. While local authorities will need to ensure that the level of support is appropriate for the steps triggered, thresholds should be achievable and expressed as a simple figure so that people know the number of signatures needed to trigger this type of response.
59. Again, we recommend where practical, that local authorities set low thresholds, such as those used in the model scheme at Annex A, at the outset. These thresholds can be reviewed after a period of activity and amended if necessary provided the process set out in paragraph 11 and Section 11 of the 2009 Act is followed. If, for example, no such evidence sessions are triggered by petition in the space of a year the local authority should consider the reasons for this including, for example, the level of public awareness of the scheme and whether the threshold set may be too high.
60. Should it become apparent that a local authority, or authorities, are setting requirements which are unachievable, the Secretary of State has the power to direct a principal local authority, or authorities, to amend their petition scheme.

Officers to which section 16 applies

61. Principal local authorities must determine which of their officers are able to be called to account in this way and include these details in their petition scheme. This information should include the names and job titles of the officers in question. In order for petitions to have a meaningful impact petitioners must be able to call on the most senior officers to attend meetings and give evidence. Section 16(5) of the 2009 Act therefore requires that, as a minimum, petition schemes provide that the head of paid service – often known as the chief executive of the authority – and the most senior officers responsible for the delivery of services can be required to provide information on their activities at public meetings of overview and scrutiny committees. Petition schemes should apply to senior officers responsible for delivering council functions and public services and not junior members of staff.

Appropriate officer

62. As now, the final decisions on which officer should attend, and the questions to be asked of him or her, rest with the overview and scrutiny committee. Under Section 16(10) of the 2009 Act overview and scrutiny committees can decide that for the purposes of addressing the concerns raised in a petition it is more appropriate for another officer to be called to attend instead.

Giving 'grounds'

63. It is essential that the scrutiny prompted by petitions is appropriate and fair to the officers involved. They must not be exposed to inappropriate public scrutiny of their private lives, nor to harassment or bullying. To safeguard officers, Section 16 of the 2009 Act stipulates that the 'grounds' given in the petition for attendance at a meeting of the overview and scrutiny committee must relate to their job – it cannot relate to their personal circumstances or character. An officer is not required to attend a meeting of the overview and scrutiny committee to give evidence if the petition calling for the attendance is deemed to be vexatious, abusive or otherwise inappropriate by the local authority.

Reporting

64. A principal local authority should inform the petition organiser when the overview and scrutiny meeting will take place with sufficient notice to enable them to attend. In any case where the subject of the petition is likely to lead to the discussion of confidential information, and therefore a resolution under the provisions in Part 5A of the Local Government Act 1972 to hold any part of the meeting in private, the reasons and process should be made clear in this notification. This notification should also be published on the local authority's website.
65. After the relevant person has appeared before the overview and scrutiny committee, the committee must make a report or recommendations to the authority (under its existing powers) and send a copy of that report or recommendations to the petition organiser. If appropriate, the report could also be published on the authority's website.

Chapter 4

Petition reviews

Key principle:

That local people know that their views have been listened to.

Key outcome:

Petitioners will be able to appeal to the council's overview and scrutiny committee if they feel the response from their council is not adequate.

66. Section 17 of the 2009 Act is essentially an appeal provision. If a petition organiser is not satisfied with the way an authority has dealt with a petition, this section gives the organiser the power to ask an overview and scrutiny committee to review that authority's response to the petition. The overview and scrutiny committee will decide whether the steps taken by the executive in response to the petition were adequate. Considering petition appeals can help raise public awareness of the important role of overview and scrutiny.
67. The overview and scrutiny committee will bear in mind the list of potential steps which could be used to respond to the petition, listed in Section 14(6) of the 2009 Act. An adequate response is likely to be proportionate to the issue set out in the petition and the level of support the petition has received. High quality responses which take people's concerns seriously should lower the volume of appeals.
68. There may be petition organisers who appeal because the action their petition calls for is rejected, no matter how thorough the council's process for coming to that decision. Appeals of this sort should not be onerous providing the principal local authority keeps records of how they have decided to respond to each petition.
69. If the committee has reason to be concerned about the adequacy of the authority's response it may decide to carry out a full review of the issues raised in the petition using their powers under the Local Government Act 2000.

Triggering a meeting of the full council

70. If the overview and scrutiny committee is very concerned – for instance if the committee thinks that the authority is seriously neglecting its responsibility to listen to local people – under Section 21(3)(b) of the Local Government Act 2000 the committee can arrange for the full council to carry out the review function. That is to say the overview and scrutiny committee can arrange for the authority’s response to the petition to be discussed at a meeting of the full council.

Publicising the outcome of the review

71. Under s.17(4)(b) of the 2009 Act the principal local authority must inform the petition organiser of the results of the review and s. 17(4)(c) requires that the results are also published on the authority’s website. Local people will therefore be able to see how many petition organisers appeal against their council’s response to petitions compared to other councils – and read the response to the appeals. People will therefore be able to judge for themselves how seriously their council is taking community petitions.

Consultation questions – Main guidance:

Question 1:

Does the guidance clearly set out the key principles and requirements of the petitions duty?

Question 2:

Are there any existing areas in the guidance which require further clarification?

Question 3:

Are there any additional areas which you feel this statutory guidance should cover? If so, please state what they are and why you feel they should be included.

Question 4:

Are there any additional areas which, while not appropriate for statutory guidance, you would like to see covered by sector-led guidance?

Question 5:

Are there any areas covered in this statutory guidance which you feel would be more appropriately covered in sector-led guidance? If so, please state what they are and why you feel they should be addressed in this way.

