

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



**please ask for** Mel Peaston, Interim Committee Services Manager

**direct line** 0300 300 4050

**date** 23 March 2010

## **CONSTITUTION ADVISORY GROUP MEETING**

<b>Date:</b>	<b>Thursday, 1 April 2010</b>			
<b>Time:</b>	<b>10.00 a.m.</b>			
<b>Venue:</b>	<b>Room 14A Priory House, Chicksands, Shefford</b>			
<b>Members</b>	Cllrs	Mrs C F Chapman MBE D Jones M Jones	Cllrs	D Lawrence S F Male A J Shadbolt

### **AGENDA**

**1. GUIDANCE FOR THE MANAGERMENTS OF EVENTS AND MEDIA RELATIONS.**

To receive the report of the Assistant Director, Communications

**2. NOTES OF THE LAST MEETING**

To receive the notes of the last meeting held on 15 February 2010.

**3. OUTSIDE BODIES**

To consider the report of the Assistant Director, Legal and Democratic

4. **REVIEW OF POLICY FRAMEWORK**

To consider the report of the Head of Policy/Head of Democratic Services.

5. **PROPOSED AMENDMENT TO PUBLIC SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE**

To consider the report of the Assistant Director, Development Management

6. **VARIATIONS TO THE CONSTITUTION**

To consider the report of the Head of Democratic Services.

7. **VARIATIONS TO THE SCHEME OF DELEGATION TO OFFICERS**

To consider the report of the Head of Democratic Services

8. **PUBLISHING OF THE CONSTITUTION ON THE WEBSITE**

This item was requested by Cllr Male.

9. **WORK PROGRAMME**

To consider the draft work programme for the Advisory Group.

10. **DATES OF FUTURE MEETINGS**

To agree dates for future meetings of the Advisory Group.

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



**CONSTITUTION ADVISORY GROUP**

**DATE:** 1<sup>st</sup> April 2010

<b>TITLE</b>	<b>Guidance for the Management of Events and Media Relations</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Assistant Director (Communications)	

<b>PURPOSE</b>	To suggest that corporate guidance be considered in order to support appropriate and consistent management of publicity events and activities of Central Bedfordshire Council.
----------------	--

<b>ORIGIN OF PROPOSAL</b>	The draft guidance was prepared by the Assistant Director (Communications) following a number of incidents and enquiries that demonstrated that there was confusion about appropriate publicity protocols.
---------------------------	--

**RECOMMENDATION:**

- (1) That the substance of the draft guidance note be considered by the Constitution Advisory Group.
- (2) That the Constitution Advisory Group considers whether this guidance should form part of the Council's constitution or be circulated as less formal advice to officers and Members.

**SUPPORTING INFORMATION**

1. The Council is involved in the organisation of many formal events, the vast majority of which should involve Elected Members.

2. Members have a variety of roles and responsibilities within the Council and consequently within formal events that the authority organises.
3. In order to ensure that all Member roles are recognised and that Councillors can therefore be appropriately engaged in events and publicity activities, the attached guidance note has been developed.
4. The document is drawn from existing constitutions of other authorities in the Eastern region.
5. It addresses the issues of Member engagement and invitations in civic, ceremonial and official events.
6. It also reflects an informal protocol relating to the representation of Members in news releases of the Council.

---

<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Georgina Stanton Assistant Director (Communications) 01462 611438 <a href="mailto:Georgina.stanton@centralbedfordshire.gov.uk">Georgina.stanton@centralbedfordshire.gov.uk</a>	

**Central Bedfordshire Council**  
**Guidance for the Management of Events and Media Relations**

**Events: Ceremonial, Civic and Official**

1. The Leader or Deputy Leader of the Council lead for the authority at official events which have significant implications for the council or the locality. The Leader may allocate responsibility to another Member.
2. It would be appropriate for the Chairman of the Council to lead council civic events which are not specifically associated with a particular service, and to represent the council by invitation at ceremonial and civic events of other organisations which are not specifically associated with a particular service. If the Chairman of the Council is not available, it would be appropriate for the Vice-Chairman of the Council to deputise.
3. Executive Members are the appropriate candidates for official events solely within the scope of their area of responsibility. If it is a council event, the Chairman and Vice-Chairman should also be invited. When the Executive Member is unavailable they may nominate another Member.
4. Local Members should always be informed of, and where possible, be invited to official events taking place within their own wards.
5. Members taking part in ceremonial, civic or official events must not seek disproportionate personal publicity or use the occasions for party political advantage.
6. There may be events when celebrities are invited to draw press and public attention. Appropriate elected Members, however, should also be invited depending on whether the event is ceremonial, civic or official..
7. Chief or senior officers may lead events if no relevant Member is available.
8. For Royal visits, the Lord Lieutenant determines the invitees depending on the location. This will include the appropriate persons from local authorities, venues, and organisations etc.

**Invitations will only be issued to persons associated with Central Bedfordshire Council if the visit is in our geographical area.**

Members of the Royal family sometimes make unofficial private visits which do not involve invitations to representatives of local authorities.

**Definitions**

A **civic** event is one which forms part of the Council and Chairman's civic year, eg Civic Service, Chairman's Reception etc

A **ceremonial** event is one which involves wider community leaders such as the Royal Family, Lord Lieutenant or High Sheriff

An **official** event is one arranged by Central Bedfordshire Council in relation to the services it provides, eg opening of a new bridge, school, visit to a library or other setting

### **News Releases**

1. The purpose of council communications is to increase public awareness of the council's services and functions, to explain to the public and stakeholders reasons for policies and priorities, to improve local accountability and to gather public views on services, policies and priorities.
2. Council news releases must not be designed to affect support for a political party.
3. Subject to this, news releases which relate to Executive decision making may contain quotes from the Leader or Deputy Leader of the Council or the relevant Executive Member.
4. The Chairman of the Council may be quoted in releases relating to ceremonial events which they are leading.
5. Officers of the council, stakeholder organisations and service users may also be quoted in council press releases where their contributions add to the relevance and interest of the story.
- 6 News releases may also be used as a means of communicating information into the public domain eg the advertising of dates for Members' surgeries.
7. More detailed guidance on the media relations protocol and practice in Central Bedfordshire has been developed in the Communications Service (Copies available from the Assistant Director – Communications).

**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:-**

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

- 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.**

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



**CONSTITUTION ADVISORY GROUP**

**DATE:** 1 April 2010

<b>TITLE</b>	<b>Outside Bodies Policy</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Assistant Director, Legal and Democratic	<b>3</b>

<b>PURPOSE</b>	To inform the Advisory Group of the approval of the Outside Bodies Policy by the General Purposes Committee.
----------------	--

<b>ORIGIN OF PROPOSAL</b>	On 25 August 2009, the Advisory Group considered an advice note providing general guidance in relation to Members' role on outside bodies. Members requested that a formal policy be drawn up. This was considered by the Group on 25 January 2010 and subsequently approved by the General Purposes Committee at its meeting held on 10 February 2010.
---------------------------	---

**RECOMMENDATION:**

**That the Policy on Outside Bodies be circulated to all Members for inclusion in the Councillors' Guide.**

**SUPPORTING INFORMATION**

1. The Advisory Group at its meeting held on 25 January 2010 endorsed the Policy on Outside Bodies subject to:

- (a) Recognition being given within the policy to those bodies which, whilst not part of the Council's formal governance structure, are in effect informal Council-initiated consultative or liaison forums (eg leisure centre joint consultative groups) and which do not therefore strictly fall within the definition of the category "outside bodies" set out in paragraph 1 of the policy";
  - (b) Review of the list of outside bodies to ensure that it is correct;
  - (c) A requirement for outside bodies to provide all the necessary information including indemnity arrangements, before agreement is given to the appointment of a Council representative.
2. The General Purposes Committee, at its meeting held on 10 February 2010, endorsed the Outside Bodies Policy with the further amendments proposed by this Group. The Committee also requested that all Members who have been appointed to an outside body be asked to report in 6 months time on the value or not of the Council continuing to appoint Members after May 2011 on the basis of the criteria set out in paragraph 3 of the policy.
  3. A copy of the revised policy is attached at Appendix A.
  4. Members will also be aware that a seminar in relation to outside bodies, presented by Peter Keith-Lucas, of Bevan Brittain, was held on 3 March 2010.
  5. In accordance with the Group's previous decision, it is now proposed that the Outside Body Policy should be circulated for inclusion in the Councillors' Guide.

---

<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Barbara Morris	None

**Appendix A**

**CENTRAL BEDFORDSHIRE COUNCIL**

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

**Definition of an Outside Body**

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

**Criteria for Appointing Members**

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

*Strategic Bodies:*

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

*Ward-Based Bodies:*

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

*General Bodies:*

- 3.5 a voluntary/community organisation which receives funding from the Council and Member representation will provide a valuable mechanism for the exchange of information and views;
  - 3.6 an organisation or discussion/liaison group where Council representation will in some other way provide clear 'added value' to either the Council or local communities in Central Bedfordshire.
4. Any outside body seeking Council representation will be required to provide all necessary information requested by the Council, including details of indemnity cover provided, prior to any such appointment being made. As a matter of principle, Council appointments will not be made, other than as non-voting observers:-
- (a) To companies or charities which have not provided their own insurance-backed indemnity cover to Council appointees; and
  - (b) To any unincorporated association where there is a significant risk of personal liability.

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

5. The capacity in which Members serve on outside bodies will mainly depend on:
- 5.1 what legal form each organisation takes, and in particular whether it is incorporated as a separate legal entity or not;
  - 5.2 whether the appointment is to the main body or to a particular committee or sub-committee;
  - 5.3 whether the Member is acting as a voting or non-voting member.
6. Depending on the terms of the appointment, Members may serve as either:
- 6.1 a board, executive or management committee member (voting);

- 6.2 a committee or sub-committee member (voting);
  - 6.3 an ordinary member (voting only at the AGM);
  - 6.4 a company director (voting);
  - 6.5 a charity trustee (voting);
  - 6.6 an observer (non-voting); or
  - 6.7 a member of a discussion or liaison forum (where voting may not apply).
7. In relation to 6.6, 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.
8. 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**

9. 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*

- 9.1 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).

- 9.2 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.
- 9.3 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 note at Appendix 1).
- 9.4 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*

- 9.5 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.

9.6 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.

9.7 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*

- 9.8 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*

- 9.9 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*

- 9.10 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.
- 9.11 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.

- 9.12 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, 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.
- 9.13 Some bodies whilst not part of the Council’s formal governance structure, are in effect informal Council-initiated consultative or liaison forums (eg: certain leisure centre joint consultative forums or town centre partnerships, where the Council is the lead partner) and may not appropriately fall within the definition of “outside body” as referred to above.

*Registered Charities*

- 9.14 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.
- 9.15 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*

- 9.16 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.
- 9.17 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.
- 9.18 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**

10. 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.

11. 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.
12. 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.
13. 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.
14. 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**

15. 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.

