

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 13, Priory House, Monks Walk, Shefford on Monday, 15 February 2010

PRESENT

Cllr S F Male (Chairman)
Cllr (Vice-Chairman)

Cllrs Mrs C F Chapman MBE
D Jones

Cllrs M R Jones
D J Lawrence

Apologies for Absence: Cllrs A Shadbolt

Officers in Attendance	Mr R Ellis	– Director of Customer and Shared Services
	Mrs K John	– Democratic Services Manager
	Ms M Peaston	– Interim Committee Services Manager

CAG/09/46 **Notes of Previous Meeting**

The notes of the last meeting held on 25 January 2010 were approved as a correct record and signed by the Chairman.

CAG/09/47 **Review of the Overview and Scrutiny Arrangements**

The Constitution Advisory Group at its meeting on 15 February 2010 received a report setting out proposals to revise the Overview and Scrutiny arrangements. It was noted that the Overview and Scrutiny Co-ordination Panel (consisting of the Chairmen and Vice-Chairmen of the five current Overview and Scrutiny Committees) at its meeting on 3 February 2010 had reviewed a number of options for revising the structures and working practices of the Overview and Scrutiny function and the scope for streamlining other Council arrangements generally.

A firm set of proposals had emerged from this meeting which were now before the Constitution Advisory Group for consideration.

A discussion ensued regarding the appropriate means of reflecting changes to the Constitution arising from the Senior Management Review. A view was expressed that it was not appropriate for the structure diagram to be in the Constitution and that the website should include information of this kind in an accessible place for members of the public to view easily.

Members discussed at length the proposals set out in the report for the Overview and Scrutiny structure. The conclusion was reached that the proposals in the report were appropriate and that the terms of reference for the newly-merged fourth committee would be an amalgamation of the terms of reference from the currently existing Corporate Resources and Business Transformation Overview and Scrutiny Committees. The suggestion of "Central Services Overview and Scrutiny Committee" as an appropriate name for the new committee was well-received.

The Group also considered the need to have a work programme in place to plan looking at the operational efficiency of the Council and amend the Constitution where necessary. A suggestion was made that an exercise to review the need for the non-statutory Committees of the Council could be valuable. Members welcomed this proposal.

AGREED

that a Work programme be drawn up for the Constitution Advisory Group, including an item for the consideration of the role of non-statutory committees of the Council and whether they were needed, to take place in the spring/summer 2010.

AGREED TO RECOMMEND TO COUNCIL

- 1. to amend the Overview and Scrutiny structure to provide for four committees which mirror the Council's organisational structure with effect from the Council's annual meeting on 18 April 2010;**
- 2. as a consequence of recommendation 1 above, to dissolve the Business Transformation and Corporate Resources Overview and Scrutiny Committees and establish a Central Services Overview and Scrutiny Committee with terms of reference which are an amalgamation of the previous two committees;**
- 3. to authorise the Monitoring Officer in consultation with the Constitution Advisory Group to make the necessary consequential arrangements to the Constitution arising from recommendations 1 and 2 above;**
- 4. that the Organisational Structure diagram should be removed from the Constitution and kept up to date on the Council's website and in the Councillors' Guide.**

CAG/09/48 **Scheme of Delegation to Officers**

The Advisory Group considered points which had been raised by Members in relation to the Constitution.

Regarding delegation 4.6.31 "to settle on appropriate terms any litigation or claim made by or against the Council" the Group noted that there was currently no upper financial limit to the officer's delegation to carry this out. Members considered that this was too open and that thresholds should be put in place.

The Group noted a new delegation approved by the Leader of the Council to the Portfolio Holder for Sustainable Development.

The Group considered that there was no need for delegations made by the Leader of the Council to be reported to the Constitution Advisory Group and Council provided all Members were notified of them.

The Group was invited to consider whether it wished to conduct a review of the scheme of delegation to officers, with a view to producing a more streamlined scheme. It was proposed that officers conduct a review of the scheme of delegation of the unitary authorities within the Council's CIPFA comparator group. The need for inclusion of the detailed scheme within the Constitution should also be reviewed.

AGREED

that a review of the schemes of delegation to officers of the unitary authorities within the Council's CIPFA comparator group be undertaken and reported back to the Constitution Advisory Group.

AGREED TO RECOMMEND TO COUNCIL:-

1. **that the following upper financial limit should be imposed on the delegation set out at Section H3 paragraph 4.6.31, namely, "to settle on appropriate terms any litigation or claim made by or against the Council", as follows:-**

Financial Threshold	Approval by
Up to £200,000 (ie Key Decision threshold)	Assistant Director Legal and Democratic
£200,000 - £500,000 (in line with the new delegations to individual Portfolio Holders)	Portfolio Holder for Corporate Resources, in consultation with the relevant Portfolio Holder and Assistant Director Legal and Democratic
£500,000 and above	Leader of the Council, in consultation with the Portfolio Holder for Corporate Resources, relevant Portfolio Holder and Assistant Director Legal and Democratic
(Note: Delegations to individual Portfolio Holders are subject to approval by the Leader of the Council.)	

- 2. that the Constitution be amended to provide that the delegations agreed by the Leader of the Council do not need to be reported to Executive or Council as they would be advised to all Members as and when they occurred.**