

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CENTRAL BEDFORDSHIRE COUNCIL** held in the Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 13 September 2012.

PRESENT

Cllr Mrs A Barker (Chairman)
Cllr Ms C Maudlin (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	Dr R Egan	Cllrs	J A G Saunders
	A R Bastable		Mrs S A Goodchild		A Shadbolt
	R D Berry		Mrs C Hegley		N J Sheppard
	L Birt		P Hollick		I Shingler
	M C Blair		J G Jamieson		M A Smith
	D Bowater		D Jones		Miss A Sparrow
	A D Brown		M R Jones		B J Spurr
	Mrs C F Chapman MBE		D J Lawrence		R C Stay
	Mrs S Clark		Mrs J G Lawrence		A M Turner
	N B Costin		K C Matthews		M A G Versallion
	I Dalgarno		D McVicar		N Warren
	A L Dodwell		T Nicols		B Wells
	Mrs R J Drinkwater		R B Pepworth		J N Young
	P A Duckett		B Saunders		A Zerny

Apologies for Absence

Cllrs	Mrs R B Gammons	Cllrs	D J Hopkin	Cllrs	Mrs M Mustoe
	C C Gomm		K Janes		Mrs P E Turner MBE
	Mrs D B Green		R W Johnstone		P Williams
	Mrs D B Gurney		I A MacKilligan		Cllr Mrs G Clarke

Officers:	Miss H Bell	–	Committee Services Officer
	Mr R Carr	–	Chief Executive
	Ms D Clarke	–	Interim Assistant Chief Executive (People & Organisation)
	Mr P Dudley	–	Assistant Director Children's Services (Learning & Strategic Commissioning)
	Mr A Fleming	–	Project Director - Business Services
	Mrs J Ogle	–	Director of Social Care, Health and Housing
	Ms M Peaston	–	Committee Services Manager
	Mr C Warboys	–	Chief Finance Officer & Section 151 Officer
	Mr J Atkinson	–	Head of Legal and Democratic Services

C/12/1 **Prayers**

Council stood in silent tribute to the memories of Cllr J A G Clarke and Cllr P F Vickers who had both passed away recently.

Prayers were taken by Reverend Cllr Dean Henley, Rector for Campton, Clophill and Haynes and Assistant Dean for Ampthill & Shefford Deanery.

C/12/2 **Minutes**

RESOLVED

That the minutes of the meeting held on 14 June 2012 be confirmed and signed by the Chairman as a correct record.

C/12/3 **Members' Interests**

There were none.

C/12/4 **Questions, Statements and Deputations**

There were none.

C/12/5 **Petitions**

In accordance with the Scheme of Public Participation set out at Annex 2 of part A4 of the Constitution, the Council received notification of the following petition:

Biggleswade Hospital – To protest against any threat of closure of the Biggleswade Hospital.

Mr Lynch, Lead petitioner presented a petition which contained approximately 5,500 signatures. He asked the Council to use any influence available to it to keep the Hospital open, the need for which he felt would be even greater in the future as number of older people increased.

Comments were made in support of the petition.

The Executive Member for Social Care Health and Housing proposed that the petition be referred to the Social Care Health & Housing Overview and Scrutiny Committee meeting to be held on 22 October 2012, to which both SEPT and the Clinical Commissioning Group could contribute. This proposal was duly seconded.

RESOLVED

That the petition be referred to the Social Care Health & Housing Overview and Scrutiny Committee to be held on 22 October 2012.

C/12/6

Chairman's Announcements and Communications

The Chairman indicated that the order of business would be varied to move Item 10, prior to consideration of Item 13.

Further to the by-election which had been held on 16 August 2012 in the ward of Stotfold and Langford, the Chairman welcomed Councillor Mrs Gillian Clarke.

The Chairman commented on events to which she had attended including the Olympic Torch Relay in Dunstable on 9 July and a visit to the Disability Resource Centre, Dunstable to mark the commencement of the Paralympic Games.

The Chairman recorded her thanks to Officers who had worked hard to ensure the Olympic Torch Relay in Dunstable being a success.

The Chairman reminded Members that her civic reception would be held on Friday 5 October 2012.

C/12/7

Leader of the Council's Announcements and Communications

The Leader of the Council reported on

- successful GCSE and A Level results in schools throughout Central Bedfordshire
- the commencement of the budget setting process for 2013/2014
- attending a new staff induction event, where he had welcomed 35 new members of staff who had begun employment with the Council over the past few months
- his forthcoming attendance at the looked After Children Awards
- the transition to the Police and Crime Commissioner arrangements and the importance of ensuring that policing performance of policing throughout Central Bedfordshire continued to improve.