16. 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.
17. 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.
18. 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 2) elaborates.
19. 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.
20. **Bias and Predetermination**  
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".

21. "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.
22. "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.
23. 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**

24. 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.
25. Any such articles should be forwarded to Member Services in Legal and Democratic Services.



## 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 set 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

This page is intentionally left blank

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



<b>CONSTITUTION ADVISORY GROUP</b>
<b>DATE: 1 April 2010</b>

<b>TITLE</b>	<b>Review of the Constitution 'Policy Framework'</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Head of Policy/Head of Democratic Services	<b>4</b>

<b>PURPOSE</b>	To propose an up-to-date and manageable set of policies and strategies to be included in Council's Policy framework.
----------------	--

<b>ORIGIN OF PROPOSAL</b>	<p>Under the Local Government Act 2000, every Constitution must set a 'Key Policy Framework' comprising those plans and strategies required to be approved or adopted at a meeting of the full Council.</p> <p>There are certain plans and strategies which the Council is required<sup>#</sup> to include, a number recommended by the Secretary of State, and others can be added at the Council's discretion.</p> <p>The Council's Budget and Policy Framework was created by the Shadow Authority in 2008 at a time when officer/member relationships were still being formed and the new Council's democratic and engagement processes were being developed.</p> <p>As the Council's current democratic and engagement processes allow members an active and meaningful role in strategic policy making aligned with a need to ensure we identify unnecessary bureaucracy, Corporate Management Team have reviewed the published section B2 of the Constitution and propose this now be refreshed.</p> <p>Inclusion within the Policy Framework just means that these plans</p>
---------------------------	--

<sup>#</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000  
19/03/10

	require full Council approval and the proposals in this report are predicated by the acknowledgement that there will still be an opportunity for discussion upon other plans, most notably statutory plans, which the Council produces at the Executive.
--	--

**RECOMMENDATION:**

- (1) That the Policy Framework be limited to those plans and strategies which the Council is 'obliged' to include within the Framework, together with those plans and strategies 'recommended' for inclusion in the Framework, subject to them already being included in the Council published Policy Framework.
- (2) That an amendment be made to the Budget and Policy Framework Procedure Rules to give overview and scrutiny committees the option of deciding whether they wish to review plans and strategies in the Policy Framework, rather than requiring all such plans and strategies to be developed via the overview and scrutiny process, as currently prescribed within the Rules.

**SUPPORTING INFORMATION**

1. The Council's Constitution includes the 'The Budget and Policy Framework' at section B2 (Appendix A sets out the published list).
2. Inclusion within the Policy Framework just means that these plans require full Council approval and our current democratic and engagement processes - Overview and Scrutiny, Task Forces, Executive – allow the opportunity for member engagement in the development and/or review of the other plans, policies and strategies,.
3. Regulations and supporting Government guidance provide that authorities MUST include certain plans and strategies within their Policy Frameworks whilst other plans are recommended for inclusion. Authorities are also able to include such other plans and strategies as they consider appropriate within their Policy Framework. As the Council has full discretion on the inclusion of any additional recommended/ discretionary items, it is proposed that that our published list should only includes items where full Council consideration would add value to the process.
4. With this in mind and with a view to also reducing bureaucracy, it is suggested that the Policy Framework should be limited to the list of plans and strategies which the Council is 'required' to include within the Framework, together with those plans and strategies recommended by the Secretary of State for inclusion, provided they are already included in the Council's published list, as follows:

‘Required’

- Children and Young People’s Plan
- Crime and Disorder Reduction Strategy (*our ‘Community Safety Partnership Plans’*)
- Local Transport Plan
- Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework
- Sustainable Community Strategy
- Statement of Licensing Policy under Section 5 of the Licensing Act 2003
- Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005

‘Recommended’

- Corporate Strategic Plan
- Housing Strategy

and the Budget Framework in B2 Section 2 be revised to ensure it embraces all the budgetary items currently listed.

The table at Appendix B provides further details.

5. As the published Policy Framework only listed the plans and strategies requiring full Council approval, it is also acknowledged that there is a need to publish an up-to-date list of all other plans, most notably statutory plans, which the Council produces and this is currently being compiled. Once finalised this will be available to all members on the intranet ‘hub’.
6. The Constitution sets out that  
*“All plans, strategies and budgets forming part of the budget and policy framework will be developed via the overview and scrutiny process. However, where in exceptional circumstances, this does not appear practicable in respect of a specific plan, strategy or budget, the Leader, subject to the written consent of the chairman of the relevant overview and scrutiny committee may agree an alternative course of action.”*
7. As an exception has already occurred to ‘all items being developed by Overview and Scrutiny’ as the Business Transformation Overview and Scrutiny Committee advised they did not wish to consider the Climate Change Strategy which is currently included prior to its consideration at Executive.
8. In view of this it is also proposed that the Budget and Policy Framework Procedure Rules be amended to give overview and scrutiny committees the option of deciding whether they wished to review plans and strategies in the Policy Framework, rather than requiring all such plans and strategies to be developed via the overview and scrutiny process, as currently prescribed within the Rules.

**Contact Officer Details:**

Elaine Malarky, Head of Policy -  
0300 300 5517

Kathrin John, Head of Democratic  
Services - 0300 300 4033

**Key Background Papers:**

--



**Central Bedfordshire Council's Constitution**

**Appendix A**

**B2 THE BUDGET AND POLICY FRAMEWORK** (Update 1: October 2009)

**1. Policy Framework: Definition**

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 Statutory Plans

- 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 Other Plans

- 1.1.3.1 Revenue and Capital Budget and the Capital Programme
- 1.1.3.2 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)
- 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 / Housing Investment Programme
- 1.1.3.7 Sustainability Policy suite (including environmental policy, climate change strategy and sustainability 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 subregional 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

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**

2.1 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax, formulating a plan or strategy for the control of the Council's borrowing (including prudential indicators), investments or capital expenditure or for determining the authority's minimum revenue provision and 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).

## Appendix B – Plans included within our published Policy Framework

Plan	Required/ Recommended/ Discretionary	Directorate	Rationale	Recommendation
Children and Young People's Plan	Required	Children's Services	There is a statutory requirement to include this in the Council's Policy Framework.	<b>No change - retain</b>
Crime and Disorder Reduction Strategy	Required	Sustainable Communities	There is a statutory requirement to include this in the Council's Policy Framework. We have an opportunity to update the wording in the Constitution to reflect the current title 'Community Safety Partnership Plans'.	<b>Retain – option to change reference</b>
Local Transport Plan	Required	Sustainable Communities	There is a statutory requirement to include this in the Council's Policy Framework	<b>No change - retain</b>
Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework	Required	Sustainable Communities	There is a statutory requirement to include this in the Council's Policy Framework.	<b>No change - retain</b>
Sustainable Community Strategy	Required	Office of the Chief Executive	There is a statutory requirement to include this in the Council's Policy Framework.	<b>No change - retain</b>
Statement of Licensing Policy under Section 5 of the Licensing Act 2003	Required	Sustainable Communities	There is a statutory requirement to include this in the Council's Policy Framework.	<b>No change - retain</b>
Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005	Required	Sustainable Communities	There is a statutory requirement to include this in the Council's Policy Framework.	<b>No change - retain</b>
Revenue and Capital Budget and the Capital Programme/ 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)	Discretionary	Customer and Shared Services	There is duplication as these are also covered in the Budget Section of the Constitution (see B2 section 2 paragraph 2.1). It is proposed that the budget description in paragraph 2.1 be revised to ensure it embraces these budgetary items.	<b>Remove</b> from the Policy Framework  Cover in the Budget at 2.1
Corporate Strategic Plan	Recommended	Office of the Chief Executive	The strategic plan is the key document for setting the direction of the Council as it contains the Council's vision and high-level priorities.	<b>No change - retain</b>

Plan	Required/ Recommended/ Discretionary	Directorate	Rationale	Recommendation
(including Directorate Development Plans)	Discretionary	All	It is proposed that 2010/11 Directorate Plans are signed-off individually by respective Portfolio Holders and Chief Executive or Director – and once completed, are then presented to respective Overview & Scrutiny Committees to provide an overview of key activities in the year, to inform forward planning.	<b>Remove</b> from the Policy Framework.
Older People's Strategy	Discretionary	Social Care, Health and Housing	This is only one of many key strategies being developed in support of this Council priority. There is merit in consideration being given to, similar to the Children and Young People's Plan, the inclusion of one overarching strategic framework document. This could be the Healthier Communities and Older People (HCOP) Strategic Framework currently in draft, which will play an important part in setting the direction of the Social Care, Health and Housing directorate. The HCOP Strategic Framework will cover the period 2010-2013 and will set out for each of the eight delivery partnerships their vision, key issues, priorities and high level plans to address these, and also indicates what success will look like.  The eight delivery partnerships cover - health improvement, older people, learning disabilities, mental health, physical disability and sensory need, carers, strategic housing and long term conditions.	<b>Remove</b> the Older People's Strategy from the Policy Framework.
Cultural Strategy (including the Leisure Strategy)	Discretionary	Sustainable Communities	A draft encapsulating the vision for cultural entitlements for all citizens of Central Bedfordshire had been prepared and a Cultural Strategy Overview and Scrutiny Task Group has been established to focus on the understanding of the strategic approach to cultural services and to assist in developing a cultural strategy that is fit for purpose and provides value for money. Further development has been temporarily put on hold to allow the impacts of the senior management structural changes to be fully understood.	<b>Remove</b> from the Policy Framework.
Housing Strategy	Recommended	Sustainable Communities	The key principles of delivering housing to meet the needs of our communities will be set out in the Sustainable Community Strategy, and the inclusion of the Housing Strategy highlights the importance of the growth agenda in Central Bedfordshire.	<b>No change - retain</b>

Plan	Required/ Recommended/ Discretionary	Directorate	Rationale	Recommendation
Housing Investment Programme	Recommended	Social Care, Health and Housing	There has not been a requirement to produce a Housing Investment Programme (HIP) for a number of years; however some Councils have continued to produce these as their capital programmes for affordable housing.  The Council is required to submit two statistical appendices, one for the Housing Strategy covering RSLs, new affordable housing and private sector housing; and a Business Plan statistical return which cover the Council's own stock.	<b>Remove</b> from the Policy Framework.
Sustainability Policy suite (including environmental policy, climate change strategy and sustainability strategy)	Discretionary	Office of the Chief Executive	We are currently finalising the content of the Council's Climate Change Strategy which focuses on cutting the Council's carbon footprint and emissions in the Central Bedfordshire area and preparing for the impacts of a changing climate. This will provide an overview as to how this and other strategies address the wider sustainability/ environmental agenda. The Council will not be developing a separate sustainability strategy.	<b>Remove</b> from the Policy Framework.
Customer Service Strategy	Discretionary	Customer and Shared Services	The strategy has been approved by full Council and sets out Central Bedfordshire Council's ambitions for delivering joined up responsive solutions for its customers and those of its partners.	<b>Remove</b> from the Policy Framework.
Communication Strategy	Discretionary	Office of the Chief Executive	The Draft Communication Strategy (an operational business document rather than a public facing document) is programmed for Executive/full Council in April 2010.	<b>Remove</b> from the Policy Framework.
Consultation Strategy	Discretionary	Office of the Chief Executive	The key principles of consultation are covered in both the Communications Strategy and the Community Engagement Strategy, and there are currently no plans to produce a separate Consultation Strategy.	<b>Remove</b> from the Policy Framework.
Community Engagement Strategy	Discretionary	Office of the Chief Executive	The aim of the Community Engagement Strategy is to deliver greater added value to our citizens by understanding their needs and issues, and giving them a greater involvement in the decision-making process and access to public sector services. There has been ongoing involvement in its development through the Task Force and O&S process	<b>Remove</b> from the Policy Framework.
Local Area Agreement	Discretionary	Office of the Chief Executive	Central Bedfordshire is the Responsible Authority (as defined under the Local Government and Public Involvement in Health Act 2007). The current LAA refresh was approved by full Council in February 2010.	<b>Remove</b> from the Policy Framework.

