

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 13, Priory House, Monks Walk, Shefford on Monday, 21 March 2011

PRESENT

Cllr S F Male (Chairman)

Cllrs Mrs C F Chapman MBE
D Jones

Cllrs M R Jones
A Shadbolt

Apologies for Absence: Cllrs D J Lawrence

Members in Attendance: Cllrs K C Matthews

Officers in Attendance

Mr J Atkinson	– Head of Legal and Democratic Services
Mrs E Grant	– Deputy Chief Executive/Director of Children's Services
Mr L Manning	– Committee Services Officer
Ms M Peaston	– Committee Services Manager
Mrs H Shore	– Head of Business Investment and Marketing

CAG/09/100 **Minutes of the Previous Meeting**

The minutes of the meeting held on 2 December 2010 were approved as a correct record and signed by the Chairman.

CAG/09/101 **Co-optees on the Children's Services Overview and Scrutiny Committee**

The Group considered a report by the Committee Services Manager which proposed amendments to the Constitution with regard to the parent governor co-optees on the Children's Services Overview and Scrutiny Committee.

The meeting noted that the term of office for existing parent governor co-optees expired in May 2013 but that, in view of the forthcoming Council elections, it was felt timely to examine various issues relating to the co-optees' membership of the Overview and Scrutiny Committee including:

- the starting time and length of the term of office
- the eligibility of parent governor co-optees to serve for more than one consecutive four year period
- the possible representation of Academies by a specific parent governor co-optee
- the strengthening of the requirement to attend Committee meetings.

Following consideration Members were of the opinion that the term of office for parent governor co-optees should run for a four year period concurrently with that of Members of the Council. The Group was aware that if a new four year term of office was not introduced in May 2011 it would require action to be taken in 2013, when the current term of office expired. However, the parent governor co-optees could then only be appointed for a two year period before the next Council elections took place in 2015. Members were of the opinion that the matter should not be delayed and the opportunity should be taken to introduce a new four year term of office from May 2011.

The Group acknowledged that restricting an individual's eligibility to serve as a parent governor co-optee to not more than one consecutive period of four years would allow a regular influx of fresh views and opinions. However, concern was also expressed that the knowledge and experience accrued by the co-optees would all be lost at the same time. The Group was therefore of the opinion that existing co-optees should be allowed to stand for re-election and re-appointment again should they wish.

Members noted the evolving relationship between the Council and schools and were of the opinion that, given these circumstances, it would be better to retain flexibility of representation rather than formally appoint a parent governor co-optee to solely represent Academies.

The Group acknowledged that it would not be possible to amend the requirement to attend Committee meetings beyond that expected of Members of the Council. It was also felt that, if necessary, non-attendance at meetings could be raised with the relevant parent governor co-optee by the Chairman of the Committee.

AGREED TO RECOMMEND TO COUNCIL

that Part D1 of the Constitution relating to Membership, Substitutes and Quorum of the Children's Services Overview and Scrutiny Committee be amended as set out in Appendix A to these minutes.

(Note: After the meeting it became apparent that the election process could not be completed in time for the appointments to be confirmed at the Annual Council Meeting on 19 May 2011. The Group therefore agreed to amend the above recommendation to enable the appointments to commence from June 2011).

CAG/09/102 Review of Arrangements for Petitions

The Group considered a report which sought a review of the arrangements in the Constitution for petitions following the Council's recent experience of paper based, electronic and mixed format petitions, especially during the lead up to setting the budget.

The Committee Services Manager was of the opinion that the recommended timescale for a review of the petition arrangements and the submission of final

recommendations to Council on 14 April, was not achievable. In view of the range of work required, and mindful that the Council's Annual General Meeting was scheduled for 19 May following the local elections, she suggested that any final recommendations be submitted to Council on 21 July instead.

Discussion took place on aspects of the current petition arrangements and, to assist Members, a list providing information relating to the range of petitions submitted between 7 December 2010 and 15 February 2011 was circulated. The meeting noted the importance of ensuring that petitions were submitted at the relevant point in the Council's decision making process and the associated need to ensure that the public were fully aware of this requirement.

