



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

please ask for Leslie Manning

direct line 0300 300 5132

date 17 March 2011

CONSTITUTION ADVISORY GROUP MEETING

Date:	Monday, 21 March 2011			
Time:	2.00 p.m.			
Venue:	Room 13, Priory House, Monks Walk, Shefford			
Members	Cllrs	Mrs C F Chapman MBE D Jones M Jones	Cllrs	D Lawrence S F Male A J Shadbolt

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **MINUTES OF THE PREVIOUS MEETING**

To receive the minutes of the last meeting held on 2 December 2010 (copy attached).

Reports

Item	Subject	Page Nos.
3	Co-optees on the Children's Services Overview and Scrutiny Committee	* 23 - 28

To consider the provisions in the Constitution for the

statutory co-optees on Children's Services Overview and Scrutiny Committee.

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|----|--|-------------|
| 4 | Review of Arrangements for Petitions | * 29 - 52 |
| | To review the arrangements in the Constitution for petitions. | |
| 5 | Order of Business at the Council's Budget Meeting | * 53 - 76 |
| | To consider whether the Constitution should make specific provision for the items included and order of the agenda at the Council's annual Budget Meeting. | |
| 6 | Leader's Term of Office and Executive Powers | * 77 - 78 |
| | To clarify the authority of the Leader to take decisions in respect of executive functions and the arrangements that apply in the period following an election. | |
| 7 | Dunstable Joint Committee | * 79 - 98 |
| | To consider the proposed creation of a Dunstable Joint Committee to replace the existing Dunstable Town Centre Management Committee together with the adoption of revised terms of reference to reflect this change. | |
| 8 | Variation to the Scheme of Delegation to Officers | * 99 - 100 |
| | To advise the Group of a change to the Scheme of Executive Functions Delegated to Officers which has been approved by the Leader of the Council. | |
| 9 | Work Programme | * 101 - 102 |
| | To consider the attached Work Programme. | |
| 10 | Date of Next Meeting | * |
| | To agree the date for the next meeting. | |

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 14b, Priory House, Monks Walk, Shefford on Thursday, 2 December 2010

PRESENT

Cllr S F Male (Chairman)

Cllrs D Jones
M R Jones

Cllr A Shadbolt

Apologies for Absence: Cllrs Mrs C F Chapman MBE
D J Lawrence

Members in Attendance: Cllrs D Bowater
K C Matthews

Officers in Attendance	Mr J Atkinson	Head of Legal and Democratic Services
	Mr I Brown	Interim AD Assets
	Mr P Fraser	Head of Partnerships & Performance.
	Mrs E Malarky	Head of Policy
	Ms M Peaston	Committee Services Manager

CAG/09/89 Apologies for Absence

Apologies for absence were received from Councillors Mrs Chapman and D Lawrence.

CAG/09/90 Minutes of the Previous Meeting

The minutes of the meeting held on 18 October 2010 were approved as a correct record and signed by the Chairman.

CAG/09/91 Order of the agenda items

In view of officer commitments, the order of the agenda was amended to bring forward item 4 Reference to Strategic Plan in Section 12 and item 7 Amendments to the Delegations to the Director of Customer and Shared Services before item 3 Leighton Linslade Partnership Committee.

CAG/09/92 Leighton-Linslade Partnership Committee

The Advisory Group considered a report of the Head of Partnerships and Performance further to a request for terms of reference to be included in the Council's Constitution for the new Leighton-Linslade Partnership Committee, which would replace the Town Development Committee and the Town Centres Management Committee.

Cllr Matthews was present as the Portfolio Holder for Economic Growth, Skills and Regeneration and he indicated his support for the proposal.

Councillors Bowater, D Jones, Male and Shadbolt indicated that they had a personal but not a prejudicial interest in this matter.

Further to discussion, a suggestion was made that the proposed amendment to the Constitution include additional wording at section 6.1 so that the paragraph reads:

“6.1 The annual budget shall be developed by the Committee and recommended to the Town Council and Central Bedfordshire Council for approval only where Central Bedfordshire Council makes funding available in any financial year.”

AGREED TO RECOMMEND TO COUNCIL:-

- 1. that the existing Leighton-Linslade Town Centre Management Committee be replaced with the Leighton-Linslade Partnership Committee;**
- 2. that part J2 of the Constitution relating to the Leighton-Linslade Town Centres Management Committee be amended with new terms of reference as set out in Appendix A to these minutes.**

CAG/09/93 Reference to Strategic Plan in Section I (2)

The Advisory Group considered a report of the Head of Planning and Programme Management proposing a minor addition to the wording at Section I2 of the Constitution to include a very brief description of the Strategic Plan.

In view of the proposal including the words “medium term” a discussion ensued about whether this period should be defined. It was concluded that including the term did not add to the clarity of the amendment and it should therefore not be included.

Consideration was also given to whether this amendment fell within the category of amendments delegated to the Monitoring Officer after consultation with the Constitution Advisory Group (Part A5 paragraph 2.3 refers). The Advisory Group considered that it did so and that the amendment should be made by the Monitoring Officer and circulated to all members of the Council with the next quarterly circulation of amendments to the Constitution.

AGREED:-

1. that Section I2 of the Constitution be amended by the addition of a new paragraph to follow paragraph 4.2, as set out below, with all the paragraphs after it to be re-numbered;

4.3 Strategic Plan: The Strategic Plan sets out the Council’s vision for Central Bedfordshire, its values and priorities.

2. that this amendment fell within the category of amendments to the Constitution described in part A5 paragraph 2.3 of the Constitution and would therefore be made by the Monitoring Officer without further reference to Council, and advised to all Members through the next quarterly circulation of amendments to the Constitution.

CAG/09/94 **Licensing and Regulation Committees**

The Advisory Group considered a report of the Committee Services Manager proposing that the Licensing Committee and the Regulation Committee should become one committee, called the Licensing Committee.

It was noted that two separate committees had been created at a legacy authority in view of the expectation of a heavy workload for the Licensing Committee at the time that new liquor licensing legislation had come into force. This approach had been replicated in the Constitution for Central Bedfordshire Council, but there was no longer a need for two separate committees, although the term "Licensing Committee" was legally required for the body which carried out the Licensing remit.

Further to a discussion as to whether the loss of a committee would impact on the proportionality requirements across the Council, the Advisory Group determined that a recommendation should be made to Council at its January 2011 meeting for only one committee, but that the recommendation should be implemented only after the May 2011 local election.

AGREED TO RECOMMEND TO COUNCIL

1. **that one committee called the Licensing Committee should carry out the functions of both the Licensing Committee and the Regulations Committee, but that this should not come into effect until after the May 2011 local election;**
2. **that Part E2 of the Constitution relating to the Licensing Committee and the Regulation Committee be replaced with new terms of reference as set out at Appendix B to these minutes.**

CAG/09/95 **Leader's Term of Office**

The Advisory Group recalled that at the meeting of Council on 25 November 2011, a resolution had been passed to adopt the "new style" leader and cabinet executive arrangements for Central Bedfordshire Council.

A consequential change to this was that the Leader of the Council would remain in office until the day of the first annual meeting of the Council after the election. It was noted that the Constitution should reflect this, and that the Monitoring Officer had been authorised by Council to make any necessary consequential changes to the Constitution following consultation with the Constitution Advisory Group.

A discussion ensued and it was considered appropriate, as the Constitution provided guidance for unforeseen circumstances, wording should be included which would limit the power of a Leader during the transition if they had not been re-elected to the Council. Members considered various circumstances when this might be appropriate.

The Advisory Group wished to take the advice of the officers on appropriate wording for inclusion in the Constitution. The officers were asked to circulate appropriate wording to members of the Advisory Group after the meeting. When consensus on the wording had been reached, an amendment to the Constitution would be recommended by the Advisory Group to Council.

AGREED

- 1 to endorse the proposed amendment of Part C1 paragraph 3 by the Monitoring Officer under his delegated powers (Part A5, paragraph 2.3 of the Constitution refers) to provide for the Leader remaining in office until the day of the first annual meeting of the Council which follows his/her election as Leader, as set out in **Appendix C** to these minutes;
2. that an additional amendment to the Constitution be drafted by the officers and circulated to all members of the Advisory Group seeking consensus on wording to be recommended to Council to provide for a limit to the powers of a Leader, during the transition period, who remained in post after an election until the first annual meeting of the Council, but who had not been re-elected to the Council.

CAG/09/96

Amendments to the Delegations to the Director of Customer and Shared Services

The Advisory Group considered a report of the Assistant Director Assets (Interim) which sought to amend the delegations to the Director of Customer and Shared Services in respect of assets, including :

- the requirement to secure the approval of a ward member before disposing of land in accordance with the Council's policy
- the level of the delegated authority to the Director for capital disposals
- the addition of a delegation to cover the transfer of the Council's interest in land to Trust Schools and Academies.

The Advisory Group noted that the delegation at Part H3 paragraph 4.5.29 had the qualification "subject to approval of the relevant Portfolio holder and ward member(s)". Views were expressed that this placed unwonted pressure on the ward member(s) and that the qualification should require only consultation with the ward member(s), following which the Portfolio holder's approval would be sought.

The Advisory Group noted that the delegated authority for the value of capital disposals had been set in line with the financial threshold for key decisions, as set out in the Constitution (Part C2 paragraph 1.2 refers). Members were unclear as to the meaning of the proposal on this matter as set out in the report and asked that this be redrafted to achieve greater clarity. The recommendation should then be e-mailed to all members of the Advisory

Group, and if there was consensus, referred as a recommendation of the Advisory Group to Council on 20 January 2011. If consensus was not achieved, the matter should be brought before the Constitution Advisory Group for further discussion.

It was noted that the February 2011 meeting of Council would be setting the budget and therefore that it would not be appropriate to make a recommendation on this matter to that meeting.

The Advisory Group noted the recommendation to insert the word “current” to describe the Asset Management Plan in Part H3 paragraph 4.5.27 but considered that this did not add to the clarity of the paragraph.

The Advisory Group noted that the Council would be required, under recent legislation, to transfer its interest in land used for operating a school if that school became a Trust School or an Academy. Members were concerned that guidance should be sought on whether for example a school with considerable land assets would be able to benefit from all of them while another school with little or no land would be unable to access any land benefits. Until the matter was clearer the Advisory Group was reluctant to add a delegation to the appropriate Director in relation to land transfers under the Academy and Trust Schools legislation.

The Advisory Group considered that a report should be submitted to the Executive to clarify this matter.

AGREED:-

1. to note that the minor amendment of Part H3 paragraph 4.5.29 under “Qualifications, if any” was a matter falling within the delegated authority of the Monitoring Officer and that the Advisory Group concurred to its redrafting as follows:-
“subject to the approval of the relevant Portfolio holder following consultation with the ward member(s)”;
2. to note that the amendment to Part H3 paragraph 4.5.29 would be included in the quarterly circulation to all Members of amendments to the Constitution;
3. that the proposal to amend the delegation to the relevant Director regarding the value for capital disposals at H3 paragraph 4.5.19 be redrafted to achieve greater clarity and circulated to all members of the Advisory Group, following which, if there was concensus, the matter would be a recommendation of the Advisory Group to Council on 20 January 2011;

(Note: After the meeting this matter was resolved and a recommendation accordingly placed before Council on 20 January 2011, which approved it.)

4. that the proposal to add the word "current" before "Asset Management Plan" in Part H3 paragraph 4.5.27 be not approved for recommendation to Council;
5. that the proposed additional delegation to the appropriate Director for transfer of land in relation to Trust Schools and Academies be not approved, and that the appropriate Portfolio holder be asked to draw the Executive's attention to this matter.

CAG/09/97 **Reports to Council by Officers**

Further to comments which had been made prior to the last Council meeting when a report of the Monitoring Officer had been included on the agenda, the Advisory Group considered the question of including reports of the statutory officers on the Council agenda.

Currently there was no specific provision for reports of the statutory officers to be included. The Advisory Group considered that it should be made clear in the Constitution that the statutory officers could provide reports to Council, and that provision should be made for this to be after the Leader's Announcements.

The Advisory Group endorsed the proposal that, under his delegated authority (Part A5 paragraph 2.3 of the Constitution), the Monitoring Officer would amend the Constitution to provide for consideration of reports by the statutory officers, as set out below:-

Part B5 insert a new paragraph after paragraph 3.2.1.5 as follows:-
Reports of the statutory officers (Head of Paid Service, Section 151 Officer and Monitoring Officer), if any.

All the paragraphs which follow in that section would be re-numbered.

CAG/09/98 **Constitution in PDF Form**

Members recalled that at their last meeting, they had asked for the electronic book-marked PDF version of the Constitution to be e-mailed to them and they would comment on it at this meeting.

Comments were made that this provided an e-version comparable to the paper version in terms of ease of searching. The e-version was useful in that it could be saved and used on a laptop.

