

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CENTRAL BEDFORDSHIRE COUNCIL** held in the Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 25 November 2010.

### PRESENT

Cllr P Hollick (Chairman)  
Cllr Mrs C F Chapman MBE (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	Ms A M W Graham	Cllrs	T Nicols
	R A Baker		T Green		Ms J Nunn
	Mrs A Barker		Mrs D B Gurney		P Rawcliffe
	A R Bastable		D J Hopkin		A A J Rogers
	R D Berry		J G Jamieson		J A G Saunders
	L Birt		K Janes		A Shadbolt
	P A Blaine		R W Johnstone		K Sharer
	D Bowater		D Jones		Miss A Sparrow
	A D Brown		M R Jones		B J Spurr
	J A E Clarke		J Kane		R C Stay
	N B Costin		D J Lawrence		J Street
	I Dalgarno		Mrs J G Lawrence		G Summerfield
	Mrs R J Drinkwater		Mrs A M Lewis		A M Turner
	P A Duckett		H J Lockety		Mrs C Turner
	Dr R Egan		S F Male		Mrs P E Turner MBE
	A Fahn		K C Matthews		B Wells
	Mrs J Freeman		Ms C Maudlin		P Williams
	Mrs R B Gammons		D McVicar		J N Young
	M Gibson		J Murray		
	Mrs S A Goodchild		Mrs M Mustoe		

### Apologies for Absence

Cllrs	P Freeman	Cllrs	Mrs C Hegley	Cllrs	P Snelling
	D J Gale		A Northwood		P F Vickers

Officers in Attendance:	Mr G Alderson	–	Director of Sustainable Communities
	Mr J Atkinson	–	Head of Legal and Democratic Services
	Mr M Bowmer	–	Assistant Director, Financial Services/Chief Finance Officer
	Mr R Carr	–	Chief Executive
	Mrs M Clampitt	–	Committee Services Officer
	Mrs E Grant	–	Deputy Chief Executive and Director of Children's Services
	Mrs S Hobbs	–	Committee Services Officer
	Mrs J Ogley	–	Director of Social Care, Health and Housing

## **Prayers**

Prayers were taken by Reverend Richard Andrews of Priory Church, Dunstable.

### **C/10/48 Minutes**

#### **RESOLVED**

**that the Minutes of the meeting of the Council held on 16 September 2010 be confirmed and signed by the Chairman as a correct record.**

### **C/10/49 Members' Interests**

#### **(a) Personal Interests:-**

None.

#### **(b) Personal and Prejudicial Interests:-**

None.

### **C/10/50 Chairman's Announcements and Communications**

In noting Councillors Gale and Northwood's apologies for absence due to ill health, the Chairman indicated that he would pass on the Council's best wishes to them.

The Chairman highlighted the following events:

- the Civic Reception held at Priory House on 24 September 2010 which had been well attended and he thanked Members for their support;
- the Chairman had attended the Remembrance Sunday Service in Dunstable and had laid a wreath on behalf of the Council. He thanked Members and Officers who had been involved with arranging the road closures in Central Bedfordshire to enable the Services to run smoothly;
- at the Grove Theatre, Dunstable on 22 November 2010 there had been a presentation about shared space by Ben Hamilton-Baillie;
- the Chairman had hosted a quiz night on 19 November 2010 and was pleased that approximately 80 people had supported the event; and
- the Chairman highlighted that on the 27 March 2011 he would be hosting an event at the Grove Theatre, Dunstable called 'Lets Face the Music'.

Due to the public interest in agenda item 15 'Gypsy and Traveller Development Plan Document' the Chairman had agreed to take this item as part of agenda item 8 'Recommendation from the Executive'.

**C/10/51 Leader of the Council's Announcements and Communications**

The Leader of the Council advised Members that she had received confirmation from Ministers that construction on the A5/M1 link road would commence in 2015.

At the last Council meeting, the Leader had reported on the submission to Government of a proposal for a South East Midlands Local Enterprise Partnership. The Leader confirmed that this bid had been successful. She had reported on a subsequent meeting about the Partnership.

The Leader explained that she was one of two East of England representatives on the LGA Inland Flood Risk Management Group. The Group was concerned that there was no standard industry approach to household insurance to deal with flooding. She also advised Members that household water rates might increase by 10-14% due to a scheme for the transfer of private sewers to water and sewerage companies.

**C/10/52 Questions, Statements and Deputations**

No questions, statements or deputations had been received under Annex 1 of Part A4 of the Constitution.