Plan	Required/ Recommended/ Discretionary	Directorate	Rationale	Recommendation
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).	Discretionary	Sustainable Communities	<p>The regional and sub-regional strategies set the growth/housing /economic agenda for Central Bedfordshire and should be an Executive decision only as the regional and sub-regional are not Central Beds own policy documents.</p> <p>During the preparation of regional and sub-regional strategies, the council has a duty to provide advice to the Regional Planning Body to help inform their preparation. This advice is provided under delegated powers by the Assistant Director Planning and Development Strategy. Once a draft strategy is formally published, the Executive will formally consider the Council's response to that strategy and any formal objections to the strategy can be contested by the Council at Public Examination. Once approved, Central Bedfordshire's implementation of policies contained in the approved regional and sub-regional strategies will be taken forward through the Council's own Local Development Framework (which is required to be included in the Policy Framework) and other policy documents such as the Local Transport Plan and Housing Strategy (also part of the Policy Framework).</p>	<b>Remove</b> from the Policy Framework.
Equality and Diversity Strategy	Discretionary	Office of the Chief Executive	<p>The new Equality Framework requires each authority to agree a Scheme setting out how the Council will manage and measure equalities and diversity, internally, in the local area and with partners. The content of our Scheme has been informed by the respective Overview &amp; Scrutiny Committee and will be presented to Executive in May 2010.</p> <p>These schemes must set out the local inequality issues and the actions being taken in respect of these as well as the arrangements in place to meet the specific duties, and will be refreshed annually.</p>	<b>Remove</b> from the Policy Framework.
Joint Economic Development Strategy for Bedfordshire	Discretionary	Sustainable Communities	The Joint Economic Development Strategy for Bedfordshire (JEDS) was last refreshed in 2008, but this is not being renewed due to different sub regional working practices. Central Bedfordshire Council will be producing a statutory Local Economic Assessment, and have requested a delegation from the Leader that a draft can be produced with sign off of the Portfolio holder and Director for Sustainable Communities, with the final LEA going to Executive for approval.	<b>Remove</b> from the Policy Framework.

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



**CONSTITUTION ADVISORY GROUP**

**DATE:** 1<sup>st</sup> April 2010

<b>TITLE</b>	<b>Proposed amendment to public speaking at Development Management Committee</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Gary Worth AD Development Management	<b>5</b>

<b>PURPOSE</b>	To consider allowing speakers 5 minutes rather than 3 minutes as currently allowed by the Constitution of Central Bedfordshire (Part A4, Annex 3, 3.1 -3.4)
----------------	---

<b>ORIGIN OF PROPOSAL</b>	Following the Town and Parish event of 4 <sup>th</sup> November 2009, Cllr Shadbolt discussed this issue with Peter Brown of Stondon Parish Council after Mr Brown had raised the issue during Open Forum Questions at the event. Cllr Shadbolt undertook to investigate the matter further with a view to bringing forward an item to the Constitution Advisory Group.
---------------------------	---

**RECOMMENDATION:**

- (1) That the Constitution of Central Bedfordshire Council remains unaltered in respect of public speaking at Development Management Committee to allow 3 minutes to speakers.

**SUPPORTING INFORMATION**

1. Following the question from Peter Brown at the Central Bedfordshire Council Town and Parish event on 4<sup>th</sup> November 2009, Cllr Trish Turner undertook to carry out research of national best practice and to include the findings in the report of the Town and Parish event. This work was carried out and the findings concluded that Central Bedfordshire Council current arrangements were in keeping with national best practice and therefore no changes should be proposed. The findings were included with the responses to the open forum questions in the Town and Parish Event Post Conference Report (A copy is attached, please see page 9).It should be noted that the Chair of the Committee has discretion to allow longer for speaking by virtue of Part A4, Annex 3, 4.
2. A meeting was held on 1<sup>st</sup> March 2010. In attendance were Cllr Tom Nicols PFH Sustainable Development, Cllr Alan Shadbolt Vice Chair of DMC, Gary Worth AD Development Management, Andrew Davie, Head of Development Management North and David Hale, Head of Development Management South. Cllr Peter Vickers, Chair of DMC was invited but did not attend. The issue was discussed at this meeting and it was agreed by all present, given the research carried out and the reported findings, that no change to the Constitution was required.

<b>Contact Officer Details:</b>
Gary Worth

<b>Key Background Papers:</b>
Town and Parish report .....



# Town & Parish Council Conference

4 November 2009  
Post Conference Report



## Contents Page

Introduction	3
Economic briefing for the public sector	4
Conference Objectives	5
Community Engagement Strategy	6
Sustainable Community Strategy	7
Open Forum	8
Feedback on the Conference	14
Conclusion	17
Appendix 1 - Community Engagement Strategy roundtable discussions	18
Appendix 2 - Sustainable Community Strategy roundtable discussions	23

## Introduction

In response to the feedback you gave at our first conference in April, we have committed to holding two Parish & Town Council conferences each year. These conferences provide an excellent opportunity for us to develop our working relationship and to discuss some of the key challenges we need to tackle together on behalf of our residents.

At this, our second conference, nearly 150 Parish & Town Council representatives had a chance to contribute to the early development of two key strategies: the Community Engagement Strategy; and the Sustainable Community Strategy, as well as network with colleagues and meet the Council's new chief executive, Richard Carr. We also hosted an open forum to respond to your questions and concerns. As we did not have the time on the night to answer all of the questions you submitted, this report takes the opportunity to do so, as well as providing a summary of the conference, and a write up of all the comments from the roundtable discussions and feedback forms.

Thank you to all who were able to participate as your involvement is critical to our joint working for the benefit of all our communities. Our next conference will be held on 9th June 2010 at Priory House, Chicksands. Please put this date in your diaries.

These conferences are not the only ways in which we will work together and we will continue to consult with you in between times through a variety of means.

Finally, as we welcome in the New Year let me wish you all a very happy and prosperous 2010.



Councillor Tricia Turner MBE  
Leader, Central Bedfordshire Council

*P.E. Turner.*

## Economic briefing for the public sector

The Conference was preceded by an economic briefing for the public sector from Clive Heaphy, Director of Corporate Resources, which was well received. One question which was raised during that session, and to which the Council committed to respond to, is detailed below.

### Question

Please clarify Central Bedfordshire Council's policy position for road closures.

### Answer

The £150 charge for road closures relates to advertising. This is a genuine cost to the authority (made by Tribal who do the advertising on our behalf). There are many requests for road closures that come from charities all over the district. If we did not pass this cost on, then the tax payer would have to pay a significant amount of additional money to subsidise these activities.

# The Conference

## The objectives of the Conference were to:

- introduce the new Chief Executive, Richard Carr;
- update on progress towards implementing the Community Engagement Strategy;
- contribute to the development of the Sustainable Community Strategy for Central Bedfordshire; and
- enable open communications between the Council and Town & Parish Councils.

### **Welcome and introduction**

Councillor Tricia Turner MBE, Leader of Central Bedfordshire Council welcomed everyone to the Conference and introduced the new Chief Executive, Richard Carr.

### **Introducing the new Chief Executive**

Richard Carr, the new Chief Executive, introduced himself and shared his thoughts on Central Bedfordshire.

## Community Engagement Strategy

Councillor Richard Stay, Deputy Leader of Central Bedfordshire Council, gave a presentation on the draft Community Engagement Strategy, outlining the five key principles, which are:

- Giving more people more opportunities to influence decisions
- Enabling councillors to be leaders in and for their communities
- Enhancing the role of Town & Parish Councils
- Building the capacity for local people to engage
- Ensuring a joined-up, strategic and coordinated partnership approach.

The presentation focussed in on the support for Town & Parish Councils, which includes:

- bi-annual Town & Parish Council Conferences;
- identifying opportunities for devolving services, and budgets, to Town & Parish Councils (where they want them);
- supporting clusters of Town & Parish Councils working together to resolve common issues; and
- providing a key contact point for Central Bedfordshire Council for Town & Parish Councils.

This was followed by round table discussions on what Town & Parish Councils would like to gain from the localism agenda in the context of the five principles in the Council's agreed policy position.

The outcomes of those discussions can be found in Appendix 1 and are summarised as follows:

- Challenges around devolving services to Town & Parish Councils eg. grass cutting, weed control, hedge cutting and street cleaning.
- Concerns around how devolved services will be funded.
- Overwhelming support from Town & Parish Councils to work together wherever possible.
- Named contacts at Central Bedfordshire Council are preferred rather than a single hotline number.
- Improved / better communications between Central Bedfordshire Council and Town & Parish Councils is needed.
- Greater involvement is wanted from Town & Parish Councils in influencing local planning decisions.

## Sustainable Community Strategy

Richard Ellis, Director of Business Transformation gave a presentation on the Sustainable Community Strategy, detailing the draft priorities that were beginning to emerge, as follows:

- Supporting and caring for a vulnerable and ageing population.
- Educating, protecting and providing opportunities for children and young people.
- Promoting healthier lifestyles for all.
- Ensuring our local people have the skills to prosper.
- Keeping our communities safe.
- Nurturing a sense of pride and belonging by providing opportunities for everyone to take part in community life.
- Maximising employment and housing opportunities to meet the needs of our growing population.

This was followed by round table discussions on whether these priorities reflected the critical issues for Central Bedfordshire and how they related to Town & Parish Council's own communities.

The outcomes of those discussions can be found in Appendix 2 and are summarised as follows:

- There was strong support for all of the emerging priorities.
- Jobs growth should match housing growth.
- Requirement for robust infrastructure and budgets in order to deliver improvement to roads, transport and local facilities.
- Need to minimise the impact on the environment by the use of brownfield sites.
- Need to engage communities to ensure success.
- Sharing of local events / facilities, tied into robust infrastructure.
- Concerns about access to public transport, particularly in rural areas.