Annex A

Draft model scheme

In order to demonstrate how the framework set out in the 2009 Act can translate in practice we have created a model scheme which local authorities can choose to adopt or adapt. The example below is based on an authority with a population of 150,000 and is the public facing information about their petition scheme published on their website. The model authority has chosen to respond to all the petitions it receives. Petitions which contain 1500 signatures will be debated by the full council and petitions which call for evidence from a senior officer, and have 750 signatures, will trigger that response. [‘link’ indicates where the council’s webpage includes a link to related information]

Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to:

[insert address]

Or be created, signed and submitted online by following this link [link]

Petitions can also be presented to a meeting of the council. These meetings take place on a monthly basis, dates and times can be found here [link]. If you would like to present your petition to the council, or would like your councillor to present it on your behalf, please contact [insert name] on [insert phone number] at least 5 working days before the meeting and they will talk you through the process.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 14 days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [insert links]

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [link to account settings]

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council’s overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council’s decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.

Petition subject	Appropriate steps
<p>Anti-social behaviour (ASB)</p>	<p>As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
<p>Under-performing schools</p>	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner (SIP) will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>

Petition subject	Appropriate steps
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The health overview and scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [link].

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting [insert details] up to three working days before the meeting.

E-petitions

The council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [insert details]. In the same way as a paper petition, you will receive an acknowledgement within 14 days. If you would like to present your e-petition to a meeting of the council, please contact [insert details] (details above) within five days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [insert link].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition.

The committee will consider your request within 30 days of receiving it. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

Consultation questions – Model scheme:

Question 6:

Do you think the model scheme is clearly expressed and easy for people to use? Please explain your reasons.

Question 7:

Do you think the standards set out in the model scheme are achievable and appropriate to citizens' expectations?

Question 8:

Do you think there is anything that should be added to the model scheme?

APPENDIX C

PETITION SCHEME –CONSULTATION QUESTIONS

Main Guidance
<p>Question 1 Does the guidance clearly set out the key principles and requirements of the petitions duty?</p>
<p>Question 2 Are there any existing areas in the guidance which require further clarification?</p>
<p>Question 3 Are there any additional areas which you feel this statutory guidance should cover? If so, please state what they are and why you feel they should be included.</p>
<p>Question 4 Are there any additional areas which, while not appropriate for statutory guidance, you would like to see covered by the expert practitioners in their sector-led guidance?</p>
<p>Question 5 Are there any areas covered in this statutory guidance which you feel would be more appropriately covered by the expert practitioners in their sector-led guidance? If so, please state what they are and why you feel they should be addressed in this way.</p>
Model Scheme
<p>Question 6 Do you think the model scheme is clearly expressed and easy for people to use? Please explain your reasons.</p>
<p>Question 7 Do you think the standards set out in the model scheme are achievable and appropriate to citizens' expectations?</p>
<p>Question 8 Do you think there is anything that should be added to the model scheme?</p>
Draft Order
<p>Question 9 Do you agree with the categories we have excluded in the order? If you do not agree with the categories please explain why you do not think they should be excluded.</p>
<p>Question 10 Do you think there should be additional categories excluded? If so, please state what they are and why they should be excluded.</p>
Next Steps
<p>Question 11 Following on from this consultation, what do you consider the most appropriate timescale for bringing the petitions duty in force? Please explain your reasons.</p>

Question 12

Initial discussions with both the local government and technology sector indicate that it would be wise to stagger the implementation of the e-petition element of the duty, bringing the e-petition requirements into force 12 months after the other elements of the duty are commenced. Do you agree? Please explain your reasons.

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



CONSTITUTION ADVISORY GROUP

DATE: 25 January 2010

TITLE	OUTSIDE BODIES – INDEMNITY COVER	ITEM NO.
REPORT OF	Assistant Director Legal and Democratic	9

PURPOSE	To report (a) as requested on the issue of indemnity cover for members serving on outside bodies, and (b) on a draft policy on Member appointments to outside bodies.
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ORIGIN OF PROPOSAL	<p>On 25 August 2009 the Advisory Group considered an advice note by the Monitoring Officer to all Council Members providing general guidance in relation to their role on outside bodies (Appendix 1). The Group discussed in particular the issue of members' liabilities when serving on outside bodies and what indemnity cover was provided. Officers reported that, whilst the Council's insurance provided members and officers indemnity cover when acting on behalf of the Council, in the case of a registered company or charity where the member was a director or trustee, the member would be acting on behalf of the company or charity not the Council and the Council's indemnity may not cover this situation.</p> <p>The Group asked for specific advice to be provided to all members, drawing attention to the need to ascertain the legal status of each organisation and what each member needed to find out should they be appointed as a trustee of a charity or as a director of a registered company. A report was requested on how this issue was being addressed.</p>
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RECOMMENDATION: That the survey results be noted and that any comments by the Advisory Group be passed to the General Purposes Committee when they consider the attached draft policy on appointments to outside bodies.