A request was made that this version be provided on the Council's website. It was also noted that hyperlinks throughout the document providing cross-referencing would make it even more accessible.

AGREED

that the officers be asked to facilitate the website version of the Constitution.

CAG/09/99 **Date of Next meeting**

It was noted that the next meeting, scheduled for 21 March 2011, would be held in reserve.

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

Chairman.....

Date.....

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Appendix A

J2 JOINT ARRANGEMENTS

<p>Leighton-Linslade Partnership Committee</p>	<p>1. Purpose</p> <p>1.1 To serve as a partnership forum for all those involved in initiatives impacting on the Parish to consult with each other and co-ordinate their activities so as to realise their aspirations for the Parish and the town centre.</p> <p>1.2 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.</p> <p>2. Objectives</p> <p>2.1 Work towards improving the economic, social, environmental and cultural vitality of Leighton Buzzard and Linslade.</p> <p>2.2 Prepare and maintain a Town Centre Strategy and Action Plan to help and encourage appropriate town centre and town development, for approval by the Town Council and Central Bedfordshire Council (CBC).</p> <p>2.3 To deliver the Big plan recognising the context of the Local Development Framework and related planning processes including:</p> <ul style="list-style-type: none"> informing and advising the relevant committees of the local authorities on all aspects of their responsibilities for the town centre and its environs; consulting, co-ordinating and communicating the infrastructure needs of Leighton Buzzard and Linslade to the relevant local authorities; and
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	<ul style="list-style-type: none"> • <u>working in partnership with relevant bodies to achieve the delivery of new infrastructure.</u> <p><u>2.4. Co-ordinate the activities of the various town centre service providers and those responsible for meeting the needs of the town centre including:</u></p> <ul style="list-style-type: none"> • <u>identifying appropriate funding opportunities for the furtherance of town initiatives;</u> • <u>undertaking and co-ordinating marketing and promotional work for the town centre; and</u> • <u>leading on all matters relating to the physical environment of the Town e.g. Christmas lights, floral displays, hanging baskets etc.</u> <p><u>2.5. Establish sub-committees and task groups to progress/deliver specific proposals in town development strategies.</u></p> <p><u>3. Membership,</u></p> <p><u>3.1 The core membership to comprise:</u></p> <ul style="list-style-type: none"> • <u>5 Central Bedfordshire Council appointed Councillors; and</u> • <u>5 Leighton-Linslade Town Council appointed Councillors.</u> <p><u>3.2 Representatives of local interest groups will be invited to attend its meetings as non-voting members.</u></p> <p><u>3.3 CBC Councillors should be from wards within Leighton-Linslade, or immediately adjacent to.</u></p> <p><u>3.4 All Councillors should have the interests of the town as a priority, not their own wards.</u></p>
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	<p><u>4. Chairman</u></p> <p><u>4.1. The Chairman and Vice-Chairman shall be elected from and by the Committee's core membership.</u></p> <p><u>4.2. The elected Chairman and Vice-Chairman will hold the post for a period of one year, after which they can stand for re-election.</u></p> <p><u>5. Secretariat</u></p> <p><u>5.1. Leighton-Linslade Town Council administers the Committee, which is governed by the Town Council's Standing Orders.</u></p> <p><u>6. Decision-making arrangements</u></p> <p><u>6.1 The annual budget shall be developed by the Committee and recommended to the Town Council and Central Bedfordshire Council for approval where Central Bedfordshire Council makes funding available in any financial year.</u></p> <p><u>6.2 Thereafter, the Committee will make decisions at its meetings. Decisions will be made by consensus whenever possible. However, if no consensus can be reached, a majority vote, based on one vote per core member, will carry the decision, with the Chairman having the casting vote if the vote is equal.</u></p> <p><u>6.3 The Committee will delegate operational decision-making to smaller working groups as necessary and appropriate.</u></p>
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9. Notes:

Appendix A

2. The Licensing Committee

Appointed by:	The Council under Section 6 of the Licensing Act 1972 and Section 101 of the Local Government Act 1972
No of Members:	12
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Quarterly
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	Licensing Code of Good Practice.

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2.1 Terms of Reference

2.1.1 To exercise all licensing functions of the Council under the Licensing Act 2003 (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex B [and D](#) below) which are not delegated to a sub-committee or officers.

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- 2.1.2 To exercise all functions of the Council, under Part 8 of the Gambling Act 2005, as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex B below) [and in relation to the Health and Safety at Work Act 1974, except where those functions are discharged in the Authority's capacity as an employer,](#) which are not delegated to a sub-committee or officers.

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2.2 Limitation of Powers

The Committee has full delegated powers subject to the following exclusions which shall be recommended for Full Council approval:-

- 2.2.1 approving the Authority's Licensing Statement under Section 5 of the Licensing Act 2003;
- 2.2.2 approving the Authority's Gambling Licensing Policy under Section 349 of the Gambling Act 2005; and
- 2.2.3 deciding not to issue casino licences under Section 166 of the Gambling Act 2005.
- [2.3.4 the making of Designation Orders in accordance with the provisions of Section 13 of the Police and Criminal Justice Act 2001 and the Local Authorities \(Alcohol Consumption in Designated Public Places\) Regulations 2001.](#)

3. The Licensing Sub-Committee

Appointed by:	The Licensing Committee under Section 9 of the Licensing Act 2003
No of Members:	3 Members appointed by the Monitoring Officer as and when necessary from a panel comprising all Members of the Licensing Committee
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum	2

Frequency	As and when required
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	The Licensing Code of Good Practice. Licensing Hearings Procedure.

3.1 Terms of Reference

To undertake hearings under the Licensing Act 2003 in respect of the functions set out in Annex C below.

3.2 Limitation of Powers

None

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4. The Regulation Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	12 who shall also be members of the Licensing Committee
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Quarterly
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	Licensing Code of Good Practice.

4.1 Terms of Reference

- 4.1.1 To exercise those licensing functions of the Council (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto (except those relating to the Licensing Act 2003 and Gambling Act 2005 which are delegated to the Licensing Committee) and detailed in Annex C and D below) which are not delegated to a sub-committee or officers.

- 4.1.2 To exercise functions in relation to the Health and Safety at Work Act 1974, except where those functions are discharged in the Authority's capacity as an employer.

4.2 Limitation of Powers

The Committee has full delegated powers subject to the following exclusion which shall be recommended for full Council approval:-

- 4.2.1 The making of Designation Orders in accordance with the provisions of Section 13 of the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.

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3. Leader

3.1 The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until the day of the first post-election annual meeting which follows his/her election as Leader unless:-

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3.1.1 he/she resigns from the office, or otherwise ceases to be a councillor before the next election;

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3.1.2 he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

3.1.3 he/she is removed from office either by resolution of the Council in accordance with the Procedure Rules set out in Part B5 of the constitution or in the event of a change in the overall political control of the Council.

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3.1.3 he/she is no longer a councillor; or

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



CONSTITUTION ADVISORY GROUP	
DATE: 21 March 2011	
TITLE	Co-optees on the Children's Services Overview and Scrutiny Committee
REPORT OF	Mel Peaston, Committee Services Manager tel: 0300 300 6076
PURPOSE	To consider the provisions in the Constitution for the statutory co-optees on Children's Services Overview and Scrutiny Committee.
ORIGIN OF PROPOSAL	Deputy Chief Executive / Director of Children's Services

RECOMMENDATIONS:

- (1) to endorse the proposed amendments to the Constitution as set out in Appendix A ;**
- (2) to recommend the proposed amendments to Council.**

SUPPORTING INFORMATION

Legislative Requirements

1. The School Standards and Framework Act 1998 sets out provisions requiring the election of representatives of parent governors at maintained schools to committees of a local authority which carry out the statutory education functions of the local authority. This is then clarified through the Parent Governor Representatives (England) Regulations 2001 – Statutory Instrument 2001 no 478.

2. The Children's Services Overview and Scrutiny Committee meets the requirement for these representatives through its membership provisions which state that included in the membership there shall be:
3. "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 covering education matters, and 3 councillors at all other times.

The co-opted members shall have a vote on education matters but not on any other matters, although they may stay in the meeting and speak on any matter." (Part D1section 4 para 4.1.2 of the Constitution.)

4. The co-opted members of the Children's Services Committee therefore have an important role on the Committee when considering any Education matters through their ability to vote, and also the requirement that they form part of the quorum.

Term of Office

5. The term of office for the existing co-opted members was set at the Council's AGM in May 2009 for a period expiring in May 2013.
6. In view of the forthcoming Council election, and of the emergence of Academies, it is timely to consider whether the provisions for the co-opted members should be reviewed.
7. Consideration should also be given as to whether the existing co-opted members should be eligible to stand again for appointment.

General Attendance

8. There is an attendance requirement within the Parent Governor Representatives (England) Regulations 2001 – Statutory Instrument no 478 that:

“(5) A parent governor representative who has failed to attend the meetings of an education overview and scrutiny committee of which he is a member for a continuous period of six months beginning with the date of a meeting, shall, on the expiry of that period, cease to be qualified to hold that office.”
9. The attendance requirements are very flexible. One of the parent governor co-opted members has had a poor record in attending meetings and has not attended a meeting since September 2010. He may attend the meeting in March 2011 and therefore meet the attendance requirement to remain in office.

10. Whilst the Council must meet the terms of the Regulations referred to above as a minimum, provision could be included in the Constitution for attendance requirements. It is suggested that attendance of 4 out of 8 meetings should be a minimum, whilst also meeting the requirements of the Regulations to attend a meeting at least once in any 6-month period.

Academy Representation

11. There are currently two Academies in Central Bedfordshire and there will be more in due course. It would therefore seem appropriate that one of the representatives of parent governors should be from an Academy. There is nothing in the regulations that precludes this requirement. The Academy schools will still remain subject to the overall strategic direction of the Council for a range of statutory matters including child protection and the emergent Health provisions.

Amendment of the Constitution

12. The Constitution should set out the term of office for co-opted members on the Children’s Services Overview and Scrutiny.
13. Proposed amendments are set out in Appendix A, which would provide for:-
- 14.
- a 4-year term of office for the co-opted members starting from May 2011 (and if a co-opted member resigns or is removed, another parent governor should be elected to serve out the term)
 - that parent governors may not serve on the Committee for more than one consecutive 4-year period
 - a requirement that the parent governors include one member required to undertake the role of Academy representation
 - the co-opted member’s office would cease if they attended less than 4 meetings out of every 8 meetings as well as if they failed to attend in accordance with the requirements of the relevant Regulations.

Means of Appointing Co-opted members

15. Members of School Governing Bodies are asked for nominations for parent Governor representatives to serve on the Committee. A ballot is then held in which all School Governors may vote. The ballot will be undertaken in April to provide for the quorum for the Committee to be met at its first meeting in May.

Contact Officer Details:	Key Background Papers:
Mel Peaston, Committee Services Manager, ext 76076	The Parent Governor Representatives (England) Regulations 2001 – Statutory Instrument 2001 no 478.

Appendix A – proposed amendments to Part D1 section 4 para 4.1.2

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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.

The parent governor co-opted members shall:

- remain in office for a 4-year term starting from May 2011 (unless they cease to be a member in which case a replacement parent governor shall be elected to serve out the term).
- include at least one representative from an Academy.
- 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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Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP

DATE: 21 March 2011

TITLE	Review of Arrangements for Petitions
REPORT OF	Mel Peaston, Committee Services Manager tel: 0300 300 6076

PURPOSE	To review the arrangements in the Constitution for petitions.
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ORIGIN OF PROPOSAL	Informal comments made by Members and the public since the introduction of the Council's e-petitions scheme on 1 October 2011.
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RECOMMENDATION:

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| <p>(1) to identify procedural matters relating to petitions which need to be reconsidered to improve public ease of use and improved administration within the Council;</p> <p>(2) to provide guidance to the Officers on amendments to the Constitution in relation to petitions, with a view to submitting the final recommendations to Council on 14 April 2011.</p> <p>(3) that further to consultation with members of the Council on amendments to the petitions provisions, the Chairman be authorised to determine the recommendation to be submitted to Council on 14 April 2011.</p> |
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SUPPORTING INFORMATION

1. The Council's Petitions Scheme includes provision for paper-based petitions and e-petitions. E-petitions became available for use by the public on 1 October 2010. Petitions were used extensively by the public to communicate their views in the lead-in period to setting the budget. Some petitions were entirely electronic, some were electronic supported by an additional paper section, and some petitions were paper only. Experience of these petitions led to Members and Officers considering whether any changes are necessary to the arrangements to make them more accessible by the public and more streamlined in their administration.
2. The parts of the Constitution which regulate petitions are at Part A4 – Citizens of the Council – Appendix A, Public Participation Procedure; and Annex 2, Petitions Scheme. These are attached to this report at **Appendices B and C**.