## Open Forum

There was an opportunity to send in questions in advance which could be answered on the night in a session format similar to that of "Question Time". Thank you to everyone who took the time to send in their questions. Although only some could be put forward on the night, the table below gives answers to all the questions which were received.

### The following questions were responded to during the conference

Council	Name	Question	Answer
Streatley Parish	Geoffrey Farr	Beds CC gave us names of staff for particular areas of work ie. Grass cutting, pavement care etc. Central Beds does not seem to have the confidence to give PC's these names, which extends the time on telephone etc. Will you be releasing these names to aid progress of works?	CBC would be happy to release details, however this is likely to be lengthy. Our Customer Service Centre (0300 300 8000) enables callers to be connected to our service providers. A full list of all of our services and contact numbers is included in the back pages of our News Central magazine. In addition, we have proposed a dedicated contact number for T&P Councils to speed up the process of contacting the appropriate people within CBC.  Please note that immediately after the conference the contact details of all senior managers was circulated.
Shefford Town	Jennifer Harrison	What do you see as the future of local bus services and the Bus Pass scheme within Central Bedfordshire's area?	Local bus services are subject to a review of all passenger transport in Central Bedfordshire, under the umbrella of preparations for the next Local Transport Plan. It is anticipated that the review will recommend a number of changes to the way that local bus services are delivered, as well as clarifying the Council's policy on matters such as rural accessibility, and combating congestion in our urban areas. The English National Concessionary Travel Scheme looks set to remain in force for the time being, so free travel will continue to be enjoyed by elderly people and people with disabilities in Central Bedfordshire. The Council has no plans to make any alterations to the non-statutory element of the concession scheme, which is the ability to travel free on weekday mornings before 9:30.
Kensworth Parish	Cllr Robin Radford MBE	Correspondence - Why is some correspondence coming from several different sources ie. Bedford, Dunstable and Chicksands given the headquarters for Central Bedfordshire is Chicksands? Isn't it about time that Central Bedfordshire "Put its House in Order"!	CBC is in the process of consolidating its offices, however this will take time and is a huge task. It should be noted that the head office address is: Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ and any correspondence sent there will be forwarded on as appropriate.



Blunham Parish	Cllr Malcolm Mugridge	Does Central Bedfordshire operate a letter / email tracking system for comments and enquiries received from the public to ensure their acknowledgement and a timely reply? If not, does the Council consider such a system is a good idea? If yes, should this also apply to it's major long term partners and contractors.	CBC does not operate a tracking system for general correspondence. Although we are not currently researching this, if an affordable and cost effective system is identified that would improve the quality of service to our customers this will be considered. If a system is implemented then this would also apply to partners.
Totterhoe Parish	Cllr Peter Tasker	In view of the Central Bedfordshire budget shortfall as now advised when will the Council be able to introduce Council Tax Bands across the whole Authority Area that are equal and not continue with the current 2 tier system.	Executive on 8 December 2009 approved the draft budget for consultation, which incorporated a proposal to harmonise Council Tax rates for 1 April 2011.
Stondon Parish	Cllr Peter Brown	I have asked, and will continue to ask, that Town & Parish Councils be afforded the same consultation opportunity as Ward Members when attending Committee Decisions meetings eg. planning & boundaries, rather than the current 3 minute one way inadequate currently practised. Excuses given to date regarding time and constitution constraints are unacceptable. Talk is cheap. Why can't we work closely together as you claim is your wish?	Research has revealed that many Councils apply a time limit to speaking rights that tends to be 3 minutes. Best practice guidance (The Planning Offices Society, Practice Note 1 - Public Speaking in Planning Committees) states that a time limit of 3 minutes or 5 minutes per speaker should be given. Only one example was found of a Council with a 5 minute speaking rule. The Constitution of Central Bedfordshire Council allows the Chairman of the Development Management Committee (DMC) discretion to vary the 3 minute rule where an application affects more than one town/parish when he or she considers it conducive to the despatch of business and will not cause prejudice to the parties involved. CBC's approach is therefore entirely consistent with what other councils are doing, and with best practice. (Other best practice guidance includes - Local Government Association - Probity in Planning - revised guidance note on good planning practice for councillors and officers dealing with planning matters).

**The following questions were not raised during the conference**

<b>Council</b>	<b>Name</b>	<b>Question</b>	<b>Answer</b>
Kensworth Parish	Cllr Robin Radford MBE	Human Resources - It would appear that whereas Central Bedfordshire has reduced the total number of serving councillors the reduction in staff has not been proportionate to the reduction in service cover of the three merged authorities. Why?	The priority for the new unitary authority was to ensure business continuity from day one and to make sure the quality of service remained high. This was achieved. The Council is now responding to delivering substantial savings and has recently committed to reducing the senior management overhead by 20%. Work to implement this has already begun.
BRCC	Cllr Jim Gledhill	Why am I and a number of parish councils unable to open attachments to emails received from Central Bedfordshire Council ? It appears that with emails emanating from Priory House it is possible to see and open attachments but with those received from Borough Hall, Melbourne House and the Dunstable Offices it is frequently not so. Recipients of emails with unopenable attachments report that either the attachment box is blank or that it contains an icon with winmail.dat . In the latter case it is not possible to open the attachment either. It would appear that email recipients facing this problem do not experience similar problems with emails from any other sender.	If recipients have access to a webmail version of their email account then this usually has no problem opening attachments sent in different formats. Alternatively request the sender to re-send the email in HTML format, they should then be able to open attachments.
Stotfold Town	Cllr Alan Cooper	Sustainable Community Strategy - What are your current and future proposals for the provision of public transport to urban areas with particular reference to towns and villages	As long as congestion and control of air quality remain important factors in the management of our urban areas, it is anticipated that the Council will continue to pursue policies designed to encourage people to switch from driving cars to more environmentally friendly and economically sustainable modes of travel, such as walking, cycling and using public transport. Furthermore, the problems of accessibility in rural areas are high on the agenda, and likely to be the focus of many of the recommendations of the review of passenger transport, which is expected to report in 2010.

Stotfold Town	Cllr Alan Cooper	Community Engagement Strategy - Question on the lack on community engagement in regard to the LDF Task Force, with particular reference to the admission of public to attend the meetings under the attendance rules contained in the constitution for all meetings.	On the creation of Central Bedfordshire, a new Task Force was set up under the Overview and Scrutiny Committee for Sustainable Communities to oversee production of LDF documents but also to examine various housing and transport strategy documents. The OSC meeting on 4 August 2009 set up the Development Strategy Task Force and established its terms of reference etc. The issue of public involvement in these meetings was discussed. Members' views at that stage was that Members needed an informal arena in which to develop ideas and discuss issues prior to public consultation and that public attendance at these meetings would not usually be appropriate. The Task Force is not a decision-making body but makes recommendations to Executive or to the Portfolio Holder. All its recommendations are considered, in public, by the OSC. The Chairman of the Task Force is able to invite representatives to give evidence to the Task Force on specific issues. During the discussions on potential Site Allocations the Task Force heard from a number of Town and Parish Councils who provided local input to inform the recommendations from Task Force.
Stotfold Town	Cllr Malcolm Smith	In view of the fact that the Mid-Beds/South Beds bid for Unitary Status rested on the assurance that, unlike the County bid, it would enable Council Tax to be reduced, why is it that, to equalise Mid- and South-Beds Council Tax it has been decided to increase ours rather than to show them how to reduce theirs? And what measures are you now proposing to take to reduce Council Tax for the whole Council Area in future years?	Key factor that has changed is, not surprisingly, the state of the economy - lost investment interest on cashflow, loss of income from planning fees and increased benefits case loads. This on top of national pressures in respect of Looked After Children following the Baby Peter case, the ageing population and greater taxes on landfill. In spite of all of these emerging and ongoing financial pressures we are working hard to minimise the Council Tax burden.
Southill Parish	Cllr Paul A Gowers	Given the recent concerns expressed by Southill Parish Council regarding extremely dangerous high speeds of vehicles could the council outline its plans to address this important issue and provide notice of practical plans to control speeding vehicles on the B658.	The speed limit review of the B658 was carried out in the financial year 2008/09. The road was assessed using the Department of Transport criteria, which includes the road function (i.e. through route or local access), casualty records, police concerns, speed data, road lay-out, environment and visibility of the existing speed limit locations. Having assessed the existing speed limit, we feel that it is appropriate for this location and no further work is planned. However, we will forward the Parish Council's concerns, together with our relevant data, on to Bedfordshire Police Traffic Management for their consideration and possible future action.

Clifton Parish	Barry & Cllr Pauline Livesey	Beds CC had a well established network of Tree Wardens. There has been no communication from Central Beds to Tree Wardens. Has the scheme been consigned to the scrap heap? Is Central Beds no longer interested in trees?	All tree wardens in the Central Bedfordshire area received confirmation of a tree scheme this winter and an application for trees and materials. Several responses have been received, although most enquiries regarding the scheme generally have come from the north. The scheme is running in a similar way to the previous county model and this will need to be reviewed. Volunteers will be asked how they would like to be involved in this process. Tree wardens' input over the years has been amazing in establishing many new hedgerows and trees.
Studham Parish	Cllrs Des Salmon & Tony Gatehouse	As you are dealing with Parish Councils who perhaps are not so well organised as Town Councils could you please give larger notice at events which are planned well in advance. Could the arrangements for communicating be more realistic ie. sensible deadlines	As part of the feedback for the Conference we have been advised that more notice is required to enable the matter to be brought before Council meetings. This has been noted and will be factored into all future events.
Kensworth Parish	Cllr Robin Radford MBE	Grasscutting - Parishes should again be given the opportunity to take on the responsibility for grasscutting (some parishes are currently responsible some are not ie. Billington) and be given the full re-imburement for all grasscutting within and without the 30mph speed limits ie. all grasscutting within the parish boundaries.	CBC support the devolvement of services such as grasscutting to Town & Parish Councils and understand that funding will be required as a result. Any actions CBC take are with potential devolvement in mind.
Stondon Parish	Cllr Peter Brown	Given that we were told by Tricia Turner at the last Town & Parish Council meeting that you wish to work closely together in partnership with Town & Parish Councils why then is this not happening? If anything things have got worse.	CBC is keen to work in partnership with Town & Parish Councils and we encourage you to talk to us about any concerns you have. The bi-annual conferences are an opportunity for us to discuss the big challenges, and officers and members will be happy to meet with you in response to specific requests.