AGREED

- 1 that a full review of the procedural matters relating to petitions be undertaken by the Council following the elections in May 2011 with the aim of improving public ease of use and improved administration within the Authority;**
- 2 that any final recommendations arising from the review be submitted no later than the meeting of the Council on 22 September 2011.**

CAG/09/103 Order of Business at the Council's Budget Meeting

The Group considered a request by the Chairman that it examine whether the Constitution should make specific provision for the items included on, and order of, the agenda at the Council's annual budget meeting.

Members were aware that while the Constitution set out the order of business for annual, ordinary and extraordinary meetings of the Council nothing was prescribed for the order of business at the Council's budget meeting. As a result the order of business followed that of ordinary Council meetings leading to certain reports that were relevant to the budget being placed at the end of the agenda. This, in turn, required the Chairman to exercise his or her discretion to bring the reports forward so they could be considered in conjunction with the budget recommendations.

The Chairman stated that, in view of the above, he felt a specific agenda format was required for the Council's budget meeting that dealt with the order of business in a logical sequence and removed the requirement, as set out in the order of business for ordinary meetings, to include items that were irrelevant to consideration of the budget.

Consideration was given to a suggestion that the procedure rules for ordinary meetings of the Council simply be amended by the inclusion of a procedure to ensure that any item relating to the budget would be automatically considered taken at the correct time. However, the Group felt that this failed to fully overcome the difficulties that were experienced.

The Group was reminded that the Council's budget meeting currently considered other items of business in addition to those relating to the budget. Consideration was given to whether the annual budget meeting should continue to do so or whether future budget meetings should only focus on that topic and a separate meeting be held to deal with other non-budget matters. Members noted that there was a need for the budget meeting to take place in February to set Council Tax levels. Members were aware that a Council meeting was normally scheduled to take place in April and it was suggested that this meeting be rescheduled to March in order to deal with outstanding non-budget matters. The Council's AGM would be held in May. There would therefore be the same number of Council meetings, but one would deal only with matters relating to the budget, and other Council meetings would be spaced out more appropriately.

The Group recognised the need for further work to be undertaken on the procedure for a Council meeting dealing only with budgetary matters and it was felt that, at this point, approval should be given in principle for the inclusion of specific procedure rules for the Council's annual budget meeting in the Constitution and the rescheduling of the Council's meeting currently held in April. Then, following consultation with Members, detailed proposals could then be considered by the Group at its next meeting and a report submitted to Council on 21 July.

AGREED

- 1 that approval be given in principle for the drawing up and inclusion of specific procedure rules for the Council's annual budget meeting within the Constitution;**
- 2 that approval be given in principle for the Council's annual budget meeting in February to focus only on budget matters and for any outstanding non-budget issues to be dealt with at a following Council meeting;**
- 3 that approval be given in principle for the Council's meeting currently held in April to be brought forward to March and that meeting be used for the purpose of considering outstanding non-budget issues;**
- 4 that approval in principle be given to the Council's AGM being held henceforth in May, as currently;**
- 5 that, following consultation with Members, the Constitution Advisory Group undertake the working up of detailed proposals for business to be carried out at the annual budget meeting of Council in order that a report can be submitted to the Council meeting on 21 July 2011.**

CAG/09/104 **Leader's Term of Office and Executive Powers**

The Group considered a report by the Head of Legal and Democratic Services which sought to clarify the authority of the Leader to take decisions in respect of executive functions and the arrangements that applied in the period following Council elections.

The meeting was reminded that at its meeting in December 2010 it had recommended an amendment to the Constitution to provide for the Leader to remain in office until the day of the first annual meeting of the Council which followed his/her election as Leader. The Group was aware that this change was necessary to comply with the changes introduced in the Local Government and Public Involvement in Health Act 2007 regarding the powers and term of office of the Leader. During the discussion on this item in December Members had expressed concern regarding the Leader's position if he/she did not seek re-election or was unsuccessful and yet remained Leader after the election until the Council's AGM. As a result officers had been asked to draft wording which, if adopted, would limit the Leader's authority to take decisions during this period.