Matters identified for consideration

3. Matters which have been identified as needing to be reviewed are:
 - Is seven clear days notice in writing to the Monitoring Officer necessary?
 - Is the threshold number of signatures for paper petitions appropriate?
 - How to handle petitions on planning matters
 - The time period to respond to petitions after Council meetings.

Clarification of Identified Matters

4. 7 clear days notice to the Monitoring Officer – this is currently a requirement under Part A4 Annex 2 Petitions Scheme, para 1.1. This may be considered quite a lengthy period and therefore overly bureaucratic. Consideration could be given to a reduced period of time eg a week (ie 5 working days) and also to clarifying the meaning by stating “5 working days, not including the day of the meeting.”
5. Threshold for paper petitions – this is currently 10 which seems rather low, as petitions with few signatures on very parochial matters are presented at Council. All the threshold numbers in relation to signatures were originally determined as proportions of others. It may be appropriate to increase the number of signatures required on a paper petition to 25, which is a quarter of the number of e-signatures required on a paper petition. There seemed to be no difficulty in achieving the threshold of 100 signatures on e-petitions judging by the e-petitions received on budgetary matters.

6. Petitions on planning matters - Section 2 of the Public Participation Procedure (at Part A4, Appendix A, paragraph 2) sets out the General principles Governing All Public Participation.
This states:
2.1 Questions, statements, deputations or petitions are not permitted on:-
2.1.1 Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about a development plan document or the community infrastructure levy.)
7. Whilst it is appropriate to provide procedures that assist Members (who may at a later stage take part in a planning decision) to avoid compromising their support for/vote against a particular course of action, the Council has a role in knowing what local people want.
8. People drew up petitions and collect signatures without necessarily informing themselves of the rules about petitions in the Council's Constitution. It seems a pity not to allow at least the registering of a petition for or against a particular course of action by the signatories even when it relates to a planning consideration.
9. Recent custom and practice has been that the ward member presents the petition at Council without speaking on it. The sense of the petition is then either included in a report to Development Management Committee or reported at the meeting.
10. It may be appropriate to make specific provision for this in the Constitution.
11. 2 days to respond to the lead petitioner after a petition has been received at Council – para 5.9 of part A4, Annex 2 Petitions Scheme. This is onerous in that in view of the very procedural nature of Council business, a number of matters including the drafting of the minutes and of letters relating to Motions of which Notice has been given, and Open Questions, must be dealt with after the meeting. It would be more reasonable to require a response to be provided to the lead petitioners within a week of the meeting.
12. There is no need to amend the 2-day requirement relating to a response to petitions which have been considered by the Executive. The Digest of decisions taken at Executive must be published within 2 days, and notifying the lead petitioners meshes with this timescale. This timeframe is needed to allow the Lead Petitioner to notify the Monitoring Officer of further action he/she requires.

Comments by the Public

13. Many members of the public have found the e-petitions scheme easy to use but some experienced difficulties with it.
14. Two difficulties and their “remedies” are set out in **Appendix A**.

Additional matters for review

15. Members of the Constitution Advisory Group are asked to identify any further matters relating to petitions which should be reviewed.

Process for reviewing the arrangements

16. It is suggested that the Constitution Advisory Group consider which matters should be the subject of review and ask the Officers to draft appropriate amendments in accordance with a steer given by the Advisory Group.
17. The proposed amendments could be considered at a meeting of the Constitution Advisory Group towards the end of March with a view to making recommendations to the meeting of Council on 14 April 2011 or alternatively, the Advisory Group could authorise the Chairman to consider the drafted proposals and determine the recommendation to be made to Council on 14 April.
18. If the Advisory Group wishes to hold another meeting a date will need to be agreed.

Contact Officer Details:	Key Background Papers:
Mel Peaston, Committee Services Manager	None

Appendix A

Matters raised by Members of the Public on the Petitions Scheme

	Problem	Remedy
1.	<p>People who don't have access to the Council's website or don't know how to use a computer can't take part in an e-petition.</p>	<ul style="list-style-type: none"> • Access is available to computers in the Council's libraries • Lead Petitioners can also set up a paper-based petition for people to sign in the traditional way, and the number of signatures on the e- and the paper- petition will be combined <p>(People may choose to set up an e-petition rather than a paper based one because it is much less work to gather signatures.)</p>
2.	<p>Only one signature can be received from each e-mail address, preventing family members from signing by using the same e-mail address; also preventing someone who has a computer from signing on behalf of neighbours who have not.</p>	<p>There must be a means of restricting people to signing only once (as in paper petitions). The system used by CBC operates this by limiting the number of "signatures" to one per e-mail address.</p> <p>It is possible to set up additional free email addresses for other family members (eg g-mail) and whilst it is not particularly onerous to do this, it provides a check to people creating multiple e-mail addresses so they can "sign" an e- petition several times.</p> <p>So long as a person has an e-mail address and lives, works or studies in the area they can sign an e-petition. There is no age requirement. Many children have their own e-mail address for Facebook etc.</p> <p>People without e-access are welcome to write in, stating the e-petition they wish to sign, and their signature will counted. (This is a last resort as it adds considerably to the administration of petitions. People will be advised of this if the telephone but there is no mention on the website.)</p>

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A4 CITIZENS AND THE COUNCIL

1. Citizens' rights

- 1.1 The Council welcomes participation by citizens in its work and has put in place procedures allowing public participation in meetings to enable citizens to influence the Council's decision making process. Citizens have the rights set out below. Their rights to information are explained in more detail in the Access to Information Procedure Rules in Part G.2 of the constitution.

2. Voting

- 2.1 Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.

3. Information. Citizens have the right to:-

- 3.1 Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- 3.2 Attend meetings of the Executive when Key Decisions and other matters are being considered (except where confidential or exempt information is likely to be disclosed and part of the meeting is therefore held in private);
- 3.3 Find out from the forward plan what Key Decisions will be taken by the Executive and when;
- 3.4 See reports and background papers, and any records of decisions made by the Council and the Executive;
- 3.5 Inspect the Council's accounts and make their views known to the external auditor;
- 3.6 Receive information held by the Council subject to the Freedom of Information Act 2000; and
- 3.7 Obtain a copy of the constitution.

4. Participation (including petitions). Citizens have the right to:-

- 4.1 Speak at, submit petitions and e-petitions and make deputations to meetings of the Council, its committees and the Executive in accordance with the Council's Public Participation Procedure as set out at Appendix A to Part A4 of the constitution;

- 4.2 Participate in and contribute to investigations by overview and scrutiny committees; and
- 4.3 Contact their local councillor about any matters of concern to them.

5. Complaints. Citizens have the right to complain to:-

- 5.1 The Council itself under its complaints procedure and receive a timely response;
- 5.2 The Council's Standards Committee about a breach of the Councillors' Code of Conduct and receive a timely response;
- 5.3 The Ombudsman after using the Council's own complaints procedure; and
- 5.4 Their elected ward members.

6. Citizens' responsibilities

- 6.1 Citizens must observe the law in their dealings with councillors and officers.

APPENDIX A

PUBLIC PARTICIPATION PROCEDURE

Asking questions, making statements, deputations and presenting petitions at meetings of the Council, the Executive or Committees

1. When Public Participation will Operate

1.1 Members of the public will be able to participate at meetings of:-

- The Full Council;
- The Executive;
- The Overview and scrutiny committees
- Licensing Committee ¹
- Regulation Committee ¹

(¹: where a public hearing is being conducted by the Licensing Committee or its sub committees or the Regulation Committee, public participation shall be considered in accordance with the separate procedure applying to such hearings)

- Development Management Committee²

(²: a separate public participation procedure operates where the Development Management Committee is determining planning or other applications, as set out in Annex 3 of this procedure)

- General Purposes Committee
- Audit Committee
- Standards Committee

by asking questions or making statements at either, or both of, the beginning of the meeting and/or on individual agenda items, by presenting petitions or making a deputation

1.2 At other council forums open to the public but not referred to in 1.1 above, formal or informal means of public participation may be permitted. Please ask the contact officer for the forum you are interested in participating in for more details.

1.3 The arrangements for public participation at the meetings will be as follows:-

Annex 1 Procedure for Public Questions, Statements and Deputations at Meetings

Annex 2 Petitions

Annex 3 Procedure for Public Participation in Development Management Committee Meetings

2. General Principles Governing All Public Participation

- 2.1 Questions, statements, deputations or petitions are not permitted on:-
- 2.1.1 Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about a development plan document or the community infrastructure levy)
 - 2.1.2 However participation on planning applications is permitted under the separate public participation scheme that operates where the Development Management Committee is determining planning or other applications, as set out at Annex 3 to this Appendix.
 - 2.1.3 Any matter relating to an alcohol, gambling or sex establishment licensing decision.
 - 2.1.4 A separate procedure applies for quasi judicial hearings being held by the relevant committee or sub committee and this is available, on request, from the Monitoring Officer.
 - 2.1.5 Any matter relating to the performance or employment of individual council staff.
 - 2.1.6 A separate procedure applies to petition for a senior Council officer to give evidence at a public meeting of the Council's relevant Overview and Scrutiny Committee (See paragraph 8 of Annex 2).
 - 2.1.7 Any matter relating to an individual or an entity where that individual or entity has a right of recourse or right of appeal conferred by or under any enactment .
 - 2.1.8 Complaints about the conduct of a councillor.

(A separate procedure applies for dealing with complaints against councillors)
 - 2.1.9 matters which are "confidential" or "exempt" business.

2.2 Authority of the chairman

2.2.1 The chairman will have the right to stop persons from speaking at any time if he/she considers any speech to be defamatory, improper or outside the responsibilities of the Council.

2.2.2 The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-

2.2.2.1 that it is necessary to do so for the purpose of maintaining order at the meeting; or

2.2.2.2 that it is convenient and conducive to the despatch of business to do so.

(Note: the term “public” also includes town/parish councillors or clerks.)

Annex 1

**PROCEDURE FOR PUBLIC QUESTIONS, STATEMENTS AND DEPUTATIONS
AT MEETINGS**

1. Public Questions, Statements and Deputations at the Beginning of the Meeting

- 1.1 At the beginning of each meeting of the Council (other than annual or extraordinary meetings, except at the discretion of the chairman), the Executive and committees, a period of up to 15 minutes will be allowed for public questions or statements, deputations and responses.
- 1.2 The Chairman of the Council, executive or committee will have discretion to extend this period.
- 1.3 Questions, statements or deputations should be relevant to the functions of the body to which they are addressed and relate to matters over which the Authority has powers or duties, including where the Council shares delivery responsibilities, or which affect the area of the Authority.
- 1.4 Normally no more than three speakers will be allowed to speak at a meeting on any one subject, with each individual speaker being restricted to a total of three minutes.
- 1.5 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.
- 1.6 Questions, statements and deputations during the 15 minute period will also be subject to the principles set out at paragraphs 3 below and to the general principles governing public participation at paragraph 2 of Appendix A.

2. Questions, Statements and Deputations on Individual Agenda Items

- 2.1 Questions, statements or deputations on an individual agenda item will be allowed immediately after it has been introduced by the report author, another officer, relevant member or the chairman of the Council, Executive or committee.
- 2.2 Normally no more than three speakers will be allowed to speak on any one subject, with each individual speaker being restricted to a total of three minutes.
- 2.3 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.

- 2.4 After members of the public have been able to speak, the chairman may invite the relevant member (or, at a meeting of the Executive or a committee, the relevant officer) to comment and/or clarify matters.
- 2.5 The item will then be considered by members of the Council, executive or committee.
- 2.6 Questions, statements and depositions on individual agenda items will also be subject to the principles set out at paragraph 3 below and to the general principles and exceptions governing public participation at paragraph 2 of Appendix A.

3. Principles Governing Public Questions and Statements

- 3.1 Advance Notice:-
 - 3.1.1 Advance notice of questions, statements or depositions need not be submitted in writing but if notice has been given, it will be easier to give a more detailed reply;
 - 3.1.2 However persons wishing to speak must arrive no later than 15 minutes before the start of the meeting and complete a form indicating their wish to speak; and
 - 3.1.3 Where a speaker has given advance notice, it is recommended that he/she be present at the start of the meeting, since the timing of individual agenda items cannot be predicted.
- 3.2 The order of speaking will be in the order in which requests are received.
- 3.3 Questions should be directed to the chairman, who may request the appropriate member (or at a meeting of the Executive or a committee, the relevant officer), to reply.
- 3.4 Each question will be put and answered without discussion, although the chairman may allow:-
 - 3.4.1 Further clarification or supplementary questions, including the Chairman asking questions of the member of the public; and
 - 3.4.2 A Member to request that an issue raised be included on the agenda of a future meeting.
- 3.5 Any question which does not receive a response through lack of time or notice will be given a written reply within 5 working days after the meeting on the condition that the questioner has completed and handed in a form containing full details of the question and his/her name and address.