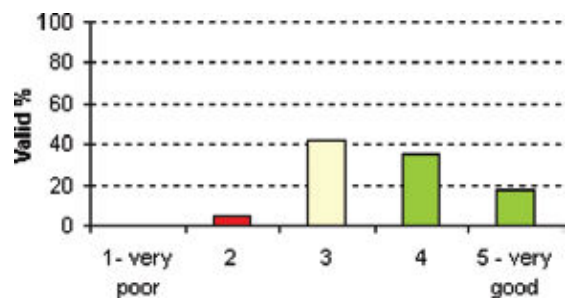
Kensworth Parish	Cllr Robin Radford MBE	Library Services - Why does the mobile library travel from one end of the district (Biggleswade) to the other (Kensworth, Studham and Whipsnade) which must entail at least 2 hours travel in total?	<p>When we became Central Bedfordshire &amp; Bedford Borough we had to share the two mobiles and two Library Link vehicles on a 2 each basis. Our Library Link vehicle (serving residential homes, sheltered accommodation etc) is based at Flitwick (the mobile that used to be based there was transferred to Bedford). The mobile library that remained in Central was the one based at Biggleswade so we have to cover the whole of Central with that vehicle in terms of the mobile library service.</p>
Shefford Town	Paul Mackin	How do you see Central Bedfordshire Councils progress towards improving communication with Town & Parish Councils and devolving responsibility for "local issues"?	<p>From April 2010 we will be producing a Local Strategic Partnership Newsletter. This will be circulated to our stakeholders - including all Town and Parish Councils. This will complement our twice yearly Town &amp; Parish Council conferences and all of the dialogue we have individually with Town &amp; Parish Councils on an ongoing basis.</p> <p>CBC has made a policy statement at the conference to work closely with Town &amp; Parish Councils to devolve budgets for quality of life services to those who want them and where the service will be enhanced by doing so. Devolved budgets will be distributed by allocating the pro-rata costs for delivering the same service on a broader area-wide basis.</p>

## Feedback on the Conference

A conference feedback form was provided in the Delegate Packs and below are the results from the 47 completed forms received.

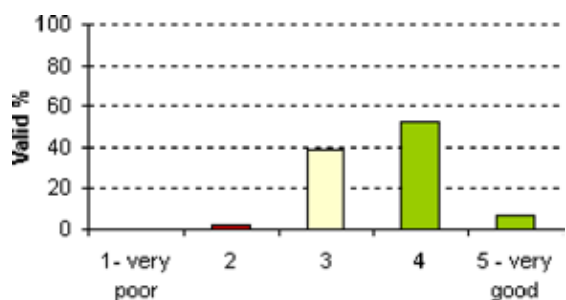
### Introducing the new Chief Executive, Richard Carr

	Count	%	Valid %
1- very poor	0	0	0
2	2	4	4
3	19	40	42
4	16	34	36
5 - very good	8	17	18
Total	45	96	100
Missing	2	4	4
Grand total	47	100	104
<b>Mean score</b>	<b>3.67</b>		
<b>% Good</b>	<b>53</b>		



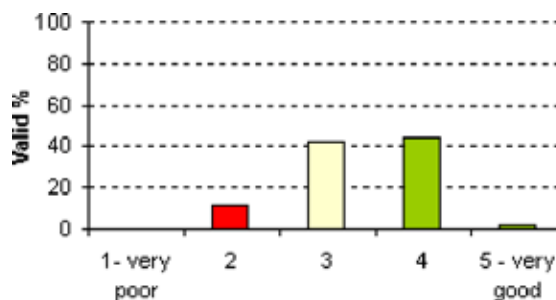
### Updating you on the progress towards implementing the Community Engagement Strategy

	Count	%	Valid %
1- very poor	0	0	0
2	1	2	2
3	17	36	39
4	23	49	52
5 - very good	3	6	7
Total	44	94	100
Missing	3	6	
Grand total	47	100	
<b>Mean score</b>	<b>3.64</b>		
<b>% Good</b>	<b>59</b>		



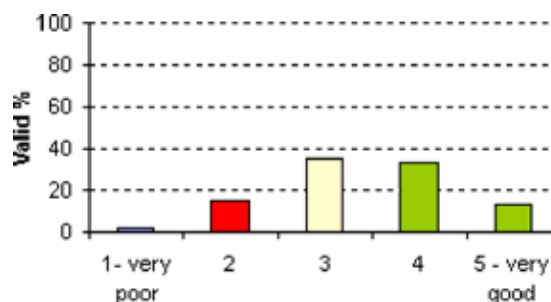
**Allowing you to contribute to the development of the Sustainable Community Strategy for Central Bedfordshire**

	Count	%	Valid %
1- very poor	0	0	0
2	5	11	11
3	19	40	42
4	20	43	44
5 - very good	1	2	2
Total	45	96	100
Missing	2	4	
Grand total	47	100	
<b>Mean score</b>	<b>3.38</b>		
<b>% Good</b>	<b>47</b>		



**Enabling open communication between the Council and Town & Parish Councils**

	Count	%	Valid %
1- very poor	1	2	2
2	7	15	16
3	16	34	36
4	15	32	33
5 - very good	6	13	13
Total	45	96	100
Missing	2	4	
Grand total	47	100	
<b>Mean score</b>	<b>3.40</b>		
<b>% Good</b>	<b>47</b>		



**A summary of comments made about the Conference**

	<b>Count</b>	<b>%</b>
General Positive- good event, well organised, provided value	5	11
More time for round table discussions	4	9
Good opportunity for developing open dialogue/ communicating with the Council	4	9
More openness/opportunities to ask questions during open forums (Question Time)	4	9
Poor sound	3	6
Good networking opportunity	3	6
More details around aspects covered	3	6
Economic briefing was useful	2	4
Timing- event overran, alternative day preferred	2	4
Less of a prescribed format	2	4
Two strategies was a lot to consider	1	2
Photographer was distracting	1	2
More around the Councils views on the challenges being faced	1	2
Stronger table facilitation to keep discussions on track	1	2
To find out what other participant's responses were during discussion sessions and the Council's response	1	2
Other	3	6



## Conclusion

The general consensus from the feedback was that the Conference was worthwhile and met its primary objectives of meeting the new chief executive, contributing to the development of two important partnership strategies, and facilitating an open dialogue. However, you would like more opportunity for two way conversation on issues that impact on Towns and Parishes directly.

### **What's Next?**

We will build on all of the feedback we have received, both formal and informal, to continue to improve how we work together.

We look forward to meeting you all again at our next conference on 9th June 2010 at Priory House, Chicksands. In the meantime, a full copy of this report and the presentations can be found on the Council's website.

## Appendix 1 – Community Engagement Strategy

### Round Table Discussions Output

(Langford, Potton, Henlow, Caddington)

- Not inspired by the thought of increasing precept by 5% if CBC then only increase by 1% (Langford)
- Need some convincing that hot-line would give priority access. How will it actually work? Needs to be quicker than existing arrangements
- Inconsistency in Service from Customer Services ie. Safeguarding Children – very good. Flytipping was passed onto 3 different services
- If Services are taken on is there potential for phased financial support and we need to identify where services can be shared by neighbouring parishes
- More notice needs to be given on key strategic planning decisions

(Clifton, Leighton-Linslade, Tingrith)

- More meaningful role in planning (Leighton Linslade / Clifton)
- Development – not coalescing with other town / villages (Clifton)
- Ability to access specialist support services eg. Finance / HR (All)
- Grass cutting / weed spraying – good examples of Town & Parish management (Clifton / Leighton Linslade)
- General – list of possible services was uninspiring
- Theatre / markets – Local management (Leighton Linslade)
- General – May not be able to deliver at Town & Parish level, but £ contn to improvement
- More say in policing police in local areas eg. Speeding surveys (pay to get survey done in peak times) (Tingrith, Clifton)
- Line person – not helpful based on previous experience (Leighton Linslade), but may be helpful for newer clerks (inc. general e-mail address) (Clifton)

(Studham, Toddington, Arlesey)

- Hotline – declared names
- Explanation / discussion, devolution of services eg. Grass cutting, street scene (Arlesey)
- Co-ordination of local activity. Lack of duplication eg. Overlap of action, grass cutting by Parish councils then CBC contractors do a few days later
- Forced to change, common area looked after by CBC - grass cutting, trees, road clearing (Studham)
- New maps of contract / Parish responsibilities (Studham)
- Make sure residents aren't "double paying"
- Ward budgets eg. Small hedge needing attention – can Parish arrange local action immediately from ward budget rather than wait for a gang/team to come along

(Heath & Reach, Stanbridge, Eggington, Chalton)

- Devolved Services – Grass hedge cutting – can do even as small parishes. Would need help & guidance on costs / budget / viability & procurement / contract commitment.
- Devolved Services – Better job achievable through local maintenance. Need better information on which areas are currently meant to be cut.
- Devolved Services – Need to be mindful of need for guidance & support from CBC (need help eg. on procurement)
- Devolved Services – Can Central Beds help?

(Southill, Shefford, Dunstable, Steppingley, Northill, Blunham, Caldecote)

- Each Parish or Town Council has to decide – timing an issue for next year
- When can this start 2010/11 or realistically 2011/12?
- Street cleaning, weed control, road closures (Shefford)
- Grass cutting, street cleansing – Parish Councils could share costs eg. Shefford & Southill. Could employ person between the two Parish Councils
- Speeding in villages (B658). Can Southill & Shefford work together on this, also other Parish Councils. Northill, Blunham, Caldecote could potentially work on this too with above. Recognition that Police resources & CBC resources limited.
- Issues noted – supervision of work / contract needed too.
- Dunstable – “man in a van” service jointly funded to deal with local issues – could look at this approach
- Work with local sports clubs (barter / local co-operation) Steppingley Parish Council – cricket club
- Mix of reciprocal arrangements very local or specific & other
- Agree joint meeting between Parish Councils eg. Southill & Shefford – can do anyway
- Level of cynicism re: redistribution of costs
- Concern that multi service approach by Town Councils & Parish Councils would add to precept burden
- Mixed economy approach to provide most relevant / needed services in areas rather than “compromise global” service seen as beneficial
- Community Safety Panels – example of local police presence – Localism is more useful – Better co-ordination
- Information on how elderly are being cared for
- CBC need to get their own services fully integrated
- Parishes have had high response to vacancies on Parish Councils
- We have already got item 1 (Notice boards say what is going on, no-one responds). How are you expecting this to happen?
- Why do we want Councillors to be leaders in their Communities?
- Would like to gain the funding to carry out services. Weed control, grass cutting, community development & economic development
- Town / Parish Plan is “building” interest and galvanising local views. But “what’s the point” if involvement has been established over time. Are you going to do this? Talking about it isn’t enough
- Concern that the ground rules may have changed on Parish Plans

- People want proof that “involvement” makes a difference
- Councillors are advocates / “supportive” on local issues – but hedge cutting & weed killing is not community leadership, but grass cutting makes a difference
- Perceived reluctance to give away (relinquish) those things that give aggravation
- Don’t want to see it as cost cutting measure
- Whipsnade Conference – CAN (Community Action Network) – Concern about structure of CANs. Local people must be galvanised
- Strong desire to work with neighbouring Parishes
- There is a lot of business expertise in Parish Councils that is not being used ie. Planning, PCSOs, Licensing
- Hotline no benefit. Directory would help. Named contact – liaison person! We asked for it 6 months ago & not delivered

(Dunstable, Houghton Regis, Eversholt)

