

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 14A Priory House, Chicksands, Shefford on Thursday, 1 April 2010

PRESENT

Cllr S F Male (Chairman)

Cllrs	Mrs C F Chapman MBE	Cllrs	D J Lawrence
	D Jones		A Shadbolt
	M R Jones		

Officers in Attendance	Mrs K John	Head of Democratic Services
	Mrs E Malarky	Head of Policy
	Ms M Peaston	Interim Committee Services Manager
	Mrs G Stanton	Assistant Director Communications

CAG/09/49 **Guidance for the managements of events and media relations.**

The Group received a report of the Assistant Director (Communications) asking for consideration to be given to the formal adoption of guidance on the management of publicity events and activities. Guidance was also sought as to whether such a document should be included in the Council's Constitution or elsewhere.

The Group noted the guidance which would be for use in connection with ceremonial, civic and official events.

Members were of the view that the document should not be part of the Constitution but should be included in the Councillors' Guide.

Detailed consideration was given to the wording in the guidance. The Assistant Director (Communications) indicated that she would set out at the beginning of the document a clear statement that the Leader of the Council and the Chairman of the Council have different roles, one being political and one being associated with civic and ceremonial matters.

A comment was made about the management of political connotations in press releases particularly in view of the forthcoming General Election. It was noted that the Communications team was already aware of the need for care in relation to comments or quotations which could be considered political. The Group was advised that if they considered a press release or quotation by an officer to be political, they should report this matter to the Monitoring Officer.

The Advisory Group wished to record their support for the political neutrality of the officers and observance of the proper protocol.

Further detailed amendments to the wording of the document were discussed and agreed as set out below.

AGREED

1. that the document, as amended, should be included in the Councillors' Guide and not in the Council's Constitution;
2. that the following amendments be made to the document which should be re-circulated to members of the Advisory Group before being finalised and added to the Councillors' Guide.

Location	Wording to be inserted/amended
As a note at the beginning of the document	An explanation to be given as to the political, or civic and ceremonial, nature of the Leader's and the Chairman's representation of the Council.
Paragraph 1, after the second sentence begins	If it is a Council event, the chairman and the Vice-Chairman should also be involved.
Paragraph 8	Indicate that invitees may (not will) include appropriate persons from local authorities, etc.
Paragraph above the heading News Releases	This paragraph to be revised to be clearer and to include guidance on events arranged by other organisations to which the Council would send representation.
Additional paragraphs to follow the existing one above the heading News Releases	An explanation be included of the position regarding outside appointments eg Fire Service awards, official events by partner organisations, Town and Parish Council notification of events in their area

CAG/09/50 Notes of the last Meeting

The notes of the previous meeting held on 15 February 2010 were approved as a correct record and signed by the Chairman.

CAG/09/51 **Outside Bodies Policy**

The Advisory Group recalled that at its last meeting it had considered a draft policy for Outside Bodies and had endorsed the draft, subject to some amendments. The draft policy had now been approved by General Purposes Committee at its meeting on 10 February 2010.

The Group requested a minor amendment to paragraphs 3-5 to delete the words "which receives funding from the Council" and the insertion of "where".

AGREED

Subject to the amendment detailed above, to endorse the Policy on Outside Bodies for inclusion in the Councillors' Guide and circulation to Members.

CAG/09/52 **Review of Policy Framework**

The Advisory Group considered a report proposing an updated set of policies and strategies to comprise the Council's Policy Framework.

It was noted that legislation required the Council's Constitution to set out a Policy Framework comprising those plans and strategies to be approved or adopted by Council. The inclusion of certain specified plans and strategies was mandatory, some were recommended for inclusion by the Secretary of State and others could be added at the Council's discretion.

Members were aware that the existing Budget and Policy Framework had been created by the Shadow Authority in 2008 and considered whether it was appropriate to review it now that Central Bedfordshire Council had been in place for a year. Comments were made that it was important that Members should have full involvement particularly while the Council was still a relatively new body. Members concurred that this proposal came a year too early.

A suggestion was made that when the Advisory Group reviewed the Council's policy framework it would be beneficial if those policy and strategy matters dealt with elsewhere, other than at Council, were specifically listed. It was noted that this list was currently being compiled. Members asked that consideration be given by the officers as to when the most appropriate time might be, having regard to the work which needed to be carried out.