Annex 2

PETITIONS SCHEME

1. Submission and Content of Petitions

- 1.1 Members of the public may present the Council, or the Executive, or a committee with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer. If, following consideration of the petition as provided in paragraphs 5 to 7 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 9.
- 1.2 The petition shall:-
 - 1.2.1 be addressed to the Monitoring Officer of the Council;
 - 1.2.2 contain a clear and concise statement covering the subject of the petition and what action the petitioner wishes the Council to take.;
 - 1.2.3 be validly signed by at least 10 persons, and in the case of e-petitions 100 persons, who live, work or study in the Authority's area (a written petition shall be deemed to be "validly signed" if the person has signed it and the petition states the person's name and address and the date of signature)
 - 1.2.4 Designate one of the persons who has validly signed it as the person with whom the Council may deal in relation to the petition. (Where no lead petitioner is identified, the Council will contact signatories to the petition to agree who shall act as the petition organiser.)
- 1.3 Petitions should be relevant to the forum to which they are addressed and:-
 - 1.3.1 concern a matter which relates to a function of the Authority; or
 - 1.3.2 whilst not relating to a function of the Authority, relate to an improvement in the economic, social or environmental well-being of the Authority's area to which any of its partner authorities could contribute.

2. Rejection of Petitions

- 2.1 The Monitoring Officer may reject any petition which:-

- 2.1.1 does not meet the criteria set out in paragraphs 1.2 and 1.3 above in the case of written petitions or the criteria set out in paragraphs 1.2.2 – 1.2.3 and 1.3 in the case of e-petitions; and/or
- 2.1.2 relates to a matter which is excluded under the provisions of paragraph 2.1 of Appendix A; and/or
- 2.1.3 is, in his/her reasonable opinion, vexatious, abusive or otherwise inappropriate to be dealt with under the Council's Petitions Scheme; and/or
- 2.1.4 is the same as, or has a substantially similar effect to a petition which has been made to the Council within a period of six months ending with the date on which the petition was made to the Council; and/or
- 2.15 in the case of e-petitions, breaches data protection, libel or the Authority's statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.

3. Acknowledgement of Petitions

- 3.1 The Monitoring Officer will send a written acknowledgment to the petition organiser within 3 clear working days of the date of receipt. The acknowledgement will give information about what the Council proposes to do in response to the petition, including the date and time at which the petition will be considered by the Council, Executive or relevant committee and will advise the petitioners of their rights to speak under the provisions of this procedure.

4. E Petitions (with effect from October 2010)

- 4.1 Members of the public may also submit e-petitions through the Council's website.
- 4.2 The petition organiser shall provide their name, postal address and email address and indicate for how long the petition should be open to signature.
- 4.3 E-petitions shall also comply with the provisions of paragraphs 1.2.2 – 1.2.3 and 1.3 above.
- 4.4 The Monitoring Officer shall be authorised to determine whether to host an e-petition and may reject any petition which he/she deems inappropriate. The decision on whether to host an e-petition will be made within 5 working days of submission of the original petition.

- 4.5 If the Monitoring Officer determines not to host an e-petition, he/she will notify the petition organiser within 3 clear working days of such decision. The petition organiser may, within 10 clear working days, change and resubmit the petition. In the event the petition organiser does not do this, a summary of the petition and the reason why it has not been accepted will be published under the “rejected petitions” section of the Council’s website.
- 4.6 Members of the public signing an e-petition will be required to provide their name, postcode and a valid email address. On submission of this information, an email will be sent to the email address provided with a link to confirm the email address is valid. Upon completion of this step, the signature will be added to the petition.
- 4.7 When an e-petition has closed for signature, it will be submitted to the next available meeting of the Executive or relevant committee of the Council having regard to the subject matter concerned. The Monitoring Officer will send a written acknowledgement of the petition as provided in paragraph 3. If the petition organiser wishes to present the e-petition to the Council, they shall notify the Monitoring Officer within 10 working days of receipt of the acknowledgement.

5. Petitions presented at full Council

- 5.1 At meetings of full Council (other than annual or extraordinary meetings, except at the discretion of the chairman), a period of up to 30 minutes per meeting shall be allowed for the receipt and discussion of petitions.
- 5.2 Petitions will be considered in the order that they are received on the basis of the following procedure:-
- 5.2.1 Petitions should be presented by either:-
- 5.2.1.1 The lead petitioner; or
 - 5.2.1.2 An individual nominated by the lead petitioner; or
 - 5.2.1.3 A member of the Council on behalf of the lead petitioner.
- 5.2.2 who shall be entitled to speak for no more than 5 minutes to summarise the contents of the petition.
- 5.3 Petitions shall normally be discussed by the Council for up to 10 minutes.
- 5.4 Petitions containing more than 1,250 signatures **must** be debated by the Council and will be discussed for up to 15 minutes.

- 5.5 Petitions calling for evidence from an officer under paragraph 8 are excluded from the requirement for debate by the Council.
- 5.6 The Council will take one of the following steps in relation to the petition:-
 - 5.6.1 Giving effect to the request in the petition; or
 - 5.6.2 Holding an inquiry; or
 - 5.6.3 Commissioning research; or
 - 5.6.4 Holding a public meeting; or
 - 5.6.5 Giving a written response to the petition organiser setting out the Council's views about the request in the petition; or
 - 5.6.6 Referring the petition to the Executive or relevant committee or to an overview and scrutiny committee.
 - 5.6.7 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer Communities and Healthier Lifestyles convened to deal with traffic regulation orders and highways related matters.
- 5.7 Where the issue is one on which the Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 5.8 The chairman shall have discretion to extend the period allowed for the receipt and discussion of petitions, in the event that any petitions of which notice has been given remain to be received.
- 5.9 The Monitoring Officer shall within 2 clear working days of the date of the Council agreeing its response to the petition:-
 - 5.9.1 Notify the petition organiser in writing of the steps the Council has taken or proposes to take in response to the petition and the reason for doing so; and
 - 5.9.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

- 5.10 Where a petition has been referred to the Executive, the relevant committee, an overview and scrutiny committee or the Portfolio holder for Safer Communities and Healthier Lifestyles, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

6. Petitions presented at or referred to the Executive or Committees

- 6.1 Where petitions are presented directly to the Executive or a committee, or referred to the Executive or a committee from the Council, they will be considered in the order that they are received on the basis of the following procedure:-

- 6.1.1 Petitions should be presented by either:-

- 6.1.1.1 The lead petitioner; or
- 6.1.1.2 An individual nominated by the lead petitioner; or
- 6.1.1.3 A member of the Council on behalf of the lead petitioner

who shall be entitled to speak for no more than 3 minutes, or in the case of the Executive 5 minutes, to summarise the contents of the petition.

- 6.2 The Executive or committee will take one of the following steps in relation to the petition:-

- 6.2.1 Giving effect to the request in the petition; or
- 6.2.2 Holding an inquiry; or
- 6.2.3 Commissioning research; or
- 6.2.4 Holding a public meeting; or
- 6.2.5 Giving a written response to the petition organiser setting out the Executive's or committee's views about the request in the petition; or
- 6.2.6 Referring the petition to an overview and scrutiny committee; or
- 6.2.7 Referring the petition to the full Council.

- 6.2.8 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer Communities and Healthier Lifestyles convened to deal with traffic regulation orders and highways related matters.
 - 6.3 The Monitoring Officer shall within 2 clear working days of the date of the Executive or relevant committee agreeing its response to the petition:-
 - 6.3.1 Notify the petition organiser in writing of the steps the Executive or committee has taken or proposes to take in response to the petition and the reason for doing so; and
 - 6.3.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
 - 6.4 Where a petition has been referred to the Council, an overview and scrutiny committee or the Portfolio holder for Safer Communities and Healthier Lifestyles, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.
- 7. Petitions referred to meetings of the Portfolio holder for Safer Communities and Healthier Lifestyles**
- 7.1 Where petitions are presented directly to a meeting of the Portfolio holder for Safer Communities and Healthier Lifestyles, or referred to the Portfolio holder from the Council or Executive, they will be considered in the order that they are received on the basis of the following procedure:-
 - 7.1.1 Petitions should be presented by either:-
 - 7.1.1.1 The lead petitioner; or
 - 7.1.1.2 An individual nominated by the lead petitioner; or
 - 7.1.1.3 A member of the Council on behalf of the lead petitioner.

Who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.
 - 7.2 The Portfolio holder shall take one of the following steps in relation to the petition:-
 - 7.2.1 Giving effect to the request in the petition; or

- 7.2.2 Holding an inquiry; or
 - 7.2.3 Commissioning research; or
 - 7.2.4 Holding a public meeting: or
 - 7.2.5 Giving a written response to the petition organiser setting out the Portfolio holder's views about the request in the petition; or
 - 7.2.6 Referring the petition to an overview and scrutiny committee; or
 - 7.2.7 Referring the petition back to the Executive where the Portfolio holder considers it appropriate having regard to the circumstances relating to the petition in question.
- 7.3 The Monitoring Officer shall within 2 clear working days of the date of the Portfolio holder agreeing his response to the petition:-
- 7.3.1 Notify the petition organiser in writing of the steps the Portfolio holder has taken or proposes to take in response to the petition and the reason for doing so; and
 - 7.3.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 7.4 Where a petition has been referred to the Executive or an overview and scrutiny committee, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

8. Officer Evidence

- 8.1 Petitions may ask for a senior council officer to give evidence at a meeting of the relevant overview and scrutiny committee about something for which the officer is responsible as part of their job.
- 8.2 Such petitions must contain at least 600 signatures. Save as provided in paragraph 8.3 below, the relevant senior officer will give evidence at a meeting of the relevant overview and scrutiny committee. A list of which senior officers can be called to give evidence can be found on the Council's website.
- 8.3 The relevant overview and scrutiny committee, or its chairman, may request that another officer of the Council should attend before the committee where the committee and/or chairman considers that, for the purposes of addressing the concerns raised by the petition, it would be more appropriate for that officer to attend.

9. Review by Overview and Scrutiny of Adequacy of Response to Petition

- 9.1 The petition organiser may, by giving notice in writing to the Monitoring Officer within 5 working days of being advised of the Council's response, request that the relevant overview and scrutiny committee review the adequacy of the response to the petition (ie: the overview and scrutiny committee shall review the steps taken by the Council to process the petition).
- 9.2 Where such a request is received, the Monitoring Officer shall arrange for the request, together with the response to the petition, to be included on the agenda for the next scheduled meeting of the relevant overview and scrutiny committee.
- 9.3 The overview and scrutiny committee has four options having reviewed the adequacy of the response to the petition:-
- 9.3.1 To agree with the steps taken or proposed to be taken in response to the petition; or
 - 9.3.2 To call upon the Executive, relevant committee or the Council to reconsider the matter; or
 - 9.3.3 To make recommendations to the Executive, committee or the Council to pursue a particular course of action; or
 - 9.3.4 To refer the matter for consideration by the full Council.
- 9.4 The Monitoring Officer shall within 10 clear working days of the date of the overview and scrutiny committee completing its review of the response to the petition:-
- 9.4.1 Notify the petition organiser in writing of the results of the review; and
 - 9.4.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 9.5 The presentation of petitions will also be subject to the general principles governing public participation set out at paragraph 2 of Appendix A.

Annex 3

**PROCEDURE FOR PUBLIC PARTICIPATION IN DEVELOPMENT MANAGEMENT
COMMITTEE MEETINGS WHEN DETERMINING
PLANNING OR OTHER APPLICATIONS**

Applicants, agents, representatives of parish/town councils, councillors who have a personal and prejudicial interest and members of the public, who have already submitted comments in writing prior to the despatch of the Agenda, will be entitled to speak (but will not be entitled to question officers or members) during the consideration of a planning or other application at any meeting of the Development Management Committee. Such entitlement to speak should be in accordance with the following provisions:

1. Any person (meeting the qualifications above) who wishes to speak must notify the Director of Sustainable Communities by letter, telephone, e-mail or fax by close of business on the day before the meeting at which the application in which he/she has an interest is to be considered.
2. The following procedure will apply in respect of each item:-
 - 2.1 Introduction of item by officers and/or chairman;
 - 2.2 Representations by parish/town council representative(s);
 - 2.3 Representations by objector(s) or representative for all objectors;
 - 2.4 Representations by applicant and/or any supporters;
 - 2.5 Representations by a councillor with a personal and prejudicial interest;
 - 2.6 Opportunity for officer(s) to comment/clarify; and
 - 2.7 Consideration of application by members, beginning with representations by ward member(s);

- (*Note
1. In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.
 2. Any information to be considered by the committee should be presented to officers by midday 3 working days prior to the meeting to allow for the information to be considered. No new information may be presented during the meeting.
 3. Any other councillor (not being a member of the committee) may also be permitted to speak on an item.)