C/12/8

Executive Member Presentations

Cllr Versallion, Executive Member for Children's Services reported an oral update on recent developments and successes within his Portfolio including:

- Applications by a number of schools to change their age ranges;
- The latest position with schools converting to Academy status;
- Educational attainment results.

Cllr Versallion referred to a letter which he had sent to the Secretary of State for Education in relation to this summer's GCSE English examination set by a particular examination board, the grading of which had led to national controversy. A copy was tabled at the meeting. In response to the letter Cllr Versallion had been advised that the results of the January 2012 examinations had been up graded rather than the summer results down graded and schools were advised to liaise directly with the examination board.

Cllr Versallion responded to questions.

Cllr Young, Executive Member for Sustainable Communities Strategic Planning & economic Development reported on recent activities within his Portfolio area including:

- A £4.9 million grant in Dunstable, Leighton Buzzard and Houghton Regis area for sustainable transport
- The conclusion of the Local Development Framework consultation, the results were being evaluated;
- economic regeneration in Central Bedfordshire
- local business skills

Cllr Young responded to questions.

C/12/9

Recommendations from the General Purposes Committee

(a) Localism Act 2011 – Appointment of Independent Persons

The Council considered recommendations from the General Purposes Committee held on 2 August 2012 concerning the appointment of Independent Persons under the terms of the Localism Act 2011.

RESOLVED

- 1 that, in accordance with Section 28 of the Localism Act 2011, the following independent persons be appointed:**

**Maureen Briggs
Christopher Ensor
Vasco Fernandes
Christopher Fogden
John Jones
Michael Collins Jones
Martin Leppert
Timothy Mainwaring
John Mackay
Alexandra di Stefano;**
- 2 that, subject to transitional provisions contained in the Localism Act 2011 (Commencement No. 6 and Transitional Savings and Transitory Provisions) Order 2012, the persons listed in resolution 1 above be appointed for a period of four years;**
- 3 that the Monitoring Officer, in consultation with the Chairman or Vice-Chairman of the General Purposes Committee, be authorised to agree the detailed terms and conditions on which the appointments are made with Bedford, Luton and Milton Keynes Councils and the Fire Authorities for Bedfordshire and Buckinghamshire and, once they have been approved by the Council, to make the appointments on that basis;**
- 4 that all independent persons undertake appropriate training before being approached to take part in any proceedings relating to Code of Conduct complaints.**

(b) Localism Act 2011 – Registration and Declarations of Interests

(i) Member Participation - Dispensations

The Council considered recommendations from the General Purposes Committee held on 2 August 2012 concerning the registration of declarations of interests.

RESOLVED

- 1. that a general dispensation be granted to all Members of the Council under section 33 of the Localism Act 2011 allowing them to participate and vote at meetings when the following items of business are under discussion:**
 - (a) an allowance, payment or indemnity given to Members;**
 - (b) setting Council Tax or a precept;**

- (c) housing, where they are a tenant of the Council, provided that the item of business does not relate particularly to their tenancy or lease;
 - (d) services provided by the Council to school pupils (such as school meals and transport) where the Member is a parent or guardian of a child in full-time education, or is a parent governor of a school, unless the item of business relates specifically to the school which the child attends;
2. that a dispensation be granted, where a Member has a disclosable pecuniary interest in an item of business, permitting the Member to make representations, answer questions or give evidence relating to the business and then to leave the meeting before any discussion of the matter takes place, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise;
 3. that, subject to resolution 4 below, the dispensations granted under paragraphs 1 and 2 above shall apply to that period between the date on which the dispensation is granted and the first ordinary meeting of the General Purposes Committee following the election of a new Council;
 4. that the General Purposes Committee review these general dispensations in the light of experience and having regard to the requirements set out in Section 33 of the Act;
 5. that the Monitoring Officer be authorised to grant specific dispensations under Section 33 of the Act in consultation with the Chairman of the Committee, as and when written requests are received.

(ii) Other Interests

The Council considered recommendations from the General Purposes Committee held on 2 August 2012 concerning the Localism Act 2011 – Other interests.

RESOLVED

that Members be required to abide by the law and the Nolan Committee Seven Principles of Public Life in determining whether any additional interests should be disclosed.

C/12/10

Report of the Independent Remuneration Panel

Councillor Stay withdrew from the meeting for this item in view of the subject matter of the recommendation relating to the Special Responsibility Allowance for his particular Executive Member role.