**C/10/53 Petitions**

In accordance with the Scheme of Public Participation set out in Annex 2 of Part A4 of the Constitution, the Council received notification of a petition.

The petition, regarding traffic calming measures in Lowther Road, Dunstable, was handed to the Chairman by Councillor Miss Sparrow.

The Chairman thanked Councillor Miss Sparrow. The Portfolio Holder for Safer Communities and Healthier Lifestyles advised Members that a speed audit had taken place already on Lowther Road and he was waiting for the proposals on traffic calming measures. The petition would be referred to the next Traffic Management Meeting.

**C/10/54 Gypsy and Traveller Development Plan**

The Council considered the report of the Portfolio Holder for Sustainable Development which sought approval of the Draft Submission Gypsy and Traveller Development Plan Document (DPD) for consultation, and approval of submission of the document to the Secretary of State.

Public consultation on the DPD would commence on 8 December 2010 which would enable the public to register their views. It was noted that four pitches had yet to be identified and that proposals for these were due to be considered during 2011. Members were advised of the following amendments to the DPD:

- under the heading 'Providing Permanent Gypsy and Traveller Pitches' (page 61 in the Council agenda), the second paragraph refers to the DPD identifying sites to accommodate 23 pitches which satisfies accommodation need until 2014. This date should have read 'up to the end of 2015'; and
- on the same page in the box where there is reference to Policy GT1. The first paragraph refers to the Gypsy and Traveller needs in Central Bedfordshire (North) up to 201. This date should have read up to the end of 2015.

## **RESOLVED**

- 1. to approve the Draft Submission of the Gypsy and Traveller Development Plan Document for public consultation and submission to the Secretary of State for examination; and**
- 2. to delegate authority to the Director of Sustainable Communities, in consultation with the Portfolio Holder for Sustainable Development, to make minor amendments to the Gypsy and Traveller Development Plan Document prior to submission to the Secretary of State, and during examination.**

C/10/55

## **Recommendation from the Executive**

### **Capital Programme Review**

The Council considered a recommendation from the meeting of the Executive held on 2 November 2010, seeking approval of the Capital Programme of £30.717m for 2010/11, as set out in columns 10 and 12 of the summary in Appendix A to the Executive report.

## **RESOLVED**

**that the Capital Programme of £30.717m for 2010/11, as set out in columns 10 and 12 of the summary in Appendix A to the Executive report, be approved.**

C/10/56

## **Recommendation from Regulation Committee**

### **Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009**

The Council considered a recommendation from the meeting of the Regulation Committee held on 17 November 2010, seeking adoption of the relevant provisions to enable the regulation of sexual entertainment venues and agreement that the provisions come into force on 1 April 2011 as “the first appointed day”.

#### **RESOLVED**

- 1. that the relevant provisions to enable the regulation of sexual entertainment venues be adopted and these provisions come into force on 1 April 2011 as “the first appointed day”; and**
- 2. to delegate to the Regulation Committee the responsibility for the licensing of sexual entertainment venues and the Constitution Advisory Group be asked to amend the Constitution accordingly.**

C/10/57

## **Recommendations from the Constitution Advisory Group**

### **(a) Oral Questions at Council**

The Council considered a recommendation from the meeting of the Constitution Advisory Group held on 18 October 2010, seeking approval of amendments to the Constitution in relation to the Oral Questions procedure for Council.

#### **RESOLVED**

**that the following amendments to Part B of the Constitution, be approved:**

- 1. an additional paragraph to be inserted to become a new paragraph 3.2.1.10, with the following wording: “Members of the Council may also ask any question without notice on matters relating to the functions of the Bedfordshire Police Authority and the Bedfordshire and Luton Combined Fire Authority. This period of questions and answers shall last no more than 10 minutes.” with the paragraphs following it to be renumbered; as set out in Appendix A to the report;**
- 2. paragraph 12.1.1 to be amended by the deletion of the words “(or of a body referred to in Rule 12.2.1.4)” and the insertion of “or report” after “upon a recommendation”; as set out in Appendix A attached; and**

3. **all references in Part B5 paragraph 3.2.1.12 and section 12.7 (throughout) to “oral questions” to be changed to “open questions”.**

**(b) Formalising the Constitution Advisory Group in the Constitution**

The Council considered a recommendation from the meeting of the Constitution Advisory Group held on 18 October 2010, seeking approval to amend the Constitution to formalise the membership of the Constitution Advisory Group. The recommendation also proposed that as the Constitution covered the governance of the Council, the Chairman of the Council, or the Vice-Chairman of the Council, and at least one member of the Executive, be included in the membership.