3. The total time allowed for speeches in respect of each of the following groups of speakers will not exceed three minutes:-
 - 3.1 Parish/town council representatives for each parish/town council that may have been consulted on an application who will be authorised, in writing, to speak by the clerk or chairman of the parish/town council on that council's behalf;
 - 3.2 Objectors;
 - 3.3 Applicants and/or supporters; and
 - 3.4 Councillors with a personal and prejudicial interest.
4. Where an application affects more than one town/parish, the chairman will have discretion to vary the requirements of 3.1 to 3.4 above where he/she considers it conducive to the despatch of business and will not cause prejudice to the parties involved.
5. In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category 3.2 and/or 3.3 above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
6. Where consideration of a planning or other application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements at 1 above have been complied with.
7. In relation to any matter which is on the agenda or to be discussed at Development Management Committee which is not a planning application within the scope of this Procedure, the provisions of the general Public Participation Procedure above will apply with the exception of paragraph 1. of Annex 1 (Procedure for Public Questions, Statements and Deputations at Meetings) and paragraph 2.1.4 (General Principles Governing All Public Participation) of Appendix A).
8. This scheme provides members of the Council with the only opportunity to be able to speak where they have declared a personal and prejudicial interest in the planning application. Such members must withdraw from the meeting after speaking under this scheme.
9. For interpretation purposes, parish/town council shall be taken to include a parish meeting.
10. This procedure applies only in respect of applications in relation to which the Council is the statutory planning authority and has the power of determination. Any application in respect of which the Council is acting as a consultee is subject to the provisions of 7 above.

11. The chairman will have the right to stop persons from speaking at any time if he/she considers the question or statement to be defamatory, improper or outside the responsibilities of the committee.
12. The chairman of the committee may vary the order in which applications are to be considered if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.
13. The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-
 - 13.1 That it is necessary to do so for the purpose of maintaining order at the meeting; or
 - 13.2 That it is convenient and conducive to the despatch of business to do so and that it will not cause prejudices to the parties involved.

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



CONSTITUTION ADVISORY GROUP
DATE: 21 March 2011

TITLE	Order of Business at the Council's Budget Meeting
REPORT OF	John Atkinson, Head of Legal & Democratic Services

PURPOSE	The report considers whether the Constitution should make specific provision for the items included and order of the agenda at the Council's annual Budget Meeting.
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ORIGIN OF PROPOSAL	Request of the Chairman of the Constitution Advisory Group
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RECOMMENDATION:
(1)
(2)

SUPPORTING INFORMATION

1. The Council's Constitution prescribes the order of business at its annual meeting, at ordinary meetings and at extraordinary meetings. It makes no specific provision for the order of business at the Council's budget meeting. An extract from the Constitution setting out the order of business at ordinary meetings of the Council is attached as Appendix A.

2. The result of this is that certain reports that may be relevant to the budget (eg the report about the level of Council Tax) will be placed towards the end of the agenda and the Chairman is required to exercise his discretion and bring these reports forward to be considered alongside the recommendation of the Executive regarding the budget.
3. The Constitution Advisory Group is invited to consider whether any adjustment is required to the order of business in order to clarify the manner in which business is conducted at the budget meeting.

Contact Officer Details:	Key Background Papers:
Mel Peaston, Committee Services Manager	None

Appendix A

Part B5 Full Council Procedure Rules

3. ORDINARY MEETINGS

3.1 Timing

- 3.1.1 Ordinary Council meetings will take place in accordance with the Calendar of Meetings agreed annually by the Council.
- 3.1.2 However, the chairman and Monitoring Officer may determine, having regard to special circumstances, that a particular ordinary meeting shall be held at such other place or time as they consider appropriate.
- 3.1.3 The Monitoring Officer, after consultation with the Chairman of the Council (or in his/her absence, the vice-chairman) shall be authorised to cancel an ordinary meeting when there is insufficient business.

3.2 Business

- 3.2.1 The order of business at every ordinary meeting of the Council will be:-
 - 3.2.1.1 To elect a person to preside if the chairman and vice-chairman are absent.
 - 3.2.1.2 To approve the minutes of the last ordinary meeting of the Council.
 - 3.2.1.3 To receive any declarations of interests from members.
 - 3.2.1.4 Chairman's announcements and communications.
 - 3.2.1.5 Leader's announcements and communications.
 - 3.2.1.6 Reports of the statutory officers
 - 3.2.1.7 A period of up to 15 minutes for public questions, statements and deputations and responses, in accordance with the Public Participation Procedure as set out at Part A4 (Citizens and the Council) of the constitution.
 - 3.2.1.8 A period of up to 30 minutes for presentation and discussion of petitions in accordance with the Public Participation Procedure as set out at Part A4 (Citizens and the Council) of the constitution.

- 3.2.1.9 To deal with any business remaining from the previous meeting.
- 3.2.1.10 To receive and consider recommendations contained within reports of the Executive and committees and reports of the Bedfordshire Police Authority and Bedfordshire and Luton Combined Fire Authority and answer questions asked under Rule No 12.1.
- 3.2.1.11 To receive and consider reports on the business of joint arrangements and external organisations and receive questions and answers thereon.
- 3.2.1.12 To answer written questions from members of the Council asked under Rule No 12.2.
- 3.2.1.13 To answer open questions asked by members of the Council under Rule No 12.7.
- 3.2.1.14 To consider motions by members of the Council under Rule No 16 in the order received.
- 3.2.1.15 To receive ward presentations by members of the Council under Rule No 14.
- 3.2.1.16 To debate strategic policy issues in accordance with Rule No 15.
- 3.2.1.17 Any other business specified in the summons.

- **EXTRAORDINARY MEETINGS**

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- 4.1 **Calling Extraordinary Meetings**

- 4.1.1 Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:-
 - 4.1.1.1 The Council by resolution; or
 - 4.1.1.2 The Chairman of the Council (or in his/her absence the vice-chairman); or
 - 4.1.1.3 The Monitoring Officer; or
 - 4.1.1.4 Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

- 4.2 **Business for Extraordinary Meetings**

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- 4.2.1 The order of business at an Extraordinary meeting of the Council will be:-
- 4.2.1.1 To elect a person to preside if the chairman and vice-chairman are absent.
 - 4.2.1.2 To receive any declarations of interests from members.
 - 4.2.1.3 Chairman's announcements.
 - 4.2.1.4 Leader's announcements and communications.
 - 4.2.1.5 At the discretion of the chairman, to permit public participation in accordance with the Public Participation Procedure.
 - 4.2.1.6 To deal with the item(s) of business specified in the summons, for which purpose the extraordinary meeting has been called.
- 4.2.2 Except as provided in 4.2.1 above, the business shall be restricted to such items contained in the requisition for the meeting.
- 4.2.3 It shall be the duty of the Monitoring Officer, after consultation with the chairman, to refuse to accept any motion which is in his/her reasonable opinion, out of order or otherwise inappropriate and it shall be the duty of the Monitoring Officer, at the direction of the chairman, to exclude all quotations, extracts or other matters which would not form a necessary part of the resolution should the motion be adopted.

- **BUSINESS AT COUNCIL MEETINGS**

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- **5.1 Variation of Order of Business**

- 5.1.1 The order of business, subject to any statutory provision, may be varied by the chairman at his/her discretion, or by resolution passed on a motion moved and seconded and put without discussion.

- **5.2 Business must be specified on the agenda**

- 5.2.1 Apart from business required by statute to be transacted, and items admitted to the agenda by the chairman on the grounds of urgency, only items appearing on the agenda will be considered.

- **TIME AND PLACE OF MEETINGS**

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- 6.1 The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

- **NOTICE OF AND SUMMONS TO MEETINGS**

- 7.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules as set out at Part G2 of the constitution. A summons and agenda for each Council meeting will be sent to every member at least five clear working days before the meeting or if the meeting is convened at shorter notice, then at the time it is convened. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

8. CHAIRMAN OF MEETING

- 8.1 The person presiding at the meeting may exercise any power or duty of the chairman.

9. QUORUM

- 9.1 The quorum of a meeting of the Council will be 17 members. During the meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn for 15 minutes. If after that time the chairman counts the number of members present and declares that there is still no quorum, the meeting will adjourn. Remaining business will be considered at a date and time fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. MINUTES

10.1 Signing the minutes

- 10.1.1 The chairman will sign the minutes of the proceedings at the next ordinary meeting. The chairman will move that the minutes of the previous meeting be signed as an accurate record. No discussion shall take place upon the minutes, except where their accuracy is challenged by motion. If no such challenge is moved, or if moved then as soon as it has been disposed of, the chairman will sign the minutes.

10.2 No requirement to sign minutes of previous meeting at extraordinary meeting

- 10.2.1 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of Schedule 12 relating to signing of minutes.

10.3 Form of minutes

- 10.3.1 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

11. PUBLIC PARTICIPATION

- 11.1 Public participation in Council meetings, including asking questions, making statements, making deputations and presenting petitions, will operate on the basis of the Public Participation Procedure set out in Part A4 (Citizens and the Council) of the constitution.

12. QUESTIONS BY MEMBERS

12.1 On reports or minutes of the Executive or Committees

- 12.1.1 A member of the Council may ask the Leader, a portfolio holder or the chairman of a committee a question without notice upon a recommendation or oral report of that forum when that item is under consideration by the Council, or upon any minute of a meeting of that forum which has been published since the last meeting of the Council.

12.2 Written Questions on notice at full Council

- 12.2.1 Subject to Rule 12.3, a member of the Council may ask:-

- 12.2.1.1 The chairman;
- 12.2.1.2 A member of the Executive;
- 12.2.1.3 The chairman of any committee or sub-committee; or
- 12.2.1.4 The chairman of (or other member representing) the Bedfordshire Police Authority or Bedfordshire and Luton Combined Fire Authority

a question on any matter in relation to which the Council has powers or duties or which affect the area of the Authority.

12.3 Notice of questions

12.3.1 A member may only ask a question under Rule 12.2 if either:-

12.3.1.1 They have given at least seven clear working days notice in writing of the question to the Monitoring Officer; or

12.3.1.2 The question relates to urgent matters and they have the consent of the Chairman of the Council and the content of the question is given to the Monitoring Officer by 9.00 am on the day of the meeting.

12.4 **Response**

12.4.1 Each question shall be put and answered in turn without discussion.

12.4.2 An answer may take the form of:-

12.4.2.1 A direct oral answer;

12.4.2.2 Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

12.4.2.3 Where the reply cannot be conveniently given orally, a written answer circulated later to the questioner.

12.5 **Supplementary question**

12.5.1 A member asking a question under Rule 12.2 may ask one supplementary question without notice of the member to whom the first question was asked which shall be put and answered without discussion. The supplementary question must arise directly out of the original question or the reply. A second supplementary question may be asked by any other member of the Council which shall also be put and answered without discussion.

12.6 **Time limit**

12.6.1 The time allocated for questions on notice under Rule 12.2 shall be 15 minutes (subject to the chairman's discretion to extend this period).

- 12.7 Oral Questions

- 12.7.1 Questions and Procedure

- 12.7.1.1 At each ordinary meeting of the Council (excluding the annual or any extraordinary meeting) there shall be a period of no longer than 45 minutes for open questions which shall be questions of the Leader, Deputy Leader and portfolio holders, and chairman of any Committee subject to the following guidelines:-
- 12.7.1.2 Questions:-
 - 12.7.1.2.1 Must be relevant to matters for which the Council has powers or duties or matters that affect Central Bedfordshire or its residents;
 - 12.7.1.2.2 Must not relate to an item which is included elsewhere on the Council agenda since they can be raised at that point in the meeting;
 - 12.7.1.2.3 Must be capable of eliciting a response (ie must not be a statement);
 - 12.7.1.2.4 Should not exceed two minutes in length.
- 12.7.1.3 Questions should not:-
 - 12.7.1.3.1 Be incapable of being adequately answered in three minutes;
 - 12.7.1.3.2 Divulge or require to be divulged, confidential or exempt information.
- 12.7.1.4 The conduct of open question time shall be regulated by the Chairman of the Council having regard to the above guidelines.
- 12.7.1.5 Any member wishing to put an open question should put his/her name on the relevant pro forma and place it in the appropriate receptacle not less than 5 minutes before the start of the meeting. Names will be drawn at random by the chairman during the question time session. All questions drawn within the 30 minutes allocated for questions to an executive member and within the 15 minutes allocated for questions to chairmen or members representing the Police and Fire authorities, shall be dealt with.

- 1 **Response**

- 2.7.2

- 12.7.2.1 An answer to an open question may take the form of:-

- 12.7.2.1.1 A direct oral answer of up to a maximum of three minutes duration;

- 12.7.2.1.2 Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- 12.7.2.1.3 Where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner and made available to all members of the Council and the public.

- 12.7.3 **Supplementary Question**

- 12.7.3.1 A member asking an oral question under Rule 12.7.1 may ask one supplementary question, without notice, of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and should not exceed two minutes in length.