Members were advised that some of the policies or strategies could be amalgamated together, for example all the budget strategy matters could be in one place under paragraph 2.1 Part B2 and the reference to the Sustainability Suite could now be updated to be Climate Change Strategy reflecting current terminology. Members welcomed this suggestion.

Members indicated support for re-titling the appropriate sections in part B from "statutory" to "required" and "other" to "recommended/discretionary".

A comment was made that at the point of a policy or strategy being brought before Members, particularly when it related to external organisations, they

were sometimes advised that there was no further opportunity for changes. A request was made that policies and strategies be brought before Members well enough in advance to enable changes to be made if required.

A suggestion was made that a separate stand-alone Consultation Strategy was needed. It was noted that there were times that consultation was a legal requirement and that this would fall outside of any consultation strategy agreed by the Council.

In response to a question it was noted that where consultation was a legal requirement this would be reported under the Legal Implications section of the reports template. A discussion ensued and Members commented that a specific section on Consultation should be included in the reports template to report on any consultation carried out with external bodies.

Comments were made identifying policies and strategies which Members felt strongly should remain in the Policy Framework, and also about various other items currently within the Framework, as set out below.

Policies /Strategies identified as those which should remain

- Regional Spatial Strategies including the MKSM sub-regional strategy
- Customer Service Strategy
- Communication Strategy
- Community Engagement Strategy
- Local Area Agreement

Policies/Strategies where other considerations applied

- Older People's Strategy – the Advisory Group noted that this was one of many social care and health items and indicated a willingness to consider that the Healthier Communities and Older People framework would in future provide the higher level strategic overview.
- Cultural Strategy (including Leisure Strategy) – a comment was made that this should remain unchanged for the moment but in the future this could be replaced by a Leisure Strategy only.
- Housing Investment Strategy – it was noted that there was no longer a requirement to produce a Housing Investment Strategy.

The Advisory Group discussed paragraph 5 of the report which set out a paragraph included in the Constitution indicating the role of the overview and scrutiny committees in developing plans and strategies. A suggestion that the chairmen of the overview and scrutiny committees be invited to the next meeting of the Advisory Group to discuss this was welcomed. A request was made that a short paper be brought to the meeting indicating that the development of policy should be carried out through team working between the overview and scrutiny committees, the Executive and senior officers.

AGREED TO RECOMMEND TO COUNCIL:-

That the Policy Framework in Part B2 of the Constitution be amended by:-

- (a) Inclusion of the budgetary plans listed in paragraph 1.1.3.2 under the Budget definition in paragraph 2.1, in order that all elements relating to the budget are listed in one place;**
- (b) Deletion of “Housing Investment Strategy” in paragraph 1.1.3.6, given that authorities are no longer required to produce Housing Investment Strategies;**
- (c) Amendment of “Sustainability Policy Suite” in paragraph 1.1.3.7 to “Climate Change Strategy” to reflect the correct title for the Strategy;**
- (d) Amendment of the headings of “Statutory” in paragraph 1.1.2 to “Required and “Other” in paragraph 1.1.3 to “Recommended/Discretionary” to reflect that the Government specifies certain plans and strategies which authorities are required to include in their Policy Frameworks, others which are recommended for inclusion and that the Council may also add plans at its discretion. (The deletion of “statutory” will also avoid confusion with other “statutory” plans which the Council is required to produce but which are not required by the Government to be included in the Policy Framework).**

(Note: a revised version of the Policy Framework is attached at Appendix A.)

AGREED

1. that a report be brought back to the Constitution Advisory Group in approximately 6 months (18 October 2010 meeting) proposing which specific policies and strategies should be included in the Policy Framework and additionally listing those which need not be included, with a detailed rationale to support the proposals;
2. that policies and strategies be brought before Members for consideration at a timely point such that changes could be made if Members required any;
3. that the Assistant Director Communications develop proposals for a stand-alone Consultation Strategy, possibly advised by an Overview and Scrutiny Task Group;
4. that a specific section be included in the reports template headed “Consultation” where consultation with external organisations should be reported;
5. that an item be placed on the agenda for the next meeting to consider the development of plans, strategies and budgets in the Budget and

Policy Framework and that the Chairmen of the overview and scrutiny committees be invited to attend to participate in the discussion.

CAG/09/53 Proposed Amendment to Public Speaking at Development Management Committee

The Advisory Group considered a report of the Assistant Director, Development Management regarding a request by a Parish Council Chairman to increase the time limit for speakers at Development Management Committee.

Councillor Shadbolt, Vice-Chairman of Development Management presented this item.

