

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



please ask for Leslie Manning
direct line 0300 300 5132
date 10 July 2013

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Thursday, 18 July 2013 10.00 a.m.

Venue at

Room 15b, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the GENERAL PURPOSES COMMITTEE:

Cllrs P Hollick (Chairman), R C Stay (Vice-Chairman), P N Aldis,
Mrs C F Chapman MBE, A L Dodwell, J G Jamieson, M R Jones,
D J Lawrence, Mrs J G Lawrence, J Murray, B Saunders and N Warren

[Named Substitutes:

K Janes, D Jones, K C Matthews, A Shadbolt, I Shingler, M A G Versallion
and J N Young]

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

AGENDA

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the General Purposes Committee held on 16 May 2013 (copy attached).

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

5. **Petitions**

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

6. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

Reports

Item	Subject	Page Nos.
7	Annual Report on the Arrangements for Ethical Standards To consider developments in respect of ethical standards since the Localism Act 2011 came into force on 1 July 2012.	* 17 - 38
8	Work Programme To consider the Committee's work programme for 2013/14.	* 39 - 42

9 **Exclusion of Press and Public**

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

Item Likely to be Considered Following the Exclusion of the Press and Public

<i>Item</i>	<i>Subject</i>	<i>Exempt Para.</i>	<i>Page Nos.</i>
10	Market Rate Supplement Payments - Update	* 1, 2	43 - 52

To consider the cost to each Directorate of the funding of market rate supplements and a comparison with the costs of the previous financial year.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Thursday, 16 May 2013

PRESENT

Cllr P Hollick (Chairman)
Cllr R C Stay (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	Mrs J G Lawrence
	Mrs C F Chapman MBE		J Murray
	A L Dodwell		B Saunders
	M R Jones		N Warren
	D J Lawrence		

Apologies for Absence: Cllrs J G Jamieson

Members in Attendance: Cllrs D Bowater
R D Berry

Officers in Attendance:	Mr J Atkinson	–	Head of Legal and Democratic Services
	Mr R Gould	–	Head of Financial Control
	Mrs C Jones	–	Head of HR Policy & Development
	Mr L Manning	–	Committee Services Officer

GPC/13/2 **Minutes**

RESOLVED

that the minutes of the meetings of the General Purposes Committee held on 14 March and 18 April 2013 be confirmed and signed by the Chairman as a correct record subject to the following amendments:

18 April 2013 – Appendix A - General Purposes Committee Nominations

In the section referring to the Employee Partnership Committee include ‘Vacancy (C)’ at the end of the list of nominated members and again at the end of the list of nominated substitutes.

GPC/13/3 **Members' Interests**

None.

GPC/13/4 **Chairman's Announcements and Communications**

None.

GPC/13/5 Petitions

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/13/6 Questions, Statements or Deputations

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/13/7 Capital Programme Management

The Committee considered a report by the Deputy Leader and Executive Member for Corporate Resources which sought Members' views on a number of proposed amendments to the Constitution with regard to the management of the Council's Capital Programme. The meeting noted that the aim of the amendments was to simplify the approval of capital schemes in order that the Capital Programme could operate more efficiently.

The Committee was reminded that on 28 January 2013 it had recommended to Council that the Constitution be amended to allow the inclusion of specific reserve list items, which had been previously agreed by Council, within the Capital Programme. That recommendation had subsequently been approved at Council on 21 February 2013. The further changes now proposed to the Constitution simplified the classification of capital schemes but, with the exception of schemes that were fully funded from external sources, maintained the existing approval requirements. If the revisions were approved, corporate project approval and management documentation would be revised to reflect the amendments.

The revisions proposed to the capital programme governance related to clauses in the Code of Financial Governance in Part I2, section 4.10 of the Constitution and in the Executive Functions in Part C3, section 3 of the Constitution as set out in Appendices A and B to the report.

The Deputy Leader and Executive Member for Corporate Resources spoke in favour of the proposed revisions. A Member then raised a query regarding the proposed delegation of authority to the relevant Executive Member who, subject to conditions, could include schemes within the Capital Programme that were fully externally funded and where the gross expenditure was less than £500,000. In response the Legal and Democratic Services Officer and the Head of Financial Control explained that any such decisions would be recorded and the approved schemes would be disclosed in public reports monitoring the delivery of the Capital Programme.

RECOMMENDED TO COUNCIL

that the Constitution be amended by including the proposed capital programme related revisions to the Code of Financial Governance in Part I2, section 4.10 of the Constitution and to the Executive Functions in Part C3, section 3 of the Constitution as set out in Appendices A and B respectively to these minutes.

GPC/13/8 Review of Member/Officer Protocol

The Committee was aware that, prior to the meeting taking place, the withdrawal of the item on the review of the Member/Officer Protocol had been authorised. In response to Members' queries the Head of Legal and Democratic Services explained the reason for this action.