13. **MOVING AND CONSIDERATION OF RECOMMENDATIONS IN REPORTS OF THE EXECUTIVE AND COMMITTEES**

13.1 When the chairman calls the recommendations of the Executive or any Committee under Council Procedure Rule 3.2.1.9, such recommendations shall be moved by the member who was in the chair at the meeting of the Executive or Committee when the recommendations were decided upon. However in respect of any item or items, the mover may be another member who has agreed on request to act instead. In either case the mover may if he/she wishes, speak in introduction of any such recommendation immediately it is called in accordance with Council Procedure Rule 13.2.

13.2 The recommendations of the Executive or a Committee shall be called by the chairman in succession and following any introduction by the mover and the disposal of any question in accordance with Council Procedure Rule 12.1, any member may speak to the recommendation (whether or not to move an amendment) or to any motion to amend such recommendation in accordance with the provisions of Rule 18 (Rules of Debate).

13.3 Any discussion on a recommendation, or on any amendment to a recommendation shall be concluded by the replies in accordance with Council Procedure Rule 18 (Rules of Debate).

- 13.4 When the chairman calls the report of the Bedfordshire Police Authority and Bedfordshire and Luton Combined Fire Authority, under Council Procedure Rule 3.2.1.9, one of the Council's representatives serving upon the respective Authorities, shall move that the report be received and may if he/she wishes speak in introduction of the report.
- 13.5 When any reports such as are mentioned in Council Procedure Rule 13.4 are under consideration by the Council, any member may comment provided that such comment is relevant to the content of the report but no amendment shall be moved in respect thereof.

14. WARD PRESENTATIONS

- 14.1 Members for each ward shall be entitled to make a ward presentation specific to their ward to any meeting of the Council (except the Annual meeting or an Extraordinary meeting), provided that seven clear working days notice in writing is received by the Monitoring Officer. Such presentations shall be solely for the information of the Council.
- 14.2 The chairman shall have the discretion to waive the notice requirements under 14.1 above, where he/she is satisfied that a ward presentation, by reason of special circumstances, should be considered as a matter of urgency.
- 14.3 There shall be a period of no longer than 30 minutes at each ordinary meeting of the Council for ward presentations. Requests to make ward presentations will be listed on the agenda in the order in which the request was received. Up to 10 minutes shall normally be permitted for a ward presentation.
- 14.4 A ward member representing a multi member ward shall be permitted to make a comment, if the need arises, following a presentation made by another member representing the same ward.
- 14.5 The conduct of ward presentations shall be regulated by the Chairman of the Council having regard to the above guidelines, but the chairman shall have the discretion to vary the time constraints in paragraph 14.3 above, should he/she consider it appropriate.

15. STRATEGIC POLICY DEBATES

- 15.1 The Leader of the Council, after consultation with the Chairman, portfolio holders, chairmen of the overview and scrutiny committees and the Group Leaders, shall identify those issues of strategic policy which shall be the subject of debate by the full Council.
- 15.2 The conduct of strategic policy debates shall be regulated by the chairman, subject to the following guidelines:-

- 15.2.1 The policy must relate to the Council's powers or duties or be matters that affect Central Bedfordshire or its residents.
- 15.2.2 All members will wherever possible, receive a briefing paper in advance of the meeting on the policy to be subject of debate.
- 15.2.3 Rule No. 18 (Rules of Debate) shall not apply during strategic policy debates but the time allowed for the debate shall not normally exceed 45 minutes.
- 15.2.4 The Chief Executive, after consultation with the chairman and Leader, shall be authorised to invite representatives of partner organisations to participate in the debate, as appropriate.
- 15.2.5 No formal decisions shall be taken upon the matter under consideration but the views and conclusions of the Council upon the matter shall be forwarded to the relevant body responsible for policy development/review, as appropriate.

16. NOTICES OF MOTION

16.1 Notice

- 16.1.1 Except for motions which can be moved without notice under Rule 17, written notice of every motion, signed by the member of the Council, must be delivered to the Monitoring Officer not later than 7 clear working days before the date of the meeting. These will be entered into a book open to public inspection.

16.2 Motions set out in the agenda

- 16.2.1 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

16.3 Scope

- 16.3.1 Motions must be about matters for which the Council has responsibility or which directly affect Central Bedfordshire.
- 16.3.2 It shall be the duty of the Monitoring Officer, after consultation with the chairman, to refuse to accept any motion which he/she deems to be illegal, improper or out of order.

16.4 Withdrawal

- 16.4.1 If a motion appearing on the summons is not moved (either by its author or by some other member on his/her behalf) it will be treated as withdrawn, unless the Council agrees its postponement.

16.5 Motions affecting persons employed by the Council

- 16.5.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of Section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided whether or not the power to exclude the public under Section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

16.6 Automatic Reference to Executive or a Committee

- 16.6.1 If the subject matter of the motion is within the remit of the Executive or a committee, upon being moved and formally seconded, save as provided in 16.6.3 below, it shall stand referred without discussion to the Executive or such relevant committee, including overview and scrutiny committees, as the chairman may determine (upon taking the advice of the Monitoring Officer if appropriate), for consideration and report, in the case of a committee, to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.
- 16.6.2 The Council may permit a motion to be dealt with at the meeting at which it is brought forward, provided that the subject matter is urgent or that it is appropriate to deal with the matter and that the motion does not seek to determine a matter which is the responsibility of the Executive, subject to proper information regarding the matters referred to above.
- 16.6.3 If the subject of a motion relates to a matter which is the responsibility of the Executive, it may, with the consent of the Council signified without discussion, be debated at the Council meeting prior to being referred to the Executive.
- 16.6.4 The views and conclusions arising from the debate under 16.6.3 above shall be referred to the Executive. The chairman may, if he/she considers it appropriate take a vote to determine the conclusions arising from the debate.
- 16.6.5 The Executive shall determine any motion referred to it by the Council as falling within its remit.

16.7 Right of Mover of Motion to Attend meeting

- 16.7.1 The mover of a motion that has been referred to the Executive or a committee shall be entitled to attend the meeting to which it has been referred and to introduce the motion.

17. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

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- The following motions may be moved without notice:-
 - 7.1
 - 17.1.1 To appoint a chairman for the meeting or the remainder of the meeting.
 - 17.1.2 In relation to the accuracy of the minutes.

- 17.1.3 To vary the order of business in the agenda.
- 17.1.4 To refer back an item to the Executive or a Committee.
- 17.1.5 To appoint members to a forum arising from an item set out in the summons.
- 17.1.6 To receive reports or adopt recommendations of the Executive, committees or officers and to receive reports of the Bedfordshire Police Authority or Bedfordshire and Luton Combined Fire Authority.
- 17.1.7 To withdraw a motion.
- 17.1.8 To seek an extension of the time limit for speeches.
- 17.1.9 To amend a motion.
- 17.1.10 To proceed to next item of business.
- 17.1.11 That the question be now put to the vote.
- 17.1.12 To adjourn the debate or the meeting.
- 17.1.13 To suspend one or more Council Procedure Rules in accordance with Rule No 26.1.
- 17.1.14 Formally to exclude the press and public from the meeting in accordance with the Access to Information Procedure Rules in Part G.2.
- 17.1.15 Under Rule 24.3, not to hear a member further.
- 17.1.16 Under Rule 24.4, that a member be asked to leave the meeting.
- 17.1.17 To give any consent required by the constitution or these Rules.

18. RULES OF DEBATE

18.1 No speeches until motion or amendment seconded

- 18.1.1 No motions or amendment shall be discussed unless it has been proposed and seconded.

18.2 Right to require motion or amendment in writing

18.2.1 The chairman may require a motion or amendment to be put in writing and handed to him/her before it is discussed (unless the chairman agrees that the motion or amendment is so brief as to make this unnecessary). This requirement does not apply to Notices of Motion under Rule No. 16.

18.3 Secunder's Speech

18.3.1 When seconding a motion or amendment, a member may reserve their speech until later in the debate.

18.4 Content and length of speeches

18.4.1 Speeches must be directed to the question under discussion or to a personal explanation, point of order or point of information. Subject to the provisions in Rule 18.4.2 and 18.4.3 below, no speech may exceed 3 minutes.

18.4.2 The mover of a motion or an amendment may speak for up to 5 minutes when proposing the motion or amendment;

18.4.3 A right of reply exercised under Rule 18.10 shall normally not exceed two minutes in length.

18.5 Speeches in relation to motions for the adoption of recommendations of the Executive for the approval of the annual budget and Council Tax

18.5.1 The length of speeches in relation to motions for the adoption of recommendations of the Executive for the approval of the annual budget and Council Tax, shall be as follows:-

18.5.1.1 The Leader of the Council and relevant portfolio holder shall have a total of 30 minutes between them to speak on the motion, the actual time allocated to each to be determined by the Leader;

18.5.1.2 The Minority Group Leaders or their nominees will have a total of 30 minutes, shared equally between each of the groups to speak on this item.

18.5.1.3 Any member will have the right to speak up to twice in relation to a motion for the adoption of the annual budget and Council Tax.

18.6 When a member may speak again

- 18.6.1 A member who has spoken on a motion may not speak again whilst it is the subject of debate except:-
- 18.6.1.1 To speak once an amendment is moved by another member;
 - 18.6.1.2 To move a further amendment if the motion has been amended since he/she last spoke;
 - 18.6.1.3 If his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
 - 18.6.1.4 In exercise of the right of reply under Rule 18.10;
 - 18.6.1.5 On a point of order under Rule 18.13;
 - 18.6.1.6 By way of personal explanation under Rule 18.14;
 - 18.6.1.7 By way of a point of information under Rule 18.15.

18.7 **Amendments to motions**

- 18.7.1 An amendment must be relevant to the motion and will either be:-
- 18.7.1.1 To refer the matter to the Executive or a committee;
 - 18.7.1.2 To leave out words;
 - 18.7.1.3 To leave out words and insert or add others;
 - 18.7.1.4 To insert or add words.
- As long as the effect of 18.7.1.1 to 18.7.1.4 is not merely to negate the motion (i.e. no amendment may be moved which would have the same effect as voting against the motion)
- 18.7.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 18.7.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 18.7.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

18.7.5 After an amendment has been carried, the chairman will (if necessary) read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

18.8 Alteration of motion

18.8.1 A member may alter a motion of which he/she has given notice with the consent of the Council. The Council's consent will be signified without discussion.

18.8.2 A member may alter a motion, which he/she has moved without notice with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.

18.9 Withdrawal of motion

18.9.1 A member may withdraw a motion which he/she has moved with the consent of both the Council and the seconder. The Council's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

18.10 • Right of reply

18.10.1 The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.

18.10.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

18.10.3 The mover of an amendment has the right of reply at the close of the debate on the amendment prior to the right of reply of the mover of the original motion under 18.10.1 above.

18.10.4 A right of reply should not normally exceed two minutes in length.

18.11 Motions which may be moved during debate

18.11.1 When a motion is under debate, no other motion may be moved except the following procedural motions:-

18.11.1.1 To withdraw a motion;

18.11.1.2 To amend a motion;

18.11.1.3 To proceed to the next business;

- 18.11.1.4 That the question be now put;
- 18.11.1.5 To adjourn a debate;
- 18.11.1.6 To adjourn a meeting;
- 18.11.1.7 To suspend these Rules in accordance with Rule 26.1;
- 18.11.1.8 To exclude the press and public in accordance with the Access to Information Rules in Part G2; and
- 18.11.9 Not to hear further a member named under Rule 24.3 or to exclude them from the meeting under Rule 24.4.

18.12 Closure motions

- 18.12.1 A member may move, without comment, the following motions at the end of a speech of another member:-
 - 18.12.1.1 To proceed to the next business;
 - 18.12.1.2 That the question be now put;
 - 18.12.1.3 To adjourn a debate; or
 - 18.12.1.4 To adjourn a meeting.
- 18.12.2 Proceed to next business: If a motion to proceed to the next business is seconded and the chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If carried the motion before the meeting shall be abandoned and not put to the meeting. If an amendment is under discussion, the discussion shall be abandoned and the meeting shall return to discussion of the motion in its original form. (This will not prevent the moving of further amendments.)
- 18.12.3 Closure of Debate: If a motion that the question be now put (ie that discussion shall end and the vote on the matter being considered be taken without delay) is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If carried it shall have the effect of ending discussion and securing a decision once the mover of the original motion has summed up.

18.12.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right to reply.

18.13 Points of Order

18.13.1 A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

18.14 Personal Explanation

18.14.1 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.

18.15 Point of Information

18.15.1 A member may raise a point of information at any time. A point of information may only be made where a member is aware that the Council has incorrect information before it on a material point. The member who raises the point of information must be able to cite evidence to support their statement. The ruling of the chairman on the admissibility of a point of information will be final.