RESOLVED

1. (a) that the Special Responsibility Allowances for the posts of Executive Member for Economic Partnerships and Executive Member for Affairs be £10,654.72 per annum (the amount approved by Council on 24 November 2011 (Minute C/11/60 (1) refers);

(b) that the ways in the outcomes of the work undertaken by the posts of Executive Member for Economic Partnerships and External Affairs and Executive Affairs is reported publically be considered;
2. that Mr Geoff Lambert be reappointed to the Independent Remuneration Panel for the period to 31 March 2017;
3. that the revised appointment process to fill vacancies on the Panel as set out in Paragraph 5 of the report to General Purposes Committee on 2 August 2012, be approved.

C/12/11 **Bedfordshire Police Authority Report**

A report of the Bedfordshire Police Authority held on 13 July 2012 was submitted. Council noted that this was the final report of the Police Authority to Council in view of the imminent dissolution of the Bedfordshire Police Authority.

RESOLVED

that the report of the Bedfordshire Police Authority be noted.

C/12/12 **School Funding**

The Council considered a report of the Executive Member for Children's Services proposing that representations be made to Government to protect school funding in Central Bedfordshire.

RESOLVED

that the Chief Executive and Director for Children's Services write to Government requesting an extension to the proposed Minimum Funding guarantee (MFG) arrangement for a further two years in Central Bedfordshire.

C/12/13

Motions

Notice had been received from Councillor Stay of a Motion under Procedure Rule No 17 as follows:

“Central Bedfordshire congratulates the athletes, the organising committee and the many thousands of volunteers and staff who each played a vital part in making London 2012 a sporting triumph for Great Britain. The Olympic Games has brought the UK closer together and we celebrate the success of each and every one of our Olympians.

Legacy played a significant part in our successful bid in winning the 2012 games and in Central Bedfordshire we are determined to capture that spirit and play our part in ensuring that there is an enduring legacy in sports participation. We are committed to work with our schools, youth and sports organisations to drive up active participation in all sports at all ages.

Council requests that the Executive considers how Central Bedfordshire can enable an appropriate framework within which we can achieve a lasting and enduring Olympic legacy.”

In introducing the motion, Councillor Stay explained that reference to the London Olympics also encompassed the Paralympics. The motion having been duly seconded it was

RESOLVED

“Central Bedfordshire congratulates the athletes, the organising committee and the many thousands of volunteers and staff who each played a vital part in making London 2012 and paralympics a sporting triumph for Great Britain. The Olympic Games has brought the UK closer together and we celebrate the success of each and every one of our Olympians.

Legacy played a significant part in our successful bid in winning the 2012 games and in Central Bedfordshire we are determined to capture that spirit and play our part in ensuring that there is an enduring legacy in sports participation. We are committed to work with our schools, youth and sports organisations to drive up active participation in all sports at all ages.

Council requests that the Executive considers how Central Bedfordshire can enable an appropriate framework within which we can achieve a lasting and enduring Olympic legacy.”

Notice had been received from Councillor Pepworth of a Motion under Procedure Rule No 17 as follows:

“Council expresses serious concern over the chaotic nature of education in and around Dunstable and asks the Executive to review the existing provision and provide greater leadership and direction. By so doing it will enable parents to plan a clearer route through the school system and ensure smooth transition arrangements will be in place for school transfers. Such action will also help to reduce the anxieties of some heads and staff about the future of individual institutions.”

The motion was duly seconded by Cllr Murray

An amendment to the motion was proposed by Councillor Hollick and duly seconded by Cllr Miss Sparrow as follows:

Replace all that follows the words “**Council expresses**” with the following:

support for teachers, governors and parents as they seek to improve their school’s educational outcomes in the Dunstable and Houghton Regis area, including those initiating changes to their structures, age ranges and ways of working.

Council requests the Executive and all Members of the authority to continue to provide support and leadership to our schools during this period of transition.

Further to debate, the proposed amendment to the motion was put to the vote and was carried.

RESOLVED

That Council expresses support for teachers, governors and parents as they seek to improve their school’s educational outcomes in the Dunstable and Houghton Regis area, including those initiating changes to their structures, age ranges and ways of working.

Council requests the Executive and all Members of the authority to continue to provide support and leadership to our schools during this period of transition.

C/12/14

Written Questions

A written question had been submitted under Rule No 13.3 by Cllr Smith as follows:

“On Monday 30 July 2012 Central Bedfordshire Council granted a Sex Entertainments License to an applicant in Ampthill. In relation to this I would like to know:

- Why did Central Bedfordshire Council’s Statement of Licensing Policy for Sex Establishments not establish a ‘nil’ policy for such establishments in the area when legislation gives this option?
- Can the Policy be reviewed at the earliest possibility and a ‘nil’ policy be adopted?
- Why was the Policy not checked for errors, as under 9.7 it states “In all cases, applicants and those making objections that are genuinely aggrieved by a decision of the Council are entitled to appeal to the Magistrates’ Court”. This is incorrect, as licenses relating to sex establishments are governed by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. In that Schedule a right of appeal is provided for the applicant but not the objectors.