Members noted that further to research carried out by the Leader of the Council, findings concluded that the current arrangements were in line with national best practice. It was also noted that consideration had been given to the request at a meeting of key players at meetings of Development Management Committee, including the relevant Portfolio Holder, the Vice-Chairman of Development Management Committee and the Heads of Development Managements North and South, which had recommended that there be no change to the current arrangements.

The Advisory Group noted that the Chairman of the Development Management Committee could use his discretion to vary the amount of time available to speakers.

A debate ensued and a number of points were made. It was considered that it was appropriate for a Planning Officer to be present to advise. In view of this, the Advisory Group agreed to adjourn consideration of this matter to the next meeting and to ask a Planning Officer to attend.

AGREED

that the Constitution remain unchanged in respect of the time limit for members of the public speaking at meetings of Development Management Committee pending further consideration of the matter at the next meeting of the Advisory Group (1 June 2010) when a Planning Officer would be present.

CAG/09/54 Variations to the Constitution

The Advisory Group recalled that at its last meeting, the Monitoring Officer had been asked to make the amendments to the Constitution to reflect the new overview and scrutiny structure in consultation with the Group.

The report set out the consequential amendments in relation to:-

Overview and Scrutiny Committees

- Part A1 – paragraph 3
- Part D1 Overview and Scrutiny Arrangements and Terms of Reference

The report also set out previously agreed amendments in relation to:-

Officer Employment

- Part E2 – paragraph 8.1.1 (Terms of Reference of Appointments Sub-Committee)
- Part F4 – paragraph 5.1.4 (Protocol on Member/Officer Relations)
- Part H3 – paragraph 3.2.1.3 (Scheme of Delegation...to Directors and other Officers)
- Part H4 – Officer Employment Procedure Rules

An additional proposal was made to provide for the introduction of Leader's Announcements at Council meetings.

It was also proposed that the amendments to the Constitution arising from the Senior Management Review would be the subject of consultation with Members by e-mail prior to the Monitoring Officer effecting the changes through exercising her delegated power from the Council.

AGREED

1. that the revisions made to the relevant parts of the Constitution in respect of the amended overview and scrutiny structure and changed procedure for officer appointments at Assistant Director level, as set out in the attachments to the submitted report, be endorsed;
2. to note that the amendments to the Constitution consequential to the Senior Management Review would be the subject of consultation with Advisory Group members by e-mail prior to the Monitoring Officer effecting the changes through exercising the power delegated to her by Council.

AGREED TO RECOMMEND TO COUNCIL

To approve the variation to Part B5 of the Council Procedure Rules to provide for Leader's Announcements and Communications to be an item at meetings of Council.

CAG/09/55 Variations to the Scheme of Delegation to Officers

The Advisory Group received a report advising of changes approved by the Leader of the Council to the Scheme of Delegation to Officers.

Questions were asked as to the implications of the delegations. It was noted that in future the appropriate officer/s would be present to explain the implications of the delegations.

The Chairman requested that a letter be sent in his name to the Chief Executive asking that appropriate officers attend future meetings of the Advisory Group to ensure full advice was available to Members.

AGREED

1. to note the delegations recently approved by the Leader of the Council, as detailed in the submitted report;
2. that a letter from the Chairman of the Advisory Group be sent to the Chief Executive asking that where there is a proposed change to the Constitution, the relevant officer be present to advise the Constitution Advisory Group.

CAG/09/56 Publishing of the Constitution on the Website

The Advisory Group had recently been advised that changes on the website had provided hyperlinks in the Constitution to assist with navigation within it. Members had taken the opportunity to look at the document on the website and also received a printed version at the meeting.

Comments were made about the advantages of using a PDF editor which could enable bookmarking, making the document much more user-friendly.

AGREED

That further work be carried out by the officers to make the Constitution on the website more easily navigable.

CAG/09/57 Work Programme

The Advisory Group reviewed its Work Programme.

It was noted that the following items had been added during the course of the meeting to the agenda for the next meeting:

- Public participation for local council representatives at meetings of Development Management Committee (June)
- Consultation Strategy (June)
- Review of items for the Policy Framework (October)

Members were advised that the new statutory provisions for petitions would come into effect on 15 June before the Council meeting on 24 June 2010. The provisions relating to e-petitions would not be introduced until 15 December 2010. Consideration was given as to the most pragmatic approach to reviewing the adjustments needed to the current scheme in respect of the new statutory requirements. A discussion ensued, suggesting that the proposals for revising the petitions procedure should come to the Advisory Group's meeting on 1 June and that recommendations on proposed amendments would then be submitted to Council on 24 June 2010.