In response the Head of Legal and Democratic Services first stated that under the Local Government Act 2000 the Leader (as senior Executive Member) could discharge any functions which were the responsibility of the Executive, or arrange for those functions to be carried out by the Executive, by another member of the Executive, by a committee of the Executive or by an officer. However, the Leader's power to exercise Executive functions in his/her own right was not covered explicitly in the Council's Constitution and he therefore proposed that paragraph 1.1 of Part C4 of the Constitution be amended to make the position clear.

Leading from this, and in connection with Members' concerns on the position of an un-elected Leader, the Head of Legal and Democratic Services put forward a suggested form of words to be included as paragraph 3.1.5 in Part C1 of the Constitution which restricted an un-elected Leader's authority to make Executive level decisions except on grounds of urgency. Discussion followed on the most effective way of describing the grounds on which any restrictions were based. It was felt that the term 'urgency' was insufficient for the purpose and the Head of Legal and Democratic Services should re-examine his proposed form of words having regard to Members' comments.

AGREED

- 1 that, in principle, paragraph 1.1 of Part C4 of the Constitution be amended to include the Leader amongst the list of those who can discharge Executive functions;**
- 2 that the Head of Legal and Democratic Services re-examine his proposed form of words regarding an un-elected Leader's authority to make Executive level decisions having regard to Members' comments and report to a future meeting of the Constitution Advisory Group with a revised form of words for consideration.**

CAG/09/105 **Dunstable Joint Committee**

The Group considered a proposal by the Head of Business Investment and Marketing to abolish the Dunstable Town Centre Management Committee and replace it by the Dunstable Joint Committee. The Group noted that the proposed terms of reference for the new body had been drafted following a request by Councillor Nigel Young, the Chairman of the Management Committee, and that the Management Committee had considered and approved them at a meeting on 10 March 2011.

The Group also noted that the Management Committee had referred to the Dunstable Town Centre Masterplan, the Luton/Dunstable Busway, Local Transport Plan 3, the Core Strategy and the A5-M1 Link Road as reasons for the Committee to expand its remit and change its name. It was intended that new terms of reference would create a partnership forum for all those involved in initiatives impacting on Dunstable thus allowing consultation and co-ordination.

The meeting was advised that the Management Committee had recommended within the proposed terms of reference that the five Central Bedfordshire Council Member representatives be drawn only from Dunstable wards. The reason given in support of this was that such local Members were best placed to understand and engage with the town's specific issues. A Member commented that when the Management Committee had originally been formed it had been the intention to restrict the then District Council Member representation to those Members from the Dunstable wards.

The Group was aware that there were no financial implications for Central Bedfordshire Council as the Council did not directly fund the Management Committee. Instead a sum of approximately £10,000 had been identified under the Section 106 agreement made when Asda was given planning permission for its store in Dunstable and Central Bedfordshire had delegated the monies to the Management Committee. This delegation would continue to the Joint Committee.

The Group indicated its support for the proposal.

AGREED TO RECOMMEND TO COUNCIL

- 1 that the Dunstable Town Centre Management Committee be abolished and replaced by the Dunstable Joint Committee;**
- 2 that section J2 of the Constitution relating to Dunstable Town Centre Management Committee be amended with new terms of reference as set out at Appendix B to these minutes.**

CAG/09/106 Variation to the Scheme of Delegation to Officers

The Group considered a report setting out a change to the Scheme of Executive Functions Delegated to Officers which had been approved by the Leader of the Council under Paragraph 3 of Part C4 of the Constitution. The meeting was advised that the Leader had approved the following new delegation to the Director of Sustainable Communities:

‘To prepare for consultation and subsequently approve the Local Validation Checklist’ (after consultation with the relevant Portfolio Holder).

Part H3 of the Constitution would be renumbered accordingly.