18.16 Officers addressing the Council

18.16.1 Officers will not normally be called upon to address the Council or to answer questions unless specifically requested to do so by the Chairman of the Council. This rule shall not apply to the provision of procedural advice by the Monitoring Officer or to the Head of Paid Service and Chief Finance Officer when acting in their statutory roles.

19. RESCISION OF PREVIOUS RESOLUTION

19.1 No member may move a motion or amendment which would have the effect of rescinding any resolution of the full Council passed within the previous six months or which would have the same effect as one which has been rejected within the previous six months.

19.2 This Rule does not apply:-

- - 19.2.1 To a recommendation submitted by the Executive or by a committee to the Council; or
 - 19.2.2 Where a notice of motion has been submitted under Rule No 16 signed by at least 17 members of the Council (this procedure cannot be used within a further period of six months to propose a similar motion).

20 VOTING

20.1 **Majority**

20.1.1 Unless the constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting.

20.2 **Chairman's casting vote**

20.2.1 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

20.3 **Show of hands**

20.3.1 Unless a ballot or recorded vote is demanded under Rules 20.4 and 20.5, the chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting, or via the electronic voting system.

20.4 **Ballots**

20.4.1 The votes will take place by ballot if a majority of the members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

20.5 **Recorded vote**

20.5.1 If no fewer than 10 of the Council's membership present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

20.6 **Right to require individual vote to be recorded**

- 20.6.1 Where any member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

20.7 Voting on appointments

- 20.7.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

21. RECORD OF ATTENDANCE

- Every member of the Council attending a meeting of the Council shall sign
- 1.1 the attendance book provided for that purpose.

22. • INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

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-
- 2.1 • Where a member has a financial or personal interest in a contract, proposed contract or other matter, this should be dealt with as set out in the Council's Members Code of Conduct in Part F2 of the constitution.

23. • EXCLUSION OF PUBLIC

- 23.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part G2 of the constitution or Rule 25 (Disturbance by Public).

24. MEMBERS' CONDUCT

24.1 Standing to speak

- 24.1.1 When a member speaks at full Council they must (unless the chairman rules otherwise) stand and address the meeting through the chairman. If more than one member stands, the chairman will ask one to speak and the others must remain seated whilst a member is speaking unless they wish to make a point of order, a point of information or a point of personal explanation.

24.2 Chairman Standing

24.2.1 When the chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

24.3 Member not to be heard further for remainder of item

24.3.1 If a member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

24.4 Member to leave the meeting

24.4.1 If the member continues to behave improperly after such a motion is carried, the chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

24.5 General disturbance

24.5.1 If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

25. DISTURBANCE BY PUBLIC

25.1 Removal of member of the public

25.1.1 If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

25.2 Clearance of part of a meeting room

25.2.1 If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared, and may adjourn the meeting for 15 minutes or other suitable period.

26 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

26.1 Suspension

26.1.1 All of these Council Rules of Procedure except Rule 10.2 and 20.6 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the items under discussion.

26.2 **Amendment**

26.2.1 Any motion to add, vary or revoke the Full Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

27. • **INTERPRETATION OF PROCEDURE RULES**

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27.1 • The ruling of the chairman as to the interpretation or application of any of these Procedure Rules or as to any proceedings of the Council may not be challenged at any meeting of the Council.

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



CONSTITUTION ADVISORY GROUP
DATE: 21 March 2011

TITLE	Leader's Term of Office and Executive Powers
REPORT OF	John Atkinson, Head of Legal & Democratic Services

PURPOSE	To clarify the authority of the Leader to take decisions in respect of executive functions and the arrangements that apply in the period following an election.
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ORIGIN OF PROPOSAL	The Constitution needs to reflect the changes introduced in the Local Government and Public Involvement in Health Act 2007 regarding the powers and term of office of the Leader.
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RECOMMENDATIONS:

- (1) That Paragraph C4 of the Constitution is amended to include the Leader amongst the list of those who can discharge executive functions.
- (2) That paragraph C1 of the Constitution is amended to include an additional sub-paragraph 3.1.5 as proposed in paragraph 5 of the report.

SUPPORTING INFORMATION

1. At its meeting in December 2010, the Constitution Advisory Group agreed to recommend an amendment to Part C1 of 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. This change was necessary to comply with Section 44D of the Local Government Act 2000, which was introduced in the Local Government & Public Involvement in Health Act 2007.
2. During the discussion of this item, Members expressed some concern about the position of the Leader if he/she did not seek re-election or was unsuccessful and yet remained Leader after the election until the Council's annual meeting. Officers were asked to draft some wording to limit the Leader's authority to take decisions during this period.
3. Section 14 of the Local Government Act 2000 provides that the Leader (as senior executive member) may discharge any functions which are the responsibility of the Executive. He/she may also arrange for any of 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 of the authority.
4. The Council's executive arrangements are covered in Part C of the Constitution. Responsibility for decision making is covered in Part G of the Constitution. Part C 4 of the Constitution provides that executive functions may be discharged by the Executive as a whole, by a committee of the Executive, by an individual member of the Executive or by an officer. The fact that the Leader has power to exercise executive functions in his/her own right is not covered explicitly. It is proposed that part C4 paragraph 1.1 is amended to make the position clear.
5. To cover the point of concern raised by Members at the last meeting the following note could be included at C1 paragraph 3.1.5:

“Where the Leader has not been re-elected to the Council but remains in office after the election until the Council's annual meeting, the expectation is that the Leader will not make decisions in respect of the Council's executive functions, except on grounds of urgency. “

Contact Officer Details:	Key Background Papers:
Mel Peaston, Committee Services Manager	None

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



CONSTITUTION ADVISORY GROUP
DATE: 21st March 2011

TITLE	Dunstable Joint Committee
REPORT OF	Helen Shore, Head of Business Investment & Marketing

PURPOSE	To amend the terms of reference under Part J2 - Joint Arrangements relating to Dunstable Town Centre Management Committee
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ORIGIN OF PROPOSAL	A request was received from Cllr Nigel Young in his capacity as Chairman of Dunstable Town Centre Management Committee to take a fresh look at the form and function of the Committee. The Town Centre Management Committee has now considered its future and aims to re-focus the work of the Committee to take into account all aspects of town development and growth. The Terms of Reference have been altered to reflect this and are attached as Appendix A.
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RECOMMENDATION:
to recommend to Council:
(1) that the existing Dunstable Town Centre Management Committee should be abolished and a new committee called the Dunstable Joint Committee be created.

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| <p>(2) that the revised terms of reference be included in the Council's Constitution.</p> <p>(3) that the membership of the Dunstable Joint Committee includes 5 Central Bedfordshire Members appointed from Dunstable area ward members only.</p> |
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<p>REASON FOR RECOMMENDATIONS (To be included in report to Council)</p>
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| <p>(1) With the advent of the Masterplan, the Luton/Dunstable Busway, Local Transport Plan 3, the Core Strategy and the A5-M1 Link Road the existing Town Centre Management Committee considered that now was an appropriate time for the Committee to expand its remit and change its name to create a genuine joint committee.</p> <p>(2) To create a new terms of reference for a partnership forum for all those involved in initiatives impacting on Dunstable in order to consult with each other and co-ordinate their activities so as to realise their aspirations for the town.</p> <p>(3) As Dunstable has very specific issues it is a recommendation of the Town Centre Management Committee that the five Central Bedfordshire Council Member representatives are drawn from Dunstable area wards to sit on the Dunstable Partnership Committee as they are best placed to be directly engaged.</p> |
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SUPPORTING INFORMATION

1. A request was made by Councillor Nigel Young, Chairman of the Dunstable Town Centre Management Committee, to draft new terms of reference for a new Committee, the Dunstable Joint Committee.
2. The proposed terms of reference are attached at Appendix A. These were discussed and approved by the Dunstable Town Centre Management Committee on the 10th March 2010.
3. The existing terms of reference for the Town Centre Management Committee are included within Central Bedfordshire's Constitution under Part J2. The required amendments are attached at Appendix B.
4. Supporting our towns and their town centres to develop and thrive is vital to our economic growth and well being. This is best achieved through partnership working to collaborate on planning and investment opportunities to ensure our town centres are vibrant, safe and pleasant places offering essential and fun activities for local residents and visitors.

A commitment to support town centre development is included in the Central Bedfordshire Community Engagement Strategy, as follows:

“Enhancing the role of Town and Parish Councils through community-led planning, supporting clusters of local authorities to work together to resolve common issues, and devolving budgets to deliver local quality of life services.

5. The Local Authority recognises that there is no one size fits all approach to the management of town centres. The decision on whether a town has a Town Centre Management Committee, or a broader Town Committee, will be determined by the relevant Town Council. Thereafter, the option for this to be a Joint Committee and part of Central Bedfordshire Council’s Constitution will be subject to joint discussion and agreement by both parties. The benefits of being included in the constitution are:-
 - a common understanding of the key issues;
 - shared ownership and decision-making; and
 - strong links with the Local Authority’s Executive to influence policy and strategy.

Where a Town Council decides not to have a Town Centre Management Committee, the Local Authority will continue to work in partnership with the Town Council on developing its retail centre.”

6. Following consideration by the Constitution Advisory Group, it is proposed that a recommendation is taken to the full Dunstable Town Council meeting on 11th April and Central Bedfordshire Council on 14th April 2011.
7. Changes to the existing Committee structure will be effective from May 2011.

Contact Officer Details:	Key Background Papers:
Helen Shore: 0300 300 6527 (Ext: 76527) Peter Fraser: 0300 300 6740 (Ext. 76740)	Appendix A: Terms of Reference

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DUNSTABLE JOINT COMMITTEE

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 The Constitutions of Central Bedfordshire Council and Dunstable Town Council both make provision for the establishment of a joint committee to focus on issues affecting Dunstable.
- 1.2 This joint committee is to be known as the Dunstable Joint Committee (DJC) and these Terms of Reference have been agreed by the Committee to ensure that the work of the Committee is given a focus and to ensure that a range of measurable outcomes can be achieved.
- 1.3 The work and minutes of the DJC will report directly to Central Bedfordshire Council's relevant Executive Portfolio Holder and Dunstable Town Council's full Council meeting respectively.
- 1.4 All DJC meetings will be governed by the Standing Orders of Dunstable Town Council.

2. MEMBERSHIP

- 2.1 Membership of the Committee will be as follows:
 - 5 named Councillors from Central Bedfordshire Council. All named Councillors must be elected representatives of wards in Dunstable
 - 5 Named Councillors from Dunstable Town Council
- 2.2 Named substitutes from each Council will be permitted to attend meetings as full Committee representatives.
- 2.3 At least 3 Members from each Council will have to be in attendance for the meeting to be quorate.

3. CHAIRMANSHIP

- 3.1 At the first meeting of the Committee following Dunstable Town Council's AGM, the Committee will appoint a Chairman and Vice-chairman from its representatives.
- 3.2 The Chairman must be nominated from Central Bedfordshire Council the Vice-Chairman from Dunstable Town Council. This accords with the Central Bedfordshire Council Constitution.

4. MEETING ARRANGEMENTS

- 4.1 The Committee will normally meet at Central Bedfordshire Council's offices in Dunstable, Watling House, High Street North, Dunstable. However, on occasions meetings will be held at alternative venues in Dunstable governed by the nature of individual agendas.
- 4.2 Meetings will start at 7.00pm and will be held at appropriate intervals 6 times a year. The Chairman of the Committee can call a special meeting at any time with the appropriate notice.

5. LEGAL STATUS

- 5.1 The Committee is non-statutory but will have full executive decision making authority with regards to all resources delegated to it from Central Bedfordshire Council or Dunstable Town Council.
- 5.2 All expenditure incurred as a result of decisions made by this Committee will be governed by the Standing Orders and Financial Regulations of whichever individual authority administers the relevant transaction.

6. OBJECTIVES AND SCOPE OF WORK

- 6.1 The Dunstable Joint Committee will focus on issues that affect the whole of Dunstable.
- 6.2 The Committee will agree and review on an ongoing basis a Joint Committee Action Plan.
- 6.3 The Committee will consider issues relating to:
- The economic, social and environmental well being of the town
 - Transport issues
 - Community safety issues
 - Leisure and recreational issues
 - The development and implementation of the Dunstable Town Centre Master Plan

All such issues will be considered in the context of the development and ongoing review of the Joint Committee Action Plan.

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

7. PERFORMANCE FRAMEWORK

7.1 As part of the action planning process the Committee will adopt the following performance measures that will help drive future action planning and will help measure the success of the Committee.

LPI 1 - No of vacant units in the designated town centre area measured on a 6 monthly cycle.