**RESOLVED**

1. **that Section A5 paragraph 2 of the Constitution be amended by the addition of the following words at a new paragraph 2.2 to follow the existing paragraph 2.1:**

**“The Constitution Advisory Group will be appointed annually at the annual meeting of Council and will comprise a membership of 6, proportionate to the political structure of the Council, with one substitute member. The membership of the Advisory Group shall include the Chairman or the Vice-Chairman of the Council and at least one member of the Executive.” and**

- 2) **that consequential amendments are made to renumber the paragraphs which follow, and to change the reference in paragraph 2.1 from paragraph 2.3 to paragraph 2.4.**

**(c) Cross Reference of Public Participation Scheme and Petitions Scheme**

The Council considered a recommendation from the meeting of the Constitution Advisory Group held on 18 October 2010 about cross referencing the recently approved Petitions Scheme with the Public Participation Scheme in the Constitution, to provide better guidance for the reader.

A question was raised about the Petitions Scheme and the requirement for 7 clear days notice of a petition. The Constitution Advisory Group would give further consideration to this requirement.

**RESOLVED**

**that Part A4 Annex 2 Petitions Scheme paragraph 1.1 of the Constitution be amended by the addition of the following words, after the words “Monitoring Officer” at the end of the first sentence:-**

**“subject to the provisions of the General Principles Governing All Public Participation as set out at Part A4, Appendix A Section 2 of the Constitution.”**

**(d) Consultation with the Leader on Member Development Matters**

The Council considered a recommendation from the meeting of the Constitution Advisory Group held on 18 October 2010, seeking approval to formalise the involvement of the Leader of the Council on Members Development matters.

A query was raised about Members having the opportunity to see how much funding was available for Member Development throughout the year. A written response would be provided.

**RESOLVED**

**that Part H3 paragraph 4.7.1 of the Constitution be amended as set out in Appendix A to the report.**

C/10/58

**Report of the Bedfordshire Police Authority**

A report from the meeting of the Bedfordshire Police Authority held on 22 October 2010 was submitted.

Councillor Hollick, representative of the Police Authority, elaborated on some of the issues in the submitted report, including the announcement on the Comprehensive Spending Review and the new Chief Constable for Bedfordshire.

In particular he responded to the questions which had been raised at the last Council meeting on 16 September 2010. Police officers were not exempt from the law governing the use of mobile phones whilst driving, but were exempt when using a two way airwave set. During 2009/10, police officers had served notices on 1,451 people who had been found using their mobile phone whilst driving and during the current year 780 notices had been served so far.

Members were advised that Bedfordshire Police had consulted with the Community Safety Partnership, Local Strategic Partnership and with the Executive in relation to the proposed arrangements for community engagement. Since the last Council meeting, a letter had been sent to all town and parish councils explaining the reasons for the new arrangements.

The Chairman then presided over the new arrangements for questions, as agreed in minute no. 57 above. In response to a comment by the Deputy Leader of the Council, Councillor Hollick confirmed that he welcomed the work of the Chief Executives' Forum and in particular the work of this Council's Chief Executive in exploring the scope for sharing back office services to reduce costs.

Councillor Hollick responded to a question about Essex Police having to call upon neighbouring authorities to assist in disturbances at an oil refinery. He confirmed that one sergeant and six constables, who were on duty at the time, assisted at this incident under the mutual aid arrangements.

A question was raised about the performance of Bedfordshire Police during a freeze on recruitment. A programme was being considered for 2011 concerning the deployment of Officers and the role of the Special Constabulary.

In response to a question, Councillor Hollick advised that he was not aware of any proposals concerning the Bobby Van service.

C/10/59

### **Written Questions**

Written questions had been submitted from the following Members:

- **Councillor Dr Egan's** written question was about the number of agency workers employed by Central Bedfordshire Council (CBC), the number of vacancies at CBC, how many disabled people were currently employed by CBC and the Council's strategies to employ more disabled people. The Portfolio Holder for Finance, Governance and People provided a written response. A copy of the questions and responses are attached at Appendix A to these minutes;
- **Councillor Dr Egan's** second written question was about the Council's strategies for ensuring that vulnerable people, people with special needs and disabled people were able to receive further education and training leading to employment. The Portfolio Holder for Adult Social Care and Health had provided a written answer. A copy of the question and answer are set out in Appendix A to these minutes;

Councillor Dr Egan asked a supplementary question enquiring about the difference between job carving and job sharing and also on the closure of LuDun. As the Portfolio Holder for Adult Social Care and Health was attending an award ceremony on behalf of the Council and had therefore sent her apologies for absence, it was agreed that a written response would be provided.