- Grass cutting (Dunstable)
- Footpath maintenance (Dunstable)
- Will consider shared arrangements with Houghton Regis (Dunstable)
- Strengthen town centre management committees to become Town management committees – look at the whole town
- Need to examine where service can be enhanced before pursuing devolved services (Houghton Regis)
- Consider promoting “Fix my street” website for residents to report issues (Houghton Regis)
- Want better communication (Houghton Regis)
- Rural Communities – traffic management – rat runs (Eversholt)
- Issues – bus services, public transport, street lighting, rural mobility, deprivation, insufficient support for rural areas. Access to services
- Hotline – dedicated line support – logged & tracked enquiries
- General support for the 5 principles as a framework
- Improved consultation concerning change which impacts on local communities ie. changes to transport / buses
- Improved / better communication between CBC and Town & parish Councils
- Opportunities for clustering between Town / Parish / Ward Councillors

(Shillington, Brogborough)

- Time for consultation (Shillington)
- Remember we meet monthly (Brogborough)
- IT – speed of access, formats love PDF
- Don’t hurry – it’ll go wrong
- To listen takes time
- Give us plenty of notice, 3-4 months as a rule
- Remember there is a lot of knowledge at a Parish Council
- In particular local Planning
- Really want to influence decisions
- “small” projects especially

- Traffic calming
- Speed limit in Sherpen Ave
- We already do the things on suggested services
- Clarity of Contact points to progress queries – people not hotlines

(Dunstable, Flitton, Flitwick, Pulloxhill)

- Influencing decisions :
  - Town & Parish Councils feel powerless on planning issues
  - Knowledge gap by Town & Parish Councillors training need
  - Access to Planning Officers – attending Town & Parish Council meetings
  - Planning “Hotline”
  - Influence on highway improvements to be greater
- Councillors in the Community:
  - Need to improve visibility / ability to contact
  - Help Ward Councillors communicate with residents
  - CBC to recognise that Town & Parish Councils have greater local profile
  - Many CBC Councillors have “split loyalties” – “twin hatters”
  - Ward Councillor to have a budget for use on local issues
- Devolvement:
  - Dunstable very eager to discuss anything and everything – all options open

(Harlington, Stondon)

- Hot line only liked by one Council (Harlington) – but mixed view otherwise as the bigger issue was consistency & continuity of responses (customer tracking)
  - Assistance communicating with the public (Harlington)
  - Messages not getting through particularly to planning (Stondon)
  - Consultation periods too short – 2/3 weeks when Parish Councils meet monthly. Sometimes notice is 24/48 hours eg. LDF consultation & planning (All Councils)
  - Parish Councils’ views not acknowledged particularly re: planning – given only 3 minutes to speak. Need to have an approach for more constructive dialogue (Stondon)
  - More opportunities for officers to talk about Planning Law
  - Parish Councillors must Feel that they are listened to (Stondon)
  - Concern that CBC offloading issues (Stondon)
- 
- Not working to take on responsibilities – costs money
  - Actions taken in timely way
  - Could take on some responsibilities if shared (clusters) ie. weeds, verges, pavements if money & workers
  - Barnet “Easyjet Mode 1” “but we are already paying for a deluxe service!”
  - Support Hotline – Potton Council asked for this last time! Should be more experienced people NOT just getting through quicker. Freephone could claim but bother Councillors & Clerk access (not others)

- More street lights back up to CBC rather than devolve more
- Source services cheaper than CBC
- Need quality control standards
- More say on Rights of Way – work together
- Not necessarily able to take on services but want to be informed & consulted (particularly Highways)
- VAS powered
- Ward Councillors need to assist Town & Parish Councils , not how Town & Parish Councils can help CBC
- Have hot email account. Use Ward Councillors to escalate issues
- All agree with enhancing role of Town & Parish Councils
- Particularly planning issues – work with Town & Parish Councils

(Houghton Conquest)

- Concern as Parish Council volunteers, not full time Councillors. Concern asked to do more.
- Share maintenance issues of roads with others a possibility
- Already do grass cutting in Parish
- Engagement with Health services for advice / assistance needed. Ageing population
- Concern about bus services meeting local need. Care group used to assist in getting people about
- “Hotline” – ask Parish Clerks if would be useful
- Concern over waste removal

## Appendix 2 – Sustainable Community Strategy

### Round Table Discussions Output

#### Question 1 - Do the priorities reflect the critical issues for Central Bedfordshire?

#### Question 2 - How do the priorities relate to your own communities?

(Langford, Potton, Henlow, Caddington)

- In supporting our ageing population we need to ensure there is adequate public transport
- The use of village based facilities to provide activities for children and young people complimented by adequate transport to larger towns
- Healthy opportunities to encourage people to pursue sport
- Skills opportunities for those who want to pursue new careers and informed learning for vulnerable adults
- Third sector do not sustain their intervention and it ends up being a waste of time – need to re-think time limited funding
- Police shouldn't distance themselves from anti-social behaviour
- Solving the Catch 22 of getting volunteers to organise community events eg. Potton festival is week long
- Affordable housing for local people is key issue
- ie. All 7 priorities unanimously endorsed

(Clifton, Leighton-Linslade, Tingrith)

#### Question 1

- Concern re: lack of wider infrastructure to support house building – urban housing in villages – lack of green space (Clifton / Leighton Linslade)
- Amount of building can lead to lack of sustainability, building on green space / food supply (Clifton / Leighton Linslade)
- General – agreement to priorities, but danger that less will be achieved without appropriate infrastructure – context of reduced budgets

#### Question 2

- Flexible / creative use of land eg. for allotments, school land, large private gardens, unused Central Beds land (Clifton)
- Some reluctance from schools re: use of school grounds (General)
- Healthier Lifestyles – transport from villages to swimming facilities (General)
- Transport after 6pm problematic, safety, taking part in community life (Leighton Linslade)
- Missing element – environment

(Studham, Toddington, Arlesey)

Question 1

- Desirable to see these developed for all communities not “rhetoric” but “reality”

Question 2

- Use brownfield sites (Studham)
- Balance green space – housing / business need (Studham)
- Issue of older children being educated in Toddington (Toddington)
- Need to offer alternatives to the school bus eg. cycle paths, safe pathways (Toddington)
- Lack of accessible green space around the village eg. water walks, networks – green infrastructure (Toddington)
- Encouraging new housing “1,000” into area through LDF (Arlesey)
- More positive “regeneration” of brownfield sites/farms to create local jobs eg. conversion of empty barns (Toddington)
- Increased availability of higher paid people with workshops / infrastructure to support (Studham, Toddington & Arlesey)
- Need to provide employment beyond farming opportunities (Studham)
- Successful village hall events already held – need capacity / volunteers to do more (Studham)
- Already provide voluntary transport (for more vulnerable in community) – rural transport is an issue (Studham)
- Pavements 5 year plan – SW facing to improve / make it safer (Studham / Arlesey)
- More street lighting in certain high risk areas (Studham / Arlesey)
- Children – lower speed limit at local lanes school / nursery (Arlesey)
- Improved road infrastructure / bypass village – growth will have greater impact (Toddington)

(Heath & Reach, Stanbridge, Eggington, Chalton)

- Need to focus on issues we can really influence (Chalton)
- High level aspirations / statements all well & good but can't be resolved in anyway other than locally eg. local promotion of footpaths
- Concern about final statement re: maximising employment & housing. Should be separate (Heath & Reach although consensual support)
- Significant debate about affordable housing – vitals important
- But concern about balance & relationship with need to generate employment
- Concern about resources to “keep communities safe” – not enough resources & not well managed
- Dedicated point of contact really - important & valuable
- Good experience of customer services
- Like idea of somebody you have a relationship with
- Dedicated email for Town & Parish contacts
- Highways Helpdesk good – but only as good as ability to RESOLVE queries
- Not message taking – must understand how the Council works
- Get rid of superfluous / out of date info weekly report
- Create channels for feedback & commentary on info provided (eg. how do we enable people to be able to correct info)



- Broadly content with the 7 BUT is highways covered as it is important? And waste recycling?
- Yes, priorities relate to our communities. Easier for villages than towns – but it is local people rather than the Councils that provide local successes. Could have a greater role.
- Perhaps cluster of businesses eg. on site training
- Importance of recycling, unemployed act as volunteers
- Employment & commuting discussed “life in 21st Century will be challenging in Central Bedfordshire”

(Southill, Shefford, Northill, Blunham, Caldicott, Dunstable, Steppingley)

- Town Councils can support work with young people
  - Farmers market, locally support initiative
  - For Southill, not seen as having local focus (ie. 7 priorities not relevant)
  - Can see link with Central Beds area & Town Councils
  - Need local transport & health provision – develop Wander Bus across more Parish & Town Councils
  - GP dispensing services –needed locally & to continue for community
  - Provide more services to local older people – practical eg. smaller, bespoke services
  - Potentially develop taxi / bus token scheme
  - Support youth work in towns & villages
  - Explore opportunities with Film clubs, theatre for young people & provide service on Saturdays / Sundays
  - Older people lunch clubs, coffee mornings – work with independent / voluntary groups
  - Share transport to events between Parish Councils - joint publicity, joint events
  - Much around sharing ideas, local services for specific trips eg. to local surgery, leisure centres, lunch clubs, other
  - Sharing school bus – bringing older & young people together
  - Table felt strongly about providing local public transport in their areas
  - Agree they reflect the priorities for their residents
- 
- Concerned about top heavy approach to community safety. Prefer local panel feeding into higher level. Duplication at the moment.
  - Funding to encourage clustering of Parishes.
  - Skills training – people losing jobs.
  - Relevant local training – skills audit? Training Centres – re-training of people. Apprenticeships. Links to Growth agenda.
  - Low interest in local area – Lots of people commuting. Don't get involved in community
  - Planned growth will create enormous pressure on jobs
  - Transport integration
  - Transport – can't get to many places on public transport
  - Community Development team – elderly
  - Active in leisure facilities – various programmes over next 10 years. Healthy walking groups

(Harlington, Stondon)

- Crime top of the list (Harlington)
- Emphasise young people into nurturing a sense of proof & belonging (Stondon)
- Concern expressed about use of word “protecting” children – view that this was over emphasised (All)
- Add supporting parents to educate children
- Some areas are commuting areas so maximising employment locally is not so relevant (Harlington)
- Priorities OK but they need to be underpinned by the infrastructure eg. maximising housing needs to be developed alongside adequate school provision
- Localism not stressed in the priorities
  
- Shopping – Death of town centres!!
- Infrastructure is missing and key to all!!!!!!
- Green issues / sustainability eg. combined heat & power recycling extended to business
- How promote healthier lifestyles? Living longer, healthier
- Not priorities (or lesser) – nurturing a sense of pride ... it come with the rest; promoting healthier lifestyles. How relate? They are things “you” do – not what “we” do except “nurturing” which “we” do, volunteering fairs, mobile shops might be the way forward.
- The priorities relate to our areas but not our work as Councillors

(Dunstable, Houghton Regis, Eversholt)