SUPPORTING INFORMATION

1. As reported to the Group's August meeting, the Council's insurance provides members and officers with indemnity cover when acting on behalf of the Council, but there was a need to check what cover if any was in place for members who were appointed to charities where they took on the liabilities of a trustee, to companies where they might be appointed as a director, or to other incorporated bodies (e.g. industrial and provident societies). Through a survey conducted in 2008 as part of the transition to Central Bedfordshire, officers already had some information on the legal status of each body, which was included in the appointment letters sent to members in August 2009. Further enquiries were necessary in some cases to clarify the information provided about legal status.
 2. As the 2008 survey included no details about indemnity and/or insurance cover it was necessary, to enable officers to report back to this Group, to conduct a fresh survey in September 2009 of those outside bodies which were either registered charities or companies, or were otherwise incorporated. This information was also required in order for our present insurers to confirm individually which outside bodies were or were not covered by the present policy. A number of survey forms were returned by the outside bodies during October but it was necessary to chase others to obtain a more complete picture. A few queries are still outstanding.
 3. Information gathered from the replies received has been included in the Schedule of Outside Body Appointments (Appendix 4), which has also been restructured to distinguish clearly between
 - (a) corporate bodies (companies, industrial and provident societies, NHS Foundation Trusts and statutory bodies), and
 - (b) non-corporate bodies, which have been sub-divided into advisory or consultative bodies, registered charities and others.
 4. The Monitoring Officer has sought expert legal advice on the issues surrounding members' responsibilities and potential liabilities when serving on outside bodies as well as on the scope for conflicts of interest, particularly for Executive members, and has issued a further advice note on these matters (Appendix 2). The latter part of the note deals with the issue of insurance and indemnity cover.
-

5. Officers have also been asked to consider a draft policy on appointments to outside bodies including issues such as our definition of an outside body, our criteria for making Council appointments, the capacity in which members serve, their responsibilities and potential liabilities, whether they are covered in their duties by insurance and/or an indemnity and conflicts of interest. A draft policy (Appendix 3) which is scheduled to be considered by the General Purposes Committee on 10 February is attached for the Advisory Group's information and comments.

6. It is now clear from enquiries of both our current insurers and our insurance brokers that insurance cover can only be provided under the Council's own policy 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 position is reflected in paragraphs 8 and 9 of the draft policy.

7. This appears to be an industry-wide commercial restriction, despite a legal authority in the relevant regulations which permit local authorities to provide an indemnity against any liability incurred by reason of any action of, or failure to act by, the member or officer in question which forms part of, or arises from, any powers conferred or duties placed upon them, whether or not the function concerned is being exercised in the member's or officer's capacity as a Council member (e.g. it can under law include a member acting in the capacity of a company director).

8. In view of this restriction on the extent of cover provided, the draft policy suggests at paragraph 10 that 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 members appointed by the Council, nor to any unincorporated association where there is a significant risk of personal liability, e.g. where there are contractual obligations in relation to staff, premises or equipment. On our Schedule of Outside Body Appointments this would include all those marked 'No' in the row 'Indemnity Cover' (the 6th row down), unless they are able to confirm that suitable cover is being sought. A few queries remain to be resolved. If, after further enquiries of the body concerned, it should become clear that there is no intention to provide insurance cover, it is suggested that the Council appointment should be rescinded.

Appendices:

- Appendix 1 – Monitoring Officer's general advice note
- Appendix 2 – Monitoring Officer's advice to Executive Members
- Appendix 3 – Draft Policy on Member Appointments to Outside Bodies
- Appendix 4 – Schedule of Outside Body Appointments

Contact Officer Details:
Barbara Morris

Key Background Papers:
None

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Appendix 1

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 2

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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Appendix 3

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 Ampthill	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	Cllrs Peter Blaine + one vacancy (Cons.)	Cllr Ken Matthews	Cllr Andrew Turner	Cllr Mrs Rita Drinkwater (Sub: Cllr Nigel Aldis)

CORPORATE BODIES (NON-STATUTORY)	Bedfordshire Rural Communities Charity	Buzzer Buses (Dial-a-Ride) Ltd	Christian Family Care	Community & Voluntary Service (Mid/North Beds)
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.
Strategic, General or Ward	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	Clr John Street

CORPORATE BODIES (NON-STATUTORY)	Groundwork Trust for South Beds & Luton Advisory Panel	Leighton Buzzard Narrow Gauge Railway Society	Leighton Linslade Citizens Advice Bureau	Luton and Dunstable Hospital Council of Governors
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
Strategic, General or Ward	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	Clr David McVicar	Cllr Adam Fahn (Sub. Cllr Ray Berry)	Cllrs Brian Spurr (voting) & Peter Snelling	Cllr John Kane

CORPORATE BODIES (NON-STATUTORY)	Luton Gateway (Luton and South Beds Local Delivery Vehicle)	Luton Law Centre Management Committee	Marston Vale Trust	Mid Bedfordshire Citizens Advice Bureau
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.
Strategic, General or Ward	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 area but not essential. Normally 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	Cllrs Nigel Aldis, Mrs Fiona Chapman & Paul Duckett	Cllr Richard Stay	Cllr Mrs Rita Drinkwater	Clr 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 Totternhoe		
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	Clr David McVicar (Sub. Cllr Budge Wells)

CORPORATE BODIES (STATUTORY)	Arlesey Landfill Liaison Group	Bedfordshire & Luton Local Government Association	Bedfordshire Drugs & Alcohol Team (BDAT) Partnership Board	Bedfordshire Rural Transport Partnership (Exec Steering Group)
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 Lockey (non-voting)	Cllrs Tom Nicols (voting) & Peter Blaine (non-voting)	Clr 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 clrs (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	Cllr Budge Wells (Sub. Cllr Ray Berry)	Cllrs Tony Northwood & Ms Janet Nunn	Cllr Ms Caroline Maudln	Cllr 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	Shefford 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 Shefford 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

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CONSTITUTION ADVISORY GROUP	
DATE: 25 January 2010	

TITLE	CORPORATE PARENTING PANEL - TERMS OF REFERENCE	ITEM NO.
REPORT OF	Head of Democratic Services	10