- **Councillor Murray's** written question was about the number of redundancies among Council employees, redundancy pay, and the profit made by the Grove Theatre. A copy of the questions and written responses are set out in Appendix B to these minutes.



The Chairman had agreed to accept an urgent written question from Councillor Lawrence as follows:

“Because the designs currently on offer would not improve the overall situation if implemented; can the Portfolio Holder guarantee that no work should be permitted to commence on the London Road /The Baulk junction in Biggleswade and including the additional work extending to new zebras and humps terminating in a new potential roundabout with Elm Way before full consultation exploring alternative designs has taken place with the Chamber of Trade, the Town Council and the elected representatives to Central Bedfordshire for the Biggleswade ward.”

The Portfolio Holder for Safer Communities and Healthier Lifestyles advised that the designs had been carried out by safety engineers as part of the Safer Routes to School scheme. The Portfolio Holder for Economic Growth, Skills and Regeneration confirmed that public consultation was due to commence on 26 November 2010 and no works would begin until the results from the public consultation had been analysed. Biggleswade Town Council had been consulted in March 2010 when the initial designs were being drawn up and they would be able to comment through the public consultation, along with other organisations and the public. The Portfolio Holder for Sustainable Development confirmed that he had visited the junction concerned as part of his work on Safer Routes to School.

C/10/60

### **Oral Questions**

The Chairman presided over oral questions asked of the Leader, Deputy Leader, Portfolio Holders and the Chairman of a Committee under Council Procedure Rule 12.7.

- 1) Councillor Ms Nunn asked a question about Central Bedfordshire Council's involvement with Anglian Water over disrupted water in Barton-le-Clay.

The Portfolio Holder for Safer Communities and Healthier Lifestyles explained that the Council had no jurisdiction over Anglian Water.

- 2) Councillor Mrs Chapman asked a question about the Council's e-petitions scheme and whether there could be more than one signature from one email address.

The Portfolio Holder for Policy and Performance undertook to provide a written answer.

- 3) Councillor Aldis asked a question about incinerators being built in Bedfordshire.

The Assistant Portfolio Holder for Safer Communities and Healthier Lifestyles explained that he was not aware of any incinerators being built in the area. The Assistant Portfolio Holder updated Members on the BEaR project.

- 4) Councillor Ms Nunn asked a question about the contingency arrangements in place for snowfalls.

The Portfolio Holder for Safer Communities and Healthier Lifestyles explained that a report was due to be considered by the Executive on a winter programme of works looking at the issues that arose last winter and how these might be resolved.

The Portfolio Holder for Children's Services explained that a new web page would become available showing the up-to-the-minute status of school closures and school transport routes. Schools had also set up a service whereby they send a text message to parents informing them of any school closure.

- 5) Councillor Dr Egan asked a question about Members receiving information on the future development of the Kingsland Campus site, Houghton Regis.

The Portfolio Holder for Economic Growth, Skills and Regeneration confirmed that the future development of the Kingsland Campus site was being progressed and discussions were taking place with partners. The results from these discussions were due to be pulled together in the forthcoming weeks. The Portfolio Holder advised that once this information was available he would provide an update.

The Portfolio Holder for Children's Services explained that the future of the Kingsland Campus site was also part of the review of school places in Dunstable and Houghton Regis. The Children's Services Overview and Scrutiny Committee were due to consider this review at its meeting on 25 January 2011.

- 6) Councillor Dr Egan asked a question about whether residents would be deterred from using the Council's e-petition scheme as it required a username and password. To set up a username and password the system required the public to provide personal information. She also queried how this personal information was protected and how this information was used.

The Portfolio Holder for Policy and Performance advised that a written response would be provided.

- 7) Councillor Dr Egan asked a question about the low number of residents that had responded to the Council's budget strategy consultation on the Central Bedfordshire's Let's Talk Central web page.

The Portfolio Holder for Policy and Performance advised that a written response would be provided. He also pointed out that there was opportunity for the public to comment on the budget proposals through the Overview and Scrutiny Committee process.

- 8) Councillor Aldis asked a question about Central Bedfordshire Council's attitude towards schools becoming academies and the associated land transfer implications. He also queried who would be responsible for the academies' employees pensions.

The Portfolio Holder for Children's Services explained that the local authority had no influence over whether or not schools decided to pursue academy status. The Council would still work in partnership with any academies. A written answer would be provided on the pensions issue.