- Child poverty – particularly in some areas
- Priority – target unemployment hot spots (Dunstable & Houghton Regis)
- Local jobs growth to match housing growth
- Economic regeneration
- High level jobs – knowledge based economy
- Jobs growth highest priority
- Designated employment areas
- Pride in communities – educate within communities (travel to school)
- Strategic Planning – will infrastructure be in place to cope with growth?
- Provide facilities within local communities – particularly for vulnerable groups eg. local health centres & childrens centres
- Skills – Apprenticeships – local jobs to provide infrastructure – more vocational skills
- Area for consideration would be Economic Regeneration. Strengthen the message of priority 7
- Need to deliver local services in consultation with Town & Parish Councils eg. local resource centre
- Frustration that there is too much focus on planning & not enough on “doing”
- The implementation of local initiatives are outweighed by the economics/cost
- Group feel that the development of cluster groupings would enhance the delivery of the proposed priorities

(Shillington, Brogborough)

- Exactly what any Council should be doing
- Where is sustainability?
- Reduction of carbon footprint
- Nurturing sense of pride is the key
- Maintaining the green belt
- If these are the priorities what will not be done?
- Actions should be short, medium & long term
- What are the quick wins?
- Will CBC circulate the slides from tonight please

(Dunstable, Flitton, Flitwick, Pulloxhill)

- Overall support for 7 priorities but add: highway improvement (All), tackling congestion (Dunstable)
- Varying levels of support to elderly
- Generally good involvement by schools in local communities
- Health
  - Good facilities
  - School meals important
  - Encourage use of rural facilities
- Housing
  - Uneven provision of flats to houses
- Need better mix
  - Need for small house building ie. villages
- Safety
  - Crime & disorder partnerships not working (Dunstable)
  - Police presence good in villages
  - Traffic speed through villages needs addressing
- Community pride
  - No single issue
  - Village shop support (Pulloxhill)
- Jobs / infrastructure first !
- Growth
  - How make sustainable?
  - Where are the jobs coming from?
  - Priority should be more jobs / protect jobs
  - Affordable housing
  - Job types need to match housing stock
- Promote healthy lifestyles – costs less – don't need services
- Skills to prosper. Include vocational courses
- Nurturing ..... woolly ! Agree with concept but not a priority
- Fight housing growth
- Balance housing and growth

(Houghton Conquest)

- Agree with priorities. Real concern over tier education issue.
- Traffic congestion, Public transport, Local shopping – not covered in priorities list
- Public transport to achieve the priorities to be an enabler
- Keeping communities safe – policing levels cause concern. Need to be closer to community
- Sense of pride difficult to achieve. Commute out of village. Local clubs available.
- Involve Health in planning process to design suitable housing. Health as a consultee in Planning.
- Play areas – tie in with healthy lifestyle







# Central Bedfordshire in contact



on the telephone...

**0300 300 8000**



by email...

**customer.services@centralbedfordshire.gov.uk**



on the web...

**www.centralbedfordshire.gov.uk**



Alternatively, you can write to:

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

**Serving our communities**

## Find out more...

Get in touch if you would like further copies, a large-print edition or more information about this document

## More information

Për Informacion

المعلومات

ਸਾਣਕਾਰੀ ਲਈ

برای اطلاع

Per Informazione

معلومات کے لئی

Informacja

Za Informacije

তথ্যের জন্য

## Don't forget!

This magazine is  
100% recyclable

When you have finished  
reading it, put it in your  
recycling bin or bag

**Central  
Bedfordshire**



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



**CONSTITUTION ADVISORY GROUP**

**DATE:** 1 April 2010

<b>TITLE</b>	<b>Variations to the Constitution</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Head of Democratic Services	<b>6</b>

<b>PURPOSE</b>	<p>To invite the Advisory Group to endorse variations to the Constitution to reflect:-</p> <p>(a) The revised overview and scrutiny structure approved by the Council on 25 February 2010; and</p> <p>(b) The revised arrangements for appointing staff at Assistant Director level.</p>
----------------	--

<b>ORIGIN OF PROPOSAL</b>	The variations are required as a consequence of decisions of the Council.
---------------------------	---

**RECOMMENDATION:**

- (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 this report, be endorsed.

- (2) That the Council be recommended to approve the variation of the Council Procedure Rules to provide for “Leader’s Announcements and Communications” to be made at Council meetings.
- (3) That the Advisory Group note the latest position regarding amendment of the Constitution to reflect the revised organisational structure as a consequence of the Senior Management Review as outlined in paragraph 7.

## **SUPPORTING INFORMATION**

### *Overview and Scrutiny Committees*

1. At its meeting held on 25 January 2010, the Council agreed to delegate authority to the Monitoring Officer, in consultation with this Group, to make the necessary consequential amendments to the Constitution to reflect the new overview and scrutiny committee structure.
2. The following revised Sections of the Constitution are now enclosed:-
  - Part A1 – paragraph 3
  - Part D1 – Overview and Scrutiny Arrangements and Terms of Reference

### *Officer Employment*

3. The Council also approved amendments concerning the appointment of officers at Assistant Director level. Members will recall that it was agreed that other than the Chief Finance Officer and Monitoring Officer, such appointments should be made at officer level. The Monitoring Officer was authorised to amend Parts E2 (8.1.1), F4 (5.1.4), H3 (3.2.1.3) and H4 of the Constitution.
4. The following revised parts are now enclosed:-
  - 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
  - Part H4 – Officer Employment Procedure Rules

*Leader's Announcements*

5. Members are advised that whilst the order of business for Council meetings (Council Procedure Rules) currently provides for Chairman's announcements and urgent communications to be made at Council meetings, no similar provision exists for Leader's announcements. We have been requested to rectify this anomaly and the Group is therefore asked to endorse the variation of the Council Procedure Rules to provide for Leader's announcements and communications.

*Senior Management Review*

6. The Council also authorised the Monitoring Officer, after consultation with the Advisory Group, to amend the Constitution to reflect the amended Directorate structure and the allocation of functions within those Directorates once the revised structure had been ratified by the Executive.
7. As consultation upon the Senior Management Review remains on-going, it is not possible at this stage to bring forward the final amendments required. Subject to the Advisory Group's agreement, it is proposed that the Monitoring Officer, using the delegated authority from the Council referred to above, consults members of the Advisory Group via email upon those further changes.

---

<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Kathrin John	None

This page is intentionally left blank

**A1 SUMMARY**

**3. Overview and Scrutiny**

- 3.1 There are four themed overview and scrutiny committees that support the work of the Executive and the Council as a whole. They submit reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor and scrutinise the decisions of the Executive, including powers to 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.
- 3.2 The Council's overview and scrutiny arrangements are described in Part D1 of the constitution.

This page is intentionally left blank

**D1 OVERVIEW AND SCRUTINY ARRANGEMENTS AND TERMS OF REFERENCE**

**1. Terms of Reference of Overview and Scrutiny Committees**

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

Name of Committee	Terms of Reference
Customer and Central Services Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation; communications; customer service, corporate complaints and community engagement; policy, partnerships and performance including the Local Strategic Partnership, Local Area Agreement, Community Strategy and corporate planning; corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal and democratic services; property and asset management; and any other matters that fall within the remit of the Office of the Chief Executive or Directorate of Customer and Shared Services.
Children’s Overview and Scrutiny Committee	Policy development and review and scrutiny of children’s, families and learning services including children’s specialist services; learning and school support; development and commissioning; integrated services (Children’s Trust, youth support and extended schools);. and any other matters that fall within the remit of the Directorate
Social Care, Health and Housing Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters that fall within the remit of the Directorate.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>
Sustainable Communities Overview and Scrutiny Committee	Policy development and review and scrutiny of sustainable communities issues including strategic planning, housing strategy, transportation and infrastructure; economic growth,

	<p>regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the Directorate.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>
--	--

## 2. General role

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

## 3. Specific functions

### 3.1 Policy development and review

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

- 3.1.1 Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues or proposed projects;
- 3.1.2 Conduct research, community and other consultation in the analysis of policy issues or proposed projects and possible options;
- 3.1.3 Consider and implement mechanisms to encourage and enhance community participation in the development of policy or project options;



- 3.1.4 Question members of the Executive, committees and senior officers of the Council, and representatives of other public, business or voluntary/community sector bodies, about their views on issues and proposals affecting the area; and
- 3.1.5 Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

3.2 **Scrutiny**

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

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

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

### 3.3 **Councillor Call for Action**

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

## 4. **Membership, Substitutes and Quorum**

- 4.1 The membership and quorum of each of the overview and scrutiny committees shall be:

- 4.1.1 Customer and Central Services: 9 councillors and substitutes (quorum 3);

- 4.1.2 Children's Services: 10 councillors and substitutes, plus 5 co-opted members being 3 parent governors and 2 diocesan representatives of the Church of England and Roman Catholic churches.

The quorum shall be 4 councillors and 2 co-opted members (either parent governors or diocesan representatives) whenever considering education matters, and 3 councillors at all other times.

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

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

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

- 4.1.4 Sustainable Communities: 9 councillors and substitutes (quorum 3).

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

## **5. Joint Health Overview and Scrutiny Committees**

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

## **6. Overview and Scrutiny Co-ordination Panel**

- 6.1 The Overview and Scrutiny Co-ordination Panel will comprise the chairman and vice-chairman of each of the overview and scrutiny committees. It is not a formal committee and will not exercise any of the functions described in paragraphs 2 and 3 above, but will:

- 6.1.1 Coordinate the work of the five overview and scrutiny committees, particularly where topics for scrutiny or review cut across the terms of reference of two or more committees, including health matters that affect adults and children;
- 6.1.2 Report annually to full Council on the workings of the overview and scrutiny function and make recommendations for future work programmes and amended working methods if appropriate;
- 6.1.3 Exercise overall responsibility for the work programme of the officers who are employed to support the work of the overview and scrutiny function.

## **7. Task Forces and Other Informal Working**

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

## **8. Proceedings of Overview and Scrutiny Committees**

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

**E2 COMMITTEE TERMS OF REFERENCE**

**8. The Appointments Sub-Committee**

<b>Appointed by:</b>	The General Purposes Committee under Section 101 of the Local Government Act 1972
<b>No of Members:</b>	3 - 5 Councillors appointed by the Monitoring Officer as and when necessary, (from a panel of Members appointed by the General Purposes Committee for this purpose) including at least one member of the Executive
<b>Chairman and Vice-Chairman appointed by:</b>	The Sub-Committee at each meeting.
<b>Quorum</b>	3
<b>Frequency</b>	As and when required
<b>Venue</b>	To be determined by the Monitoring Officer
<b>Co-opted members</b>	None

**8.1 Terms of Reference**

8.1.1 To appoint or recommend the appointment of officers to whom the Officer Employment Procedure Rules apply, including the Head of Paid Service, Directors, the Chief Finance Officer and the Monitoring Officer.

8.1.2 To recommend the dismissal of the Head of Paid Service as provided in the Officer Employment Procedure Rules in Part H4 of the Constitution.