PURPOSE	To consider a recommendation to the Executive from the Corporate Parenting Panel to revise its Terms of Reference.
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ORIGIN OF PROPOSAL	Review of Terms of Reference by the Panel
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RECOMMENDATION:	That the views of Constitution Advisory Group be sought on the recommendation of the Panel to revise its Terms of Reference.
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SUPPORTING INFORMATION

1. The Terms of Reference of the Corporate Parenting Panel (CPP) were approved by the Shadow Executive on 17 March 2009 (Appendix A). This was before Central Bedfordshire Council came into existence and therefore prior to the committee and staffing structures now in force.
2. The CPP has reviewed the Terms of Reference being particularly mindful of the current Directorate Structures and post titles. It also considered the level of officer support required at meetings and the number of Elected Members on the Panel and revisited the number of voting and non-voting members on the Panel.
3. The following changes are proposed by the CPP:
 - an increase in the number of Elected Members from 8 to 9 to accommodate the Assistant Portfolio Holder for Children, Families and Learning;
 - the only voting members of the Panel should be the 9 Elected Members, the Director of Children, Families and Learning and the Director of Social Care, Health and Housing;
 - an increase in the number of Foster Carer co-opted representatives from 2 to 4;
 - officer support to the Panel should be determined by the relevant Director on a meeting by meeting basis;
 - a minor adjustment to the scoping of the Panel to clarify outcomes.
4. Subsequent to the CPP meeting the Director of Children, Families and Learning is suggesting voting members would need to include the Foster Carer representatives if a vote was taken. She has however raised the question of the need for voting at all by the Panel commenting that there should be a consensus on recommendations and, if not, the issue should be referred for further discussion at the next CPP meeting.
5. The revised Terms of Reference proposed by the CPP are set out in Appendix B. However Members are now asked to consider these in the context of the further comments of the Director of Children, Families and Learning as outlined in paragraph 4 above.

Appendices –

Appendix A – Original Terms of Reference Approved by the Shadow Executive

Appendix B – Revised Terms of Reference Proposed by the Corporate Parenting Panel

Contact Officer Details:
Kathrin John

Key Background Papers:
Report to Corporate Parenting Panel of 4.1.10 (Agenda Item 3) Shadow Executive Minutes 17.3.09

Appendix A

Central Bedfordshire Corporate Parenting Panel

(Original) Terms of Reference

Purpose

To ensure that the Council effectively discharges its role as corporate parent of looked after children. The Corporate Parenting will be accountable to the relevant Overview and Scrutiny Committee.

Membership

The Panel will be a working group of elected members and senior officers from the Children, Families and Learning Directorate, other Central Bedfordshire Directorates and partners, including representatives of looked after children, their carers and other stakeholders as follows:-

Elected Members:

- Eight elected members, including the Portfolio Holder for Children, Families and Learning, and a member of the Social Care, Health and Housing Overview and Scrutiny Committee.

As far as is practicable the members shall be appointed in proportion to the overall political composition of the Council. The members appointed to serve upon the adoption and fostering panels shall be drawn from the members of the Corporate Parenting Panel.

Service Users, Carers and Schools (non-voting):-

- Two Foster Carers (non voting members) co-opted representatives.
- Two Looked After Children
- One Designated teacher

Senior Officers to support the Panel:-

- Head of Specialist Services
- Director of Children, Families and Learning
- Director of Social Care, Health and Housing
- Service Managers for Children's Participation (Social Care), Adoption & Fostering and Commissioning (Extended Community Placement), Disabled Children, Head of Behaviour & Attendance.

NHS Bedfordshire representative

Other officers may be invited from time to time.

Quorum A quorum of the Panel shall consist of three elected members. The Panel shall normally be chaired by the Portfolio holder for Children, Families and Learning. Should the Chairperson and Vice-Chairperson not be present, then a Chairperson and Vice-Chairperson will be elected to preside at that meeting.

FREQUENCY OF MEETINGS

To meet monthly relative to the production of volume and trend statistics and other performance related data.

Quarterly meetings held to review Regulation 33 report – Children home meetings.

SCOPE

To consider matters pertaining to the Council's role as a corporate parent to children looked after by Central Bedfordshire Council, in particular with regard to:-

- (a) integrated planning and activity for children looked after;
- (b) improving the health, education, employment, training and housing outcomes for children looked after by Central Bedfordshire Council;
- (c) improving outcomes for young people previously looked after by Central Bedfordshire Council;
- (d) ensuring the Council actively promotes opportunities for looked after children.

To agree the annual programme of quality assurance audits relating to LAC services and to consider their outcomes, including complaints, feedback and independent reviewing procedures.

To monitor the performance targets and the Children and Young Persons Plan as far as they relate to vulnerable children and young people in respect of volume and trends.

To consider quarterly reports on progress against trends in the annual Children's Services Service Plan in respect of LAC.

To have lead responsibility for ensuring effective participation arrangements for looked after children and care leavers with the Council and its partners.

To consider reports of visits to children's homes carried out under Regulation 33 of the Children's Homes Regulations 2001

To ensure that a programme of Members' visits to children's homes is established and sustained.

To consider specific anonymous case examples, which illustrate problematic decisions in respect of policy, budget and decision-making.

To consider reports from Regulatory bodies (CSCI/Ofsted) on services for LAC – Children's homes, Fostering and Adoption.

To receive reports on the activity of the Children's Trust under the headings Looked After Children and Safeguarding agenda.

REPORTING

A twice-yearly Report on the activities of the Panel be presented by the Chair of the Panel to the relevant Overview and Scrutiny Committee.

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APPENDIX B

Terms of Reference of Corporate Parenting Panel (recommended by the Corporate Parenting Panel on 4 January 2010)

Purpose

To ensure that the Council effectively discharges its role as corporate parent of looked after children.