Arising from the above the Chairman suggested that the authority for Portfolio Holders to discharge Executive functions existed and he suggested that if a proposed delegation related to an Executive function then the delegation should be to a Portfolio Holder. In this way Members could hold Portfolio Holders to account. The Head of Legal and Democratic Services suggested that he would raise this proposal with the Leader following the forthcoming local government elections and that he would report back to the Group on the outcome.

NOTED

the variation to the Scheme of Delegation to Officers.

CAG/09/107 Work Programme

The Group considered its current Work Programme.

NOTED

the Work Programme.

CAG/09/108 Date of Next Meeting

In view of the impending elections no decision was made regarding the date of the next meeting.

(Note: The meeting commenced at 2.00 p.m. and concluded at 3.55 p.m.)

Chairman.....

Date.....

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Appendix A

Part D1 Overview and Scrutiny Arrangements and Terms of Reference

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.

A parent governor co-opted member shall:

- serve a 4-year term of office starting from May 2011 (unless he/she ceases to be a parent governor co-opted member in which case a replacement parent governor shall be elected to serve out the remainder of the term)
- be able to serve on the Committee for more than one consecutive 4-year period subject to re-election.
- cease to be qualified to hold office as a parent governor co-opted member if he/she fails to attend meetings of the Committee for a continuous period of 6 months starting with the date of a meeting.

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<#>attend a minimum of 4 meetings out of every 8, in addition to meeting the attendance requirements of the relevant Regulation¶¶
<#>serve for not more than one consecutive 4-year term.¶¶

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<p>Dunstable <u>Joint Committee</u></p>	<p>1. To serve as a partnership forum for all those involved in town centre initiatives to consult with each other and co-ordinate their activities so as to realise their aspirations for the town centre.</p> <p>2. To set the broad direction of the partnership taking into account the needs of the town centre's customers, employees, residents, visitors, traders, property owners and developers. This to include devising and updating a recommended <u>Joint Committee Action Plan</u>. <u>The Committee will consider issues relating to:</u></p> <ul style="list-style-type: none"> • <u>The economic, social and environmental well being of the town</u> • <u>Transport issues</u> • <u>Community safety issues</u> • <u>Leisure and recreational issues</u> • <u>The development and implementation of the Dunstable Town Centre Master Plan</u> <p><u>All such issues will be considered in the context of the development and ongoing review of the Joint Committee Action Plan.</u></p>
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Deleted: To undertake and co-ordinate marketing and promotional work for the town centre.¶

Deleted: To seek funding opportunities for the furtherance of town centre initiatives and to agree a detailed action plan for the town centre in accordance with the approved Town Centre Strategy and other approved local authority policies.¶

APPENDIX A

7. Membership:

- 5 named Councillors from Central Bedfordshire Council ~~✓~~ All named Councillors must be elected representatives of wards in Dunstable ~~✓~~ 5 Dunstable Town Council appointed Councillors
- Named substitutes from each Council will be permitted to attend meetings as full Committee representatives.

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8. Quorum:

At least 3 Members from each Council will have to be in attendance for the meeting to be quorate. ~~✓~~

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9. Notes:

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9.1 This group has the power to invite representatives of local interest groups to attend its meetings.

9.2 A Councillor appointed by Central Bedfordshire Council will take on the role of Chairman and a Councillor appointed by the Town Council will take on the role of Vice-Chairman.

9.3 Dunstable Town Council administers the committee which is governed by the Town Council's Standing Orders.

APPENDIX A

9.4 Only members of the committee can vote-

9.5. The Committee is not a replacement for any decision making structures regarding planning applications and will not duplicate the work of the Planning Authority.

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9.6 In an attempt to engage with local town centre stakeholders, the DJC will co-opt up to fifteen additional Committee Members from local town centre representative groups. Representative groups could be from the retail, banking, property, transport or any other relevant sectors. However, any co-opted Member must be able to demonstrate how they can add value to the work of the Committee. **Each co-opted Member will be able to engage fully in all discussions but will not have any voting rights.** Co-opted Members will serve a term on the Committee equivalent to the electoral term of elected Council Members

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