**8.2 Limitations of Power**

The Committee has full delegated power, other than the appointment and dismissal of the Head of Paid Service and as otherwise provided in the Officer Employment Procedure Rules in Part H4 of the constitution.

**F4      PROTOCOL FOR MEMBER/OFFICER RELATIONS**

**5.      The Management of Officers**

5.1      Although officers will support, advise and respond to members' requests, the law is clear that only other officers can manage officers. This means that:-

5.1.1      Day to day management of officers is the responsibility of managers and ultimately the Chief Executive.

5.1.2      Officers will comply with all reasonable requests from members but individual members cannot instruct officers to do any piece of work or take any course of action.

5.1.3      Officers will not seek any member's support in any employment or other dispute or a Council appointment or promotion except in so far as is provided at paragraph 1.2 of the Officer Employment Procedure Rules at Part H4 of the constitution.

5.1.4      Members are responsible for the recruitment of the Chief Executive, Directors, Chief Finance Officer and Monitoring Officer.

5.1.5      Officers are responsible for recruitment of all other officers.

5.1.6      Members' role in any formal action against an officer or grievance involving an officer is limited to reporting an officer's actions to their manager and/or as a witness (except where the Officer Employment Procedure Rules at Part H4 of the constitution provide otherwise).

5.1.7      When representing the Council at meetings about industrial relations matters, members must remember that they represent the Council as an employer and are not there to represent the officers. This applies in particular to meetings with trade union representatives. If a member considers that they cannot undertake this task from this perspective, they should withdraw from this role.

This page is intentionally left blank



**H3 SCHEME OF DELEGATION BY THE COUNCIL AND BY THE EXECUTIVE  
TO DIRECTORS AND OTHER OFFICERS**

**3.2 Staffing Issues**

3.2.1 Subject to the Officer Employment Procedure Rules at Part H4 and staffing policies and terms and conditions adopted by the Council:-

3.2.1.1 To carry out all employment functions and to deal with any staffing establishment issue in relation to staff employed in the delivery of services for which he/she is responsible, including any temporary or agency staff who may from time to time be employed;

3.2.1.2 To be responsible for the performance of those employees carrying out the functions for which he/she is responsible;

3.2.1.3 To appoint employees below the status of Director, with the exception of the Chief Finance Officer and the Monitoring Officer;

3.2.1.4 To dismiss employees.

This page is intentionally left blank

## **H4 OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. Recruitment and Appointment**

#### **1.1 Declarations**

- 1.1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- 1.1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

#### **1.2 Seeking support for appointment**

- 1.2.1 Subject to paragraph 1.2.3, the Council will disqualify any applicant who directly or indirectly canvasses the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.2.2 Subject to paragraph 1.2.3, no councillor or officer will canvass support for any person for any appointment with the Council.
- 1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a councillor or officer from giving a written reference for a candidate for submission with an application for appointment except where the councillor or officer is a member of the appointment panel in that case.

### **2. Recruitment of Head of Paid Service and Directors**

- 2.1 Where the Council proposes to appoint the Head of Paid Service or a Director and it is not proposed that the appointment be made exclusively from among their existing officers, the Appointments Sub-Committee will:
  - 2.1.1 Draw up a statement specifying:-
    - 2.1.1.1 the duties of the officer concerned; and
    - 2.1.1.2 any qualifications or qualities to be sought in the person to be appointed.
  - 2.1.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

- 2.1.3 Make arrangements for a copy of the statement mentioned in paragraph 2.1.1 to be sent to any person on request;
- 2.1.4 Either interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those on the short list; and
- 2.1.5 Where no qualified person has applied, make further arrangements for advertisement in accordance with paragraph 2.1.2 above.

**3. Appointment or Dismissal of Head of Paid Service, Directors, Chief Finance Officer and Monitoring Officer**

3.1 *Appointments*

- 3.1.1 Only the full Council shall approve (or otherwise) the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Sub-Committee. The Appointments Sub-Committee must include at least one member of the Executive.
- 3.1.2 The Appointments Sub-Committee will appoint Directors and the Chief Finance Officer and Monitoring Officer as designated in Part H1 of the Constitution.
- 3.1.3 Before the Sub-Committee makes an offer of an appointment, the Monitoring Officer shall notify every member of the Executive of:-
  - 3.1.3.1 the name of the proposed appointee;
  - 3.1.3.2 the particulars relevant to the appointment; and
  - 3.1.3.3 the period within which objections to the appointment can be made.
- 3.1.4 The Sub-Committee may make an offer provided that:-
  - 3.1.4.1 the Leader on behalf of the Executive within the period raises no objection, or indicates that the Executive has no objection; or
  - 3.1.4.2 the Sub-Committee decides that any objection received from the Leader within the period is not material or is not well founded.

3.2 *Dismissals*

- 3.2.1 The full Council shall approve (or otherwise) the dismissal of the Head of Paid Service following the recommendation of such dismissal by the Appointments Sub-Committee and subject to compliance with the provisions of paragraph 5.
- 3.2.2 The responsibility for dismissal of Directors and Assistant Directors rests with the Head of the Paid Service or his/her nominee.
- 3.2.3 Before full Council (in the case of the Head of Paid Service) or the Head of the Paid Service or his/her nominee (in the case of Directors) determines to issue a notice of dismissal, the Monitoring Officer shall notify every member of the Executive of:-
  - 3.2.3.1 the name of the person proposed to be dismissed;
  - 3.2.3.2 any other particulars relevant to the proposed dismissal; and
  - 3.2.3.3 the period within which objections to the dismissal can be made.
- 3.2.4 The Sub-Committee or the Head of Paid Service or his/her nominee may determine to issue a notice of dismissal, provided that:
  - 3.2.4.1 the Leader on behalf of the Executive within the period indicates that the Executive has no objections, or raises no objection; or
  - 3.2.4.2 the Sub-Committee or the Head of Paid Service or his/her nominee as appropriate decides that any objection received from the Leader within the period is not material or is not well founded.

#### 4. Other Appointments/Dismissals

- 4.1 **Officers below Director.** Appointment of officers below Director level (other than the Chief Finance Officer and Monitoring Officer and assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee (and may not be made by Councillors) subject to compliance with the provisions of paragraph 3.1.3 and 3.1.4 in the case of Assistant Directors.

Dismissal of officers below Director level is the responsibility of the Head of Paid Service, subject to compliance with paragraph 5 in respect of the Chief Finance Officer and Monitoring Officer and with the provisions of paragraphs 3.2.3 and 3.2.4 in respect of Assistant Directors.

#### 4.2 Assistants to political groups.

- a. **No appointments shall be made for the purposes of providing assistance to members of political groups to which members of Central Bedfordshire Council may belong under section 9 of the Local Government and Housing Act 1989, unless the Council has allocated a post to each of the groups which qualify for one, subject to a maximum of three such posts being available at any one time.**
- b. **The allocation of such a post to a political group which does not qualify for one is prohibited.**
- c. **The allocation of more than one such post to any one political group is prohibited.**
- d. **Any appointments of an assistant to a political group shall be made in accordance with the wishes of that political group.**

#### 5. Disciplinary Action

- 5.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- 5.2 **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- 5.3 Councillors will not be involved in any disciplinary action (including dismissal) against any officer below Assistant Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

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



**CONSTITUTION ADVISORY GROUP**

**DATE:** 1 April 2010

<b>TITLE</b>	<b>Variations to the Scheme of Delegation to Officers</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Head of Democratic Services	7

<b>PURPOSE</b>	To advise the Group of changes approved by the Leader of the Council to the Scheme of Delegation to Officers.
----------------	---

<b>ORIGIN OF PROPOSAL</b>	Leader of Council/Director of Sustainable Communities
---------------------------	---

**RECOMMENDATION:**

To note the revision to the Scheme of Delegation to Officers now submitted.

**SUPPORTING INFORMATION**

- As the Advisory Group is aware, the Leader of the Council has authority under Paragraph 3 of the Executive Procedure Rules to delegate Executive functions or amend existing delegations.
- The following new delegations have been approved by the Leader.

*Function*

*Qualifications (if any)*

To incur expenditure within the agreed budget and approve the annual business plans recommended by the boards of Luton Gateway and Renaissance Bedford as the local delivery vehicles supporting the growth agenda. After consultation with the relevant portfolio holder

To prepare a draft Local Economic Assessment for the purposes of consultation After consultation with the relevant portfolio holder

3. The Advisory Group is requested to note the variation to the Scheme of Delegation.

---

<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Kathrin John	None



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



**CONSTITUTION ADVISORY GROUP**

**DATE:** 1 April 2010

<b>TITLE</b>	<b>Work Programme</b>	<b>ITEM NO.</b>
<b>REPORT OF</b>	Head of Democratic Services	<b>9</b>

<b>PURPOSE</b>	To consider the future work programme for the Group
----------------	---

<b>ORIGIN OF PROPOSAL</b>	CAG minute 31, meeting held on 9 November 2009
---------------------------	--

**RECOMMENDATION:**

**That the Advisory Group review the draft work programme at Appendix A.**

**SUPPORTING INFORMATION**

1. The draft work programme for the Group is set out at Appendix A for consideration.

2. Members will recall that the future of Town Centre Management Committees was previously identified as a potential item for consideration by this Group. This matter was originally due to be reviewed by the Executive in November 2009 and any consequential Constitutional changes required were to be reported to this Group. Consideration of the proposals was however deferred at the Executive. It has now been advised that the current arrangements for Town Centre Management Committees are unlikely to be changed at the current time unless reviewed as part of the wider community engagement proposals under consideration. This item has not therefore been included on the work programme.
3. The Advisory Group is invited to review the work programme and amend as appropriate.

---

<b>Contact Officer Details:</b>
---------------------------------

Kathrin John
--------------

<b>Key Background Papers:</b>
-------------------------------

Notes of previous meetings.
-----------------------------

**Appendix A**

<b>Constitution Advisory Group</b>	
<b>Work Programme</b>	
<i>Date</i>	<i>Task</i>
April	<ul style="list-style-type: none"> <li>• Review of Policy Framework</li> <li>• Consequential changes to Constitution arising from:-               <ul style="list-style-type: none"> <li>○ New overview &amp; scrutiny structure;</li> <li>○ New officer appointment procedure</li> </ul> </li> <li>• Public participation for Local Council representatives at Development Management meetings</li> <li>• Guidance for the management of events and media relations</li> </ul>
May/June	<ul style="list-style-type: none"> <li>• Petitions procedure (dependant upon production of final statutory guidance)</li> </ul>
July	<ul style="list-style-type: none"> <li>• Review of the schemes of delegation to officers of unitary councils within the CIPFA comparator group</li> <li>• Review of non-statutory non-executive committees and their roles</li> <li>• Display of Constitution on the website – progress review and update</li> </ul>
October	
December	
January/February	
March	

In addition at each meeting, all changes to Executive delegations approved by the Leader of the Council will be reported for information.

This page is intentionally left blank