Membership

The Panel will be a working group of elected members and senior Officers from the Children, Families and Learning Directorate, other Central Bedfordshire directorates and partners, including representatives of carers and other stakeholders, as follows:-

Elected Members (voting) :

- Nine elected members, including the Portfolio Holder for Children, Families and Learning who will be the Chairman and the Assistant Portfolio Holder for Children, Families and Learning who will be the Vice-Chairman.

As far as is practicable the members shall be appointed in proportion to the overall political composition of the Council.

Officers (voting)

- Director of Children, Families and Learning
- Director of Social Care, Health and Housing

Carers and Schools (non-voting):-

Four Foster Carers (non-voting members) co-opted representatives.
Head of Virtual School

Officers to support the Panel (non-voting):-

- As determined by the relevant Director on a meeting by meeting basis

NHS Bedfordshire Representative (non-voting)

Quorum

A quorum of the Panel shall consist of three elected members. The Panel will be chaired by a Portfolio Holder for Children, Families and Learning. Should the Chairman and Vice-Chairman not be present, then a Chairperson will be elected to preside at the meeting.

Frequency of Meetings

To meet monthly relative to the production and volume and trend statistics and other performance related data. After 6 months, the frequency of meetings is to be reviewed.

Scope

To consider matters pertaining to the council's role as a Corporate Parent to children looked after by Central Bedfordshire Council, in particular with regard to improving the health, education, employment, training and housing outcomes for children looked after by Central Bedfordshire Council through:-

- (a) Integrated planning and activity for children looked after;
- (b) Improving outcomes for young people previously looked after by Central Bedfordshire Council;
- (c) Ensuring the Council actively promotes opportunities for children looked after by the Council.

To secure effective communication arrangements with the Children in Care Council to ensure the following:-

- (a) that their views are listened to and reflected in service delivery;
- (b) Monitoring that Central Bedfordshire's PLEDGE to all children in care is fulfilled.

To consider quarterly reports on progress of the Care Matters Implementation Plan.

To commission reports as necessary to ensure that members of the local authority have the information that will enable them to fulfil their role as Corporate Parents.

Reporting

To provide a report to the Council on an annual basis outlining the work undertaken during the year and identifying a work programme for the following year.

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CONSTITUTION ADVISORY GROUP

DATE: 25 JANUARY 2010

TITLE	CONSTITUTION: “FREQUENTLY ASKED QUESTIONS”	ITEM NO.
REPORT OF	Head of Democratic Services	11

PURPOSE	To seek comments on a draft document requested at a previous meeting to direct members of the public, councillors and officers to key sections of the constitution.
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RECOMMENDATION:

That Members comment on the attached document to enable it to be finalised and uploaded to the website with hyperlinks to the relevant parts of the constitution.

SUPPORTING INFORMATION

1. In July the Advisory Group considered a draft Guide to the Constitution designed to promote understanding and knowledge of the constitution among members and officers. Members suggested that, rather than having a summary of the constitution’s key provisions, which they felt could risk creating an “unofficial” version to the full constitution approved by the Council, some thought could be given to a list of “frequently asked questions” (FAQs) which simply referred the reader to the relevant section and paragraph of the constitution, rather than trying to give an answer.

2. In drafting the attached FAQs document it was appreciated that the questions posed might vary depending on who was the target audience, i.e. member of the public, councillor or officer. It is therefore designed for all audiences, directing the reader to the relevant Part and paragraph of the constitution but also explaining in a few words what that section refers to.
3. Members' comments are requested on (a) the format and (b) the content of the document. The intention if approved is to upload it to the CBC website with hyperlinks that will take the reader directly to the relevant part of the constitution.

Appendix - Central Bedfordshire Constitution - "Frequently Asked Questions".

Contact Officer Details:	Key Background Papers:
Kathrin John	None

Central Bedfordshire Constitution – “Frequently Asked Questions”

Questions	Reference in Constitution
1. Council Governance	
How is the Council governed?	<p><u>Part A1</u> summarises how the Council operates, the different roles of full Council, the Executive and Overview and Scrutiny, the role of officers and citizens’ rights.</p> <p><u>Part A2</u> explains the purpose of the constitution in providing a framework of rules governing the way the Council exercises its functions and takes decisions.</p> <p><u>Part A3, paras 1 to 3</u> explains how councillors are elected and their roles.</p>
What powers does the Leader have?	<p><u>Part A1, para 1.3, Part B5, para 2.3 and Part C1, para 3</u> explain how the full Council elects the Leader of the Council, who then appoints the Executive members (and the Deputy Leader) and allocates their portfolio of responsibilities (<u>Part C1, paras 4 to 6</u>).</p> <p><u>Part C3, paragraph 3</u> sets out any powers the Leader has delegated to individual portfolio holders.</p> <p><u>Part C4, paragraphs 1</u> indicates the process for delegation of Executive functions by the Leader, whilst <u>paragraph 3</u> shows how powers can be sub-delegated. The powers of the Leader with regard to meetings of the Executive are set out in <u>paragraphs 5, 8.2, 9.1 and 9.4</u>.</p> <p><u>Part B5, para 15</u> enables the Leader to call a strategic policy debate at full Council.</p>
What powers does the Executive have?	<p><u>Part A1, para 2 and Part C</u> set out the arrangements for the discharge of Executive functions.</p> <p><u>Part C3, para 2 and Part G1, para 1.1</u> briefly explain the Executive’s functions.</p> <p><u>Part C4</u> explains in more detail how the Executive conducts its business.</p>
What are the rights and duties of individual Portfolio Holders have?	<p><u>Part C3, paragraph 3</u> sets out any powers the Leader has delegated to individual portfolio holders.</p> <p><u>Part H3, paras 2.8.3 and 2.9.1</u> and the qualifications to some delegated powers (throughout H3) refer to</p>