A comment was made that the Constitution did not appear to provide a satisfactory officer delegation in respect of savings/expenditure in relation to leases. It was noted that the Leader could use her delegated power to make the necessary amendment to the scheme of officer delegations.

AGREED

1. to add items to the Work Programme, as detailed above;
2. that the arrangements for dealing with petitions be brought to the meeting of the Advisory Group on 1 June 2010;
3. that the officers bring to the attention of the Leader the need for an additional officer delegation in relation to leases, and make the appropriate arrangements.

CAG/09/58 Dates of future meetings

The Advisory Group considered dates for future meetings further to a canvass of availability having been carried out.

AGREED

That future meetings of the Constitution Advisory Group be held on the following dates:-

- Tuesday 1 June 2010 2.00pm
- Thursday 29 July 2010 2.00pm
- Monday 18 October 2010 2.00pm
- Thursday 2 December 2010 2.00pm (Note: After the meeting this was changed to 1.00pm)
- Monday 21 March 2011 2.00pm.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.45 p.m.)

Chairman.....

Date.....

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B2 THE BUDGET AND POLICY FRAMEWORK

1. Policy Framework: Definition

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1.1 The policy framework means the following plans, policies and strategies and such others as may be added by the Council. (Note: all other plans and policies shall be the responsibility of the Executive)

1.1.2 Required Plans

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- 1.1.2.1 Children and Young People's Plan
- 1.1.2.2 Crime and Disorder Reduction Strategy
- 1.1.2.3 Local Transport Plan
- 1.1.2.4 Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework
- 1.1.2.5 Sustainable Community Strategy
- 1.1.2.6 Statement of Licensing Policy under Section 5 of the Licensing Act 2003
- 1.1.2.7 Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005

1.1.3 Recommended/Discretionary Plans

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- 1.1.3.1 Revenue and Capital Budget and the Capital Programme
- 1.1.3.3 Corporate Strategic Plan (including Directorate Development Plans)
- 1.1.3.4 Older People's Strategy
- 1.1.3.5 Cultural Strategy (including the Leisure Strategy)
- 1.1.3.6 Housing Strategy
- 1.1.3.7 Climate Change Strategy
- 1.1.3.8 Customer Service Strategy, Communication Strategy, Consultation Strategy and Community Engagement Strategy
- 1.1.3.9 Local Area Agreement
- 1.1.3.10 Regional Spatial Strategies including the MKSM sub-regional strategy (including Luton and South Bedfordshire growth area strategy documents, unless formally delegated by the Council to a joint committee)
- 1.1.3.11 Equality and Diversity Strategy
- 1.1.3.12 Joint Economic Development Strategy for Bedfordshire

Deleted: 1.3.2 - Medium Term Financial Strategy, Annual Treasury Management Strategy and Fees and Charges Policy – as part of annual budget setting at Full Council. Treasury Management Policy Statement (reviewed on a periodic basis)¶

Deleted: / Housing Investment Programme¶

Deleted: Sustainability

Deleted: Policy suite (including environmental policy, climate change strategy and sustainability strategy)¶

1.2 The title of the plans, policies and strategies described above may, from time to time, be varied. Notwithstanding any change in title, these plans, policies and strategies will be deemed to be still part of the policy framework until expressly removed by the Council.

2. Budget: Definition

09/04/10

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2.1 The budget includes:-

2.1.1 the allocation of financial resources to different services and projects;

2.1.2 proposed contingency funds;

2.1.3 setting the Council Tax;

2.1.4 the Medium Term Financial Strategy;

2.1.5 the setting of virement limits;

2.1.6 formulating a plan or strategy for:

2.1.6.1 the control of the Council's borrowing (including prudential indicators);

2.1.6.2 investments (including Annual Treasury Management Strategy and Treasury Management Policy Statement (reviewed on a periodic basis));

2.1.6.3 capital expenditure; or

2.1.6.4 determining the authority's minimum revenue provision.

2.1.7 Fees and Charges (as part of the annual budget setting at full Council);

2.1.8 The setting of virement limits.

(Amendments to either the revenue or capital budgets which are made in accordance with the provisions of the Code of Finance Governance and Code of Procurement Governance set out at Part I of this constitution shall be deemed to be made within the budget).

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