The people of Ampthill feel very aggrieved by the decision of this Council and unless the Council’s Policy is reviewed swiftly then there is every possibility of such establishments appearing in the centre of a community near you in the future.”

The following reply was provided by Cllr Birt as Chairman of the Licensing Committee:

1. It is not open to the Council to impose a blanket ban on sex establishments throughout the entire district. However, the legislation does permit the Council to refuse an application on the ground that the number of sex establishments in the relevant locality equals or exceeds the number considered appropriate for that area. In that regard, the legislation provides that ‘nil’ may be an appropriate number.

The considerations that would need to be undertaken to implement a ‘nil’ venue policy for a particular locality would be substantially the same as those that are required when considering a specific application for a sexual entertainment licence and thus there is no greater protection provided by having a ‘nil’ venue policy, than by considering each case on its own merits. This is because the same considerations are used for both decisions. It is arguable that considering the merits of each application is a more appropriate approach, as this does not give rise to arguments relating to an unfair or inappropriate policy decision.

2. We are going to undertake a review of the Council's current policy and, as part of that review, we will consider whether there is any advantage in adopting a 'nil' venue policy for certain locations. However, as I have already stated, we have reservations about whether such an approach has any advantages over the Council's current policy of determining individual applications on their merits.
3. It is a matter of regret that the policy contained incorrect information about the right of appeal. As you point out in your question, the right of appeal in respect of sex establishments is more restrictive than is the case for other types of licence which are determined under the Licensing Act 2003. Excepting the Council's interpretation of the appeal provisions, an individual may nevertheless seek to appeal to the Magistrates Court and ultimately it would be a matter for the Court to determine whether such an appeal would be permitted.

C/12/15

Open Questions

1. Councillor Aldis asked about improvements to the quality of service in relation to response time for customers when phoning the Council's Contact Centre.

The Deputy Member for Corporate Resources advised of work being undertaken to address the current difficulty.
2. Councillor Dalgarno asked a question about changes being proposed to policing in Bedfordshire.

The Leader commented on the importance of effective communication of the proposed changes and their intended impact consultation process undertaken by the Police Authority.
3. Councillor Murray asked about an advertisement sign on a road traffic diversion sign.

The Executive Member for Sustainable Communities Services advised that he was unaware of the signage and would undertake to investigate the matter.
4. Councillor Duckett asked a question about the Councils Sexual Entertainment Venue policy where there is no requirement for planning consent for change of use.

The Executive Member for Sustainable Communities – Strategic Planning and Economic Development advised that this policy issue would be investigated and that licensed premises would be rigorously monitored and the terms of licence enforced.

5. Councillor Dalgarno asked a question about the price of music lessons.

The Executive Member for Children's Services indicated that he would provide Councillors with a written response.

6. Councillor Egan asked a question regarding rubbish on amenity land in her ward.

The Executive Member for Sustainable Communities advised that he would provide a written response.

7. Councillor Aldis asked for an update on the motion that was agreed at the last Council meeting concerning arrangements to encourage children to swim during the school summer holidays.

The Executive Member for Sustainable Communities advised that due to time constraints it had not been possible to implement such a scheme. He would undertake to look into this matter for future school summer holidays.

8. Councillor Aldis asked a question on the frequency of weed spraying throughout Central Bedfordshire.

The Executive Member for Sustainable Communities advised on the programme of weed killing sprays throughout Central Bedfordshire.

9. Councillor Brown asked a question in relation to providing an additional garden waste sack.

The Executive Member for Sustainable Communities that there were no plans to introduce provision of an additional garden waste sack due to financial implications.

10. Councillor Shadbolt expressed concern regarding the visibility of policing following the restructure of the Police Authority.

The Leader expressed his concern that he did not wish to see a reduction in policing throughout Central Bedfordshire and commented that Central Bedfordshire Council intended to work with the Police and Crime Commissioner to ensure the safeguarding of residents.

C/12/16

Police and Crime Panel Arrangements

The Council received and considered a report setting out the requirement to put in place arrangements for the establishment and maintenance of the Bedfordshire Police and Crime Panel. The proposed arrangements were attached to the submitted report at Appendix A.

RESOLVED

- 1.1 That the proposed Panel Arrangements attached as Appendix A to the submitted report be approved;**
- 1.2 To note that the Panel will review the Panel Arrangements following the first full year of operation and report back to constituent authorities on any changes it considers are required in the light of experience.**

(Note: The meeting commenced at 6.30 p.m. and concluded at 9.40 p.m.)

Chairman

Dated