	when Portfolio Holders may expect to be consulted by officers.
What powers does the full Council have?	<p><u>Part A1, paras 1.3 to 1.5, Part B1, Part B6 and Part G1, paras 1.3 to 1.6</u> set out the role and functions of the full Council.</p> <p><u>Part B5</u> details the procedures that are followed at full Council meetings.</p>
What powers does the Council Chairman (or Vice-Chairman) have?	<u>Part B4, para 1 and Part B5</u> at various places set out the role of the Council's Chairman.
What powers do overview and scrutiny committees have?	<p><u>Part A1, para 3 and Part D1</u> set out the role and functions of the five overview and scrutiny committees.</p> <p><u>Part A4, para 7</u> describes their role in relation to petitions.</p> <p><u>Part D2</u> describes in more detail how the overview and scrutiny committees conduct their work and make recommendations.</p> <p><u>Part D2, para 10</u> explains the purpose of the call-in procedure and how it operates.</p> <p><u>Part G2, para 17</u> explains when an overview and scrutiny committee can require the Executive to report to Council.</p>
What powers do other committees have?	<p><u>Part B5, paras 2.5 to 2.7 and Parts E1 and E2</u> describe how the Council appoints a number of non-executive committees, how each is composed (including rules on substitution) and their individual terms of reference.</p> <p><u>Part E3</u> details the procedures that are followed at committee meetings.</p>
What powers do committee chairmen (and/or vice-chairmen) have?	<p><u>Part E3</u> at various places refers to the role of committee chairmen.</p> <p><u>Part D1, para 6 and Part D2</u> at various places refers to the role of overview and scrutiny committee chairmen. The relevant OSC chairman also has powers to agree exemptions from call-in (<u>Part D2, para 10.15</u>) and special urgency under the Access to Information Procedure Rules (<u>Part G2, para 16.1</u>).</p>
What powers do individual	<u>Part A3, para 4</u> summarises the rights and duties of

<p>members have (as ward councillors or otherwise)?</p>	<p>individual councillors.</p> <p>Specific powers listed at various parts of the constitution are:</p> <p><u>Part A4, Annex 3, para 8</u>: how members can speak despite having a prejudicial interest in a planning application.</p> <p>Part B5 (Council meetings):</p> <p><u>para 2.4</u>: how 10 members can put forward a motion to dismiss the Leader;</p> <p><u>para 4.1.1.4</u>: how 5 members may requisition an extraordinary Council meeting;</p> <p><u>paras 12.1 and 12.7</u>: when members may ask questions without notice;</p> <p><u>paras 12.2 to 12.6</u>: how members can ask written questions;</p> <p><u>para 14</u>: how members can make a ward presentation;</p> <p><u>para 16</u>: how members can submit written notices of motion;</p> <p><u>para 17</u>: motions that members may move without notice;</p> <p><u>paras 18 to 20</u>: the rules of debate and voting by which members must abide.</p> <p><u>Part C4 (Executive meetings)</u>:</p> <p><u>para 8.2</u>: members' speaking rights;</p> <p><u>para 9.2</u>: how an Executive member may require an item on an Executive agenda;</p> <p><u>para 9.4</u>: how any member may ask the Leader to put an item on an Executive agenda.</p> <p><u>Part D2 (overview and scrutiny meetings)</u>:</p> <p><u>para 1.3.2</u>: a quorum of members of the committee may call a special meeting;</p> <p><u>paras 3.1 and 3.3</u>: how any member may require an</p>
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item to be included on the relevant overview and scrutiny committee agenda, speak to it and to have the item discussed;

para 7: the additional rights of overview and scrutiny members to documents;

paras 9.3 to 9.5: members' speaking rights;

para 10 (in particular paras 10.7 to 10.9): how an overview and scrutiny chairman, any two members of the relevant overview and scrutiny committee, any three non-executive members or a ward member may call-in an Executive decision;

para 11: how councillors can pursue the Councillor Call for Action procedure.

Part E3 (committee procedure rules):

para 1.3: a quorum of members may call a special meeting;

paras 10.1 and 10.2: how any member may require an item on the relevant committee agenda and speak to it;

para 16: members' rights to attend committee meetings of which they are not members and speak but not vote on any item.

Part F4 (protocol for member/officer relations):

Appendix A: members' rights of access to council information.

Part H3 (scheme of delegation to directors):

paras 2.8.4 and 2.9.3: ward members may expect be informed or consulted on officer delegated decisions affecting their ward;

para 4.3.95.1: a ward member's right to call in a planning application to a meeting of the Development Management Committee.

The qualifications to some delegated powers (currently paras 4.3.66, 4.3.92, 4.3.98, 4.3.111.3, 4.3.120, 4.4.15, 4.5.14, 4.6.45 and 4.6.59) also refer to when ward members may expect to be consulted by officers.