- 9) Councillor Green asked for an update on the proposed closure of Dunstable Registry Office.

The Portfolio Holder for Customers, Systems and Assets explained that Dunstable Town Council had agreed to reduce the amount of rent Central Bedfordshire Council paid for the use of Grove House. It was anticipated that the savings for this service would be achieved whilst maintaining a Registry Service in Dunstable.

- 10) Councillor Ms Nunn asked a question about the future of the Early Years Team in Kempston.

The Portfolio Holder for Children's Services explained that the Council valued the work this team carried out. The Service Level Agreement with Bedford Borough Council ceased at the end of December 2010. The service was being disaggregated and a share of the employees would come across to Central Bedfordshire Council under TUPE. At the same time as this service was being disaggregated, a reorganisation was being carried out within the Special Educational Needs team.

C/10/61 **Motions**

No motions had been received from Members of the Council under Rule No. 16.

C/10/62 **Executive Arrangements under the Local Government and Public Involvement in Health Act 2007**

Council considered the report of the Portfolio Holder for Customers, Systems and Assets requesting the Authority to formally adopt, in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007, Leader and Executive arrangements. The Portfolio Holder moved an amendment to the recommendation as follows:

**"Recommendation 1**

- (a) no change;  
(b) no change; and

- (c) the last line in this recommendation refers to paragraph 7, but should be paragraph 8.

**Recommendation 2 – no change.**

**Additional Recommendation**, as follows:

3. that the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution following consultation with the Constitution Advisory Group.”

**RESOLVED**

**1. that Council notes:**

- (a) the requirement for the full Council to pass a resolution by 31 December 2010 to adopt either a “new style” leader and cabinet executive or elected mayor and cabinet arrangements;
- (b) that the Central Bedfordshire bid submission, which was subject to extensive public consultation, was based on the adoption of the “new style” leader and cabinet arrangements; and
- (c) that the Constitution already contained all the required statutory provisions of the Local Government and Public Involvement in Health Act 2007 relating to the “new style” leader and cabinet executive arrangements, save for the provision relating to the extension of the term of office of the Leader (paragraph 8 of the report refers);

**2. that the “new style” leader and cabinet executive arrangements for implementation on the third day after the elections in May 2011, be adopted;**

**3. that the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution following consultation with the Constitution Advisory Group.**

(Note: The meeting commenced at 6.30 p.m. and concluded at 8.08 p.m.)

Chairman .....

Dated .....

**Written Question from Councillor Murray**

**Portfolio Holder for Finance, Governance & People**

- 1: **Since the inception of Central Bedfordshire Council how many posts have been made redundant (actual posts, not FTE)?**

74

- 2: **How many employees (in numbers, not FTE) have left the employ of the council due to**

- a: Redundancy - 81 which will include some LGR related. In some instances there may have been more than 1 person in post and therefore there will be more people redundant than posts.
- b: Ending of contracts -122
- c: Voluntarily - 331
- d: Disciplinary reasons -14
- e: Retirement? – 98
- f: Death in Service - 3
- g: TUPE Transfer - 69

- 3: **What has been the total amount of Redundancy Pay paid to those who have left and early retirement?**

£2,417,382.94. This will include 30+ LGR related redundancy and the redundancy payment for the Shadow Chief Exec. The redundancy costs include approx £1.5m in LGR related transitional redundancies paid in the first few months of unitary. This figure includes Jaki's costs. As the initial question gave a timescale of '*since the inception of Central Bedfordshire Council*' we have use the same principal for all questions

For context, the actuarial stain payments resulting from the Senior Management Review were £790k in 2009/10 and £300k in 2010/11.

- 4: **Secretary of State Pickles, talking about high salary earners in local government, said "I've taken a 10% reduction in pay, it's your turn now." How many of Central Bedfordshire Council's employees have volunteered a pay cut?**

HR are not aware of anyone specifically contacting us to volunteer a pay cut.

- 5: **We were told during the summer that the council benefits from a share of "excess profit" made by the Grove Theatre. How much "excess profit" did the council receive during the financial year 1<sup>st</sup> April 2009 – 31<sup>st</sup> March 2010?**

The Grove Theatre is covered by a blanket contract with Leisure in The Community Limited. There is provision in the contract for the sharing of profit. The audited accounts for 30th September 2009 shows nominal profits being achieved for the past two financial years of:

1) at 30/09/2008 = £215

2) at 30/09/2009 = £754

It does not appear that "excess profits" have been achieved at this time. We go by the financial year of the company and not the council. This is a Companies House requirement (law in England & Wales).