LPI 2 - Variety of town centre shops measured on a 6 monthly cycle on the following basis:

- No of retail businesses
- No of service businesses
- No of leisure businesses (pubs, café's etc)
- Others

LPI 3 Average number of market traders measured on a monthly cycle

LPI 4 Town Population

LPI 5 Annual No of visitors to the Priory House Tourist Information Centre

LPI 6 Annual No of town centre events staged

LPI 7 Mix of retail offer

LPI 8 Footfall measured on an annual basis

NB - Some of this data will be collected by DTC some by CBC

8. SUPPORT STRUCTURE

8.1 The lead officers for the DJC will be:

- Central Bedfordshire Council – Head of Business Growth
- Dunstable Town Council – Head of Community Services

8.2 In addition the DJC will be supported by appropriate officers from each Authority and others such as the Highways Agency and Bedfordshire Police.

9. FINANCE ARRANGEMENTS

9.1 As a result of a Section 106 agreement made when Asda was given planning permission for its store in Dunstable, a sum of approximately £10,000 a year was identified for the benefit of Dunstable for the period of Asda's lease of the land they currently occupy. CBC will delegate this finance to the DJC to help support its annual Joint Committee Action Plan.

- 9.2 In addition DTC will delegate to the DJC an annual sum of up to £5,000, again to help support the annual Joint Committee Action Plan. This funding must be targeted to initiatives that help generate town centre activity.
- 9.3 Through the Joint Action Plan the Committee will also bid for any funds made available by CBC Executive for the purposes of town centre development or indeed for any other external funding opportunities that may arise.

10. CO-OPTED MEMBERS

- 10.1 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.
- 10.2 Any co-opted Member must first be nominated and seconded by elected representatives of the Committee where upon the rest of the Committee will take a vote on accepting them or not onto the Committee.
- 10.3 A co-opted Member can be nominated at any time following the prior approval of the Committee Chairman. **Each co-opted Member will be able to engage fully in all discussions but will not have any voting rights.**
- 10.4 Co-opted Members will serve a term on the Committee equivalent to the electoral term of elected Council Members.

11. OTHER ATTENDEES

- 11.1 The DJC is a public meeting and will be open to all members of the public. Members of the public will be able to speak at meetings in accordance with the Standing Orders of Dunstable Town Council.
- 11.2 Other attendees at meetings such as other elected representatives or representatives from the police, Highways Agency or other public bodies will be welcome on the approval of the Committee Chairman.

**Author – David Ashlee, Town Clerk, Dunstable Town Council
February 2011**

J2 JOINT ARRANGEMENTS

1. Arrangements to promote well being

- 1.1 The Council or the Executive, in order to promote the economic, social and environmental well being of its area, may:-
 - 1.1.1 Enter into arrangements or agreements with any person or body;
 - 1.1.2 Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - 1.1.3 Exercise on behalf of that person or body any functions of that person or body.

2. Joint Arrangements

- 2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 2.2 The Executive may establish joint arrangements with one or more local authorities to exercise functions, which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 2.3 Except as set out below, the Executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- 2.4 The Executive may appoint members to a joint committee from outside the Executive if the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- 2.5 Details of the joint arrangements made by the Council, including any delegations to joint committees, are set out in the following table:-

Description of Joint Arrangements	Delegations
<p>Luton and South Bedfordshire Joint Planning and Transportation Committees (with Luton Borough Council)</p>	<p>Section 29 Committee</p> <p>1. To exercise all the functions of the constituent councils as local planning authorities under Part 2 of the Planning and Compulsory Purchase Act 2004 in respect of the Luton and South Bedfordshire Growth Area (all as defined in the Luton and South Bedfordshire Joint Committee Order 2007 and Regulation 24 of the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008) except for those functions conferred by or under Sections 13 and 14 (survey of area) and Section 16 (minerals and waste development planning).</p> <p>Section 101 Committee</p> <p>2. To work jointly in relation to the preparation, recommendation for approval and maintenance of a Local Transport Plan for the Luton and South Bedfordshire Growth Area. (Final adoption of a Local Transport Plan remains a function of the full councils of the constituent authorities.)</p> <p>3. Membership:</p> <p>Section 29 Committee (planning):-</p> <ul style="list-style-type: none"> • 6 Central Bedfordshire Councillors, 6 Luton Borough Councillors <p>(NB: the 6 Central Bedfordshire Councillors to include at least 3 Executive councillors and 1 or 2 non-executive councillors who will normally include the Chairman of Development Management Committee)</p> <ul style="list-style-type: none"> • A named substitute will be appointed for each of the above positions. <p>Section 101 Committee (transport):</p> <ul style="list-style-type: none"> • 3 Central Bedfordshire Executive Councillors, 3 Luton Borough Executive Councillors

	<ul style="list-style-type: none"> a named substitute will be appointed for each of the above positions.
	4. Full terms of reference are available on request from the Monitoring Officer.
Wixams Joint Development Control Committee (with Bedford Borough Council)	<p>1. To exercise the development control powers and duties of the Bedford Borough Council and Central Bedfordshire Council under the Town and Country Planning legislation in relation to The Wixams new settlement (the area as defined in the Planning and Development Brief (figure 2)) as specified below.</p> <p>2. Determination of:-</p> <p>2.1 Outline planning applications for development relating to the settlement.</p> <p>2.2 Full/reserve matter/remediation work applications for sites that straddle the boundaries of the constituent authorities.</p> <p>3. The heads of terms of any joint legal agreements relating to the proposed development.</p> <p>4. Any other planning issues/applications relating to the development of the settlement as may be referred to the Committee from time to time from either Authority in respect of their own area.</p> <p>5. Membership:</p> <ul style="list-style-type: none"> 9 Central Bedfordshire Councillors 9 Bedford Borough Councillors <p>6. Full terms of reference are available on request from the Monitoring Officer.</p>
Houghton Regis Town Centre Management Committee	1. To set the broad direction of the Town Centre initiative taking into account the needs of the Town Centre's customers, employees, residents, visitors, traders, property owners and developers.

	<p>2. To inform and advise the relevant Committees of the local authorities on all aspects of their responsibilities for the Town Centre and its environs.</p> <p>3. To co-ordinate the activities of the various Town Centre service providers and those responsible for meeting the needs of the Town Centre.</p> <p>4. Membership:</p> <ul style="list-style-type: none"> • 4 Central Bedfordshire Council appointed Councillors • 4 Houghton Regis Town Council appointed Councillors <p>5. Quorum:</p> <p>At least 50% of the membership of the committee.</p> <p>6. Notes:</p> <p>6.1 Houghton Regis Town Council administers the committee which is governed by the Town Council's Standing Orders.</p> <p>6.2 Only Members of the committee can vote.</p> <p>6.3 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.</p>
<p>Dunstable Joint Committee</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>

Deleted: Town Centre Management Committee

Deleted: Partnership

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 Joint Committee Action Plan. The Committee will consider issues relating to:

- The economic, social and environmental well being of the town
- Transport issues
- Community safety issues
- Leisure and recreational issues
- The development and implementation of the Dunstable Town Centre Master Plan

All such issues will be considered in the context of the development and ongoing review of the Joint Committee Action Plan.

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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.

Deleted: To inform and advise the relevant committees of the local authority/authorities on all aspects of their responsibilities for the town centre and its environs.¶

Deleted: To co-ordinate the activities of the various town centre service providers and those responsible for meeting the needs of the town centre.¶

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.¶

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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:

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.

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

<p>Leighton-Linslade Town Centres Management Committee</p>	<ol style="list-style-type: none"> 1. To serve as a forum for all the partners in the Town Centre Initiative to consult with each other and co-ordinate their activities so as to realise their aspirations for the town centre. 2. To set the broad direction of the Initiative, taking into account the needs of the town centre's customers, employees, residents, visitors, traders, property owners and developers. 3. To inform and advise the relevant committees of the local authority/authorities on all aspects of their responsibilities for the town centre and its environs. 4. To co-ordinate the activities of the various town centre service providers and those responsible for meeting the needs of the town centre. 5. To develop a marketing and promotional strategy for the town centre. 6. To seek funding opportunities for the furtherance of the Town Centre Initiative and to agree an action plan for the town centre in accordance with approved local authority policies. 7. Membership: <ul style="list-style-type: none"> • 5 Central Bedfordshire Council appointed Councillors • 5 Leighton-Linslade Town Council appointed Councillors 8. Quorum: <p>At least 50% of the member ship of the committee.</p> 9. Notes: <ol style="list-style-type: none"> 9.1 This group has the power to invite representatives of local interest groups to attend its meetings.
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	<p>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.</p> <p>9.3 Only members of the committee can vote.</p> <p>9.4 Leighton-Linslade Town Council administers the committee which is governed by the Town Council's Standing Orders.</p>
<p>Joint Waste Disposal Project Board (Joint Officer arrangement established under Section 101(5) of the Local Government Act 1972)</p>	<p>1. To facilitate the joint procurement of, and the subsequent operation and management of, facilities for the treatment and (subject to the agreement of the partner authorities) the disposal of residual waste in pursuance of the current and future waste disposal functions arising under Section 51 of the Environmental Protection Act and to secure the continuing improvement in the effective discharge of those functions by the authorities.</p> <p>2. Membership:</p> <p>2.1 An officer appointed by each of the authorities as the Authority Lead Officer for that Authority. One such officer to be appointed by each of Bedford Borough Council, Central Bedfordshire Council and Luton Borough Council. Unless there are over-riding reasons to the contrary each authority shall appoint the officer with responsibility for waste functions as the Authority Lead Officer (voting members);</p> <p>2.2 The Project Director, if he/she is an employee of one of the authorities (non-voting);</p> <p>2.3 The Project Manager, if he/she is an employee of one of the authorities (non-voting);</p> <p>2.4 An officer of one of the authorities agreed by the authority officers to be the Financial Adviser to the Project Board (non-voting);</p>

	<p>2.5 An officer of one of the authorities agreed by the Authority Lead Officers to be the Legal Advisor to the Project Board (non-voting);</p>
	<p>2.6 The Executive Member of each authority with responsibility for waste functions as an observer; and</p> <p>2.7 The appropriate officer of the Department for Environment, Food and Rural Affairs as an observer.</p> <p>3. A copy of the Joint Working Agreement and the constitution for the Project Board approved by the Shadow Executive at its meeting on 30 September 2008, is available on request from the Monitoring Officer.</p>

3. Access to Information

- 3.1 The Access to Information Procedure Rules at Part G2 of this constitution apply to joint committees established by the Council under paragraph 2.1 or by the Executive under paragraph 2.2.
- 3.2 If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- 3.3 If the joint committee contains councillors who are not members of the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply to that joint committee.

4. Delegation to and from other Local Authorities

- 4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.2 The Executive may delegate executive functions to another local authority or to the Executive of another local authority in certain circumstances.
- 4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

5. Governance Arrangements

- 5.1 Any existing or future joint arrangements entered into by Central Bedfordshire Council shall be in accordance with the Partnerships Protocol at Part J3 of the Constitution.

6. Contracting out

- 6.1 The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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



CONSTITUTION ADVISORY GROUP
DATE: 21 March 2011

TITLE	VARIATION TO THE SCHEME OF DELEGATION TO OFFICERS
REPORT OF	Leslie Manning Committee Services Officer

PURPOSE	To advise the Group of a change to the Scheme of Executive Functions Delegated to Officers which has been approved by the Leader of the Council.
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ORIGIN OF PROPOSAL	Notice of Variation of the Scheme of Executive Functions Delegated to Officers dated 17 February 2011.
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RECOMMENDATION:
To note the new delegation to the Director of Sustainable Communities.

SUPPORTING INFORMATION

1. As the Group is aware the Leader of the Council has authority under Paragraph 3 of Part C4 (Executive Procedure Rules) of the Constitution to delegate Executive functions or amend existing delegation arrangements.
2. Members will also be aware that it is a requirement under Paragraph 3 that a report is made to the Group when a new delegation or amendment to existing delegation arrangements is approved.

3. The Group is advised that the Leader of the Council has approved the following new delegation to the Director of Sustainable Communities:

Function

Qualifications (if any)

To prepare for consultation and subsequently approve the Local Validation Checklist.

After consultation with the relevant Portfolio Holder.

*New delegation paragraph no.
4.2.118 (Part H3 of the Constitution)*

4. Existing delegation paragraph nos. 4.2.118 to 4.2.152 of Part H3 of the Constitution will be renumbered accordingly.
5. The new delegation and the renumbered existing delegations will be included in the next reprint of pages from the Constitution.
6. The Group is asked to note the new delegation.

Contact Officer Details:

Leslie Manning x75132

Key Background Papers:

None

Constitution Advisory Group	
Work Programme	
<i>Date</i>	<i>Task</i>
Items to be allocated	<ul style="list-style-type: none"> • Possibly a change to enable Licensing & Regulation Committee Orders not to have to go to Council (Council Ch's briefing 22.2.11) • Consistency across meetings in timings for presenting petitions and other matters (Cllr Mrs Hegley) • Council policy regarding the use of video cameras by the public at committee meetings (John Atkinson/Mel Peaston)

Standing item at each meeting:

- all changes to Executive delegations approved by the Leader of the Council will be reported for information.

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