<p>What powers do officers have?</p>	<p><u>Part H1</u> details the council’s chief officers and the functions of statutory officer and proper officer appointments.</p> <p><u>Part H3</u> details the powers delegated to directors and the conditions and limitations upon exercising those powers.</p> <p><u>Part F3</u> sets out the Code of Conduct for Officers.</p> <p><u>Part F5</u> elaborates on the Monitoring Officer’s functions.</p> <p><u>Parts I1, I2, I3 and I4</u> contain codes and rules with which officers must comply.</p>
<p>What rights do members of the public and other bodies have?</p>	<p><u>Part A1, para 5</u> summarises citizens’ rights.</p> <p><u>Part A4 and Appendix A</u> detail the council’s public participation procedures, which include public questions, statements and deputations generally (Annex 1); petitions procedure (Annex 2); and participation in Development Management Committee meetings (Annex 3).</p> <p><u>Part B5, para 11; Part C4, para 8.1; Part D2, para 5.1.5; and Part E3, para 17</u> apply those procedures to all council, executive and other committee meetings.</p>
<p>How can the Council’s constitution be amended?</p>	<p><u>Part A5, para 2</u> explains how the constitution may be amended.</p>

<p><i>2. Budget and Policy</i></p>	
<p>How is the annual budget agreed?</p>	<p><u>Part B2, para 2</u> defines the scope of the Council’s budget.</p> <p><u>Part B3, para 2</u> sets out the process for developing the budget and policy framework via overview and scrutiny.</p> <p><u>Part I2, para 4.4</u> refers to the approval of the annual revenue budget.</p>
<p>How is policy agreed?</p>	<p><u>Part B2, para 1</u> defines the plans, policies and strategies which must be approved by the full Council. All others may be agreed by the Executive.</p> <p><u>Part B3, para 2</u> sets out the process for developing the budget and policy framework via overview and</p>

	<p>scrutiny.</p> <p><u>Part D1, para 3.1</u> refers to the role of overview and scrutiny in relation to policy development and review.</p>
Can decisions be taken outside the budget and policy framework?	<u>Part B3, paras 3, 4 and 6</u> explains the process for seeking such decisions or changing the policy framework in-year.

<i>3. Decision-making</i>	
What is a “key decision”?	<p><u>Part C2, para 1</u> defines the meaning of “key decision”.</p> <p><u>Part G2, paras 13 to 16</u> explain the procedure to be taken before taking a “key decision”.</p>
When are meetings held in public?	<u>Part G2</u> sets out the rules governing the right of members of the public to attend all Council, Executive, committee and sub-committee meetings with certain limited exceptions, and to inspect reports.
When are meetings held in private?	<u>Part G2, paras 1.1, 10 and 11</u> specify the circumstances in which the public may be excluded from meetings and from access to reports to them.
How are decisions publicised?	<u>Part G2, paras 18 and 19.1</u> describe the requirements for publicising Executive decisions.

<i>3. Full Council Meetings</i>	
How can members get an item onto the agenda?	<p><u>Part B5, para 16</u>: how members can submit written notices of motion.</p> <p><u>Part B5, para 14</u>: how members can make a ward presentation.</p>
How can members raise questions?	<p><u>Part B5, para 12.1</u>: how members can ask a question without notice on an Executive or committee minute or recommendation.</p> <p><u>Part B5, paras 12.2 and 12.3</u>: how members can ask a written question on any council matter.</p> <p><u>Part B5, para 12.7</u>: how members can ask an oral question on any council matter.</p>
When can members speak?	<u>Part B5, para 18</u> sets out the rules of debate at full Council meetings.

<i>5. Executive Meetings</i>	
How can members get an item onto the agenda?	<u>Part C4, para 9.2</u> : how an Executive member may require an item on an Executive agenda. <u>Part C4, para 9.4</u> : how any member may ask the Leader to put an item on an Executive agenda.
When can members speak?	<u>Part C4, para 8.2</u> : members' speaking rights.

<i>6. Overview and Scrutiny Meetings</i>	
How can members get an item onto the agenda?	<u>Part D2, paras 3.1, 3.3 and 11</u> : how any member may require an item on the agenda, speak to it and have the item discussed (including the Councillor Call for Action procedure). <u>Part D2, paras 10.7 to 10.9</u> : how members can call-in an Executive decision for review.
When can members speak?	<u>Part D2, paras 9.3 to 9.5</u> : members' speaking rights.

<i>7. Other Committee Meetings</i>	
How can members get an item onto the agenda?	<u>Part E3, paras 10.1 and 10.2</u> : how any members may require an item on the relevant committee agenda and speak to it.
When can members speak?	<u>Part E3, para 16</u> : members' rights to attend committee meetings and speak but not vote on any item.

<i>8. Public Participation</i>	
What information are members of the public entitled to?	<u>Part A4, para 3</u> lists the information to which members of the public are entitled. <u>Part G2</u> elaborates on the public's rights of access to meetings and documents, including the circumstances in which the public may be excluded on the grounds of confidential or exempt information.
How can members of the public speak at meetings?	<u>Part A4, para 4 and Appendix A</u> detail the ways in which members of the public may participate in meetings of the Council, the Executive or committees.
How can a member of the public	<u>Part A4, Annex 1</u> explains the provisions for asking

make a statement or ask a question?	questions, making statements or sending deputations about council functions or individual agenda items.
How can a member of the public present a petition?	<u>Part A4, Annex 2</u> explains the provisions for presenting a petition to the Council, the Executive or a committee, and how they will be dealt with.

<i>9. Members' Interests</i>	
What is "ethical governance"?	<u>Part F</u> includes six related documents which together comprise the Council's ethical framework. "Ethical governance" refers to the standards that both members and officers are expected to uphold in complying with the Ten General Principles of Public Life, as set out in <u>Part F2, para 2</u> .
What does the Members' Code of Conduct require of members?	<u>Part F2, paras 3 to 17</u> constitutes the Council's Code of Conduct for Members.
What is a "personal interest"?	<u>Part F2, para 10</u> describes the circumstances in which a councillor is likely to have a personal interest.
When does a member have to declare a personal interest?	<u>Part F2, para 11</u> explains the requirements for disclosure of a personal interest at meetings where relevant business is being discussed. <u>Part F2, para 15</u> refers to a councillor's duty to register details of all personal interests in the public register.
How does a personal interest affect the member's participation in meetings?	A personal interest alone does not affect the member's ability to participate fully and to vote in the meeting.
What is a "personal and prejudicial interest"?	<u>Part F2, paras 12 and 13</u> describes the circumstances in which a councillor is likely to have a personal and prejudicial interest.
How does a personal and prejudicial interest affect the member's participation in meetings?	<u>Part F2, para 14</u> explains the requirements to withdraw completely where a councillor has a personal and prejudicial interest, unless purely exercising normal public speaking rights (and then withdrawing).
What is the role of the Standards Committee?	<u>Part F1, para 1.1</u> sets out the role and functions of the Standards Committee. <u>Part F1, paras 3, 4 and 5</u> set out the role and functions of the Standards Sub-Committees which assess, review and if necessary investigate

	complaints of a breach of the Members' Code of Conduct.
What is the role of the Monitoring Officer?	<u>Part H1, para 3.4 and Part F5</u> set out the role and statutory responsibilities of the Monitoring Officer.
What is the role of the Chief Finance Officer?	<u>Part H1, para 3.5</u> sets out the role of the Chief Finance Officer.
Is there any guidance on member/officer relations?	<u>Part F4</u> gives a Protocol for Member/ Officer Relations, including access to information, members' enquiries, dispute resolution and complaints.
What can Members expect from officers?	<u>Part F4, paragraph 2.4</u> sets out what Members can expect from officers.
What can officers expect from Members?	<u>Part F4, paragraph 2.5</u> sets out what officers can expect from Members.
What are the standards for responding to Members' enquiries?	<u>Part F4, paragraphs 6.2 to 6.8</u> set out the standards and timescales within which officers should respond to Members' enquiries.

<i>10. Council Officers</i>	
What does the Officers' Code of Conduct require of officers?	<u>Part F3</u> constitutes the Council's Code of Conduct for Officers.

<i>11. Finance, Contracts and Legal Matters</i>	
Where are the Council's rules about ensuring sound financial management?	<u>Part I2 'Code of Financial Governance'</u> gives a strategic framework for good financial and resource management. More detailed operational procedure rules are available on the intranet (add link)
Where are the Council's rules about letting and managing contracts?	<u>Part I3 'Code of Procurement Governance'</u> gives high level rules for all procurement. More detailed operational procedure rules are available on the intranet (add link)

<i>12. Partnership Arrangements</i>	
What partnerships and joint arrangements does the Council have?	<u>Part J2</u> sets out the arrangements and terms of reference for various joint bodies.

How are they managed and regulated?	Part J3 'Partnerships Protocol' sets out governance principles for public and private sector partnerships.
<i>13. Members' Allowances</i>	
What allowances are members entitled to?	Part K contains the Members' Allowances Scheme which determines the basic, special responsibility and other allowances (including travel) that can be paid.

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CONSTITUTION ADVISORY GROUP

DATE: 25 January 2010

TITLE	WORK PROGRAMME	ITEM NO.
REPORT OF	Head of Democratic Services	12

PURPOSE	To discuss and agree future report items for the Advisory Group.
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ORIGIN OF PROPOSAL	CAG minute 31, meeting 9 November 2009.
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RECOMMENDATION:

That Members agree a future work programme.
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SUPPORTING INFORMATION

1. It was agreed at the last meeting that the Advisory Group would meet bi-monthly and that officers would schedule meetings in the calendar to link suitably with meetings of the full Council so that any amendments to the constitution could be approved. So far this meeting and another on 1 April 2010 have been agreed with Group members.
 2. Four items were identified for future meetings:
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- 2.1 Overview and scrutiny arrangements, with particular emphasis on the role of the Overview and Scrutiny Co-ordination Panel and the absence in the constitution of a single overarching overview and scrutiny committee.

(An initial debate took place at Overview and Scrutiny Co-ordination Panel (OSCP) on 8 January, to be followed by further discussion at the next OSCP meeting on 3 February. Any proposed revision to the overview and scrutiny structure will be submitted to the Advisory Group before submission for approval by full Council. If any new structure is to be implemented at the Council's annual meeting on 22 April, the Advisory Group may wish to review this earlier than 1 April).

- 2.2 Public participation arrangements for elected Town/Parish Council representatives at Development Management Committee meetings.

(Officers will comment at the meeting)

- 2.3 The future of Town Centre Management Committees, where the Executive was being recommended to refer any constitutional change to the Advisory Group.

(The Executive received a report on 10 November 2009 which proposed a new process for town centre management and the removal of Town Centre Management Committees from the CBC constitution. Executive deferred the item to a future meeting.)

- 2.4 Review of Procurement Rules particularly in relation to low-end transaction limits.

(Report submitted to this meeting).

3. It may also be necessary to include in the Advisory Group's work programme some or all of the following items:

- 3.1 the consequential changes to the constitution arising from the senior management review currently in progress, once they are fully known; if the intention is to implement the review as from 1 April 2010, an additional meeting of the Advisory Group may be needed in order to make recommendations to full Council on 25 February;

- 3.2 the outcome of a review of the Policy Framework which is currently in progress, to be reported to CAG on 1 April;

- 3.3 petitions procedure – changes required consequent upon the publication of final statutory guidance (depending on Ministers' decision on the implementation date);

- 3.4 any changes made in the Leader's delegations to Portfolio Holders or Directors (for information).
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Contact Officer Details:

Kathrin John

Key Background Papers:

None

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