GPC/13/9 General Purposes Committee - 2013/14 Work Programme

Members considered a report by the Head of Legal and Democratic Services setting out the proposed Work Programme for the Committee for 2013/14.

Arising from the withdrawal of the item on the review of Member/Officer protocol it was suggested that this item be considered at the Committee's next meeting in July. It was also suggested that, given the current absence of business for the Committee's meetings in October, January and March, these be regarded as reserve meetings that could be cancelled if necessary.

Members referred to the proposed submission of an annual report on ethical standards complaints to the meeting of the Committee in July. They emphasised the need to regularly examine all aspects of the impact of the Localism Act 2011 on ethical standards issues and concern was expressed that the provision of an annual report was insufficient for this purpose. In response the Head of Legal and Democratic Services assured Members that the matters they had raised, including the frequency of reports to the Committee, would be considered in his forthcoming report to the next meeting.

RESOLVED

that the proposed General Purposes Committee Work Programme for 2013/14, as attached at Appendix A to the report of the Head of Legal and Democratic Services, be approved subject to the following amendments:

**18 July 2013 – add Review of Member/Officer Protocol (JA)
3 October 2013 – mark as 'Reserve Meeting'
20 January 2014 - mark as 'Reserve Meeting'
13 March 2014 - mark as 'Reserve Meeting'**

(Note: Minute GPC/13/11 below also refers).

GPC/13/10 **Exclusion of Press and Public**

RESOLVED

that in accordance with Section 100A of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following item of business on the grounds that consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

GPC/13/11 **Market Rate Supplement Payments - Update**

The Committee considered a report by the Assistant Chief Executive People and Organisation which provided an update on the current application of market rate supplements (MRS) to posts across Central Bedfordshire Council.

The meeting noted that the purpose of applying an MRS was an attempt to bridge the gap between the Council’s salary levels and the ‘current’ market rate of pay and had historically been applied in response to difficulties in recruiting and retaining certain staff groups, roles or skills.

Appendix A to the Assistant Chief Executive’s report provided an overview summary of the payments made by Central Bedfordshire Council as at 1 April 2013.

Full discussion took place with Members identifying both the need for additional information and various aspects of MRS use which they felt required further examination.

RESOLVED

that the Assistant Chief Executive People and Organisation submit a report to the meeting of the General Purposes Committee on 18 July 2013 setting out the proportion of each Directorates’ budget used to fund the payment of market rate supplements together with an illustration of whether these had changed from the previous financial year and, if so, by what extent.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.00 a.m.)

Chairman

Dated

APPENDIX A

I2 CODE OF FINANCIAL GOVERNANCE

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4.10	Capital Programme:	Formatted Table
4.10.1	Investment in capital assets shapes future service delivery and creates future financial commitments. The Capital Programme is a <u>four</u> -year programme, <u>including the current budget year</u> , of estimated capital expenditure and associated funding. The Full Council will approve a Capital Programme each year, recognising that approving initial estimates is the first stage in the process of progressing a proposed scheme to implementation. Estimates produced at this stage will be liable to change.	Deleted: three
4.10.2	The Executive will receive budgetary proposals for inclusion in the Council's Capital Programme and will submit a proposed programme to the Full Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources or external funding sources.	
4.10.3	Capital Schemes will be grouped into <u>three</u> main categories: <ul style="list-style-type: none"> Rolling Programmes; Capital Schemes (<u>gross expenditure budget £60,000 and above</u>); Minor Capital Schemes (<u>gross expenditure budget, £59,999 and below</u>). 	Deleted: four Deleted: Major Deleted: over Deleted: 50 Deleted: Whole Life Cost
4.10.4	Outline Business Case All categories of capital projects will require an Outline Business Case in order to be considered for inclusion in the proposed Capital Programme. An Outline Business Case will normally have best estimates of capital and revenue costs, timescales, and deliverables. Outline Business Cases will be approved by the relevant <u>Executive Member</u> in consultation with the relevant Director, the <u>Executive Member Corporate Resources</u> and the Chief Finance Officer.	Deleted: <#>Intermediate Capital Schemes (between £60,000 - £500,000 Whole Life Cost)¶ Deleted: under Deleted: Whole Life Cost Deleted: Portfolio Holder Deleted: Portfolio Holder Finance, Governance and People

4.10.5 Detailed Business Case

A Detailed Business Case will have fully validated costs (including ongoing revenue costs), timescales, deliverables and where necessary an exit strategy. The process for approving capital schemes for subsequent implementation will be different according to their category and is explained in paragraphs 4.10.6 to 4.10.11, below.

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4.10.6 Rolling Programmes

Rolling programmes in the Council's Capital programme are largely concentrated on infrastructure and asset improvement and maintenance.

After a Rolling Programme has been approved by the Council for inclusion in the Capital Programme, a single Detailed Business Case will be produced for the whole programme before it proceeds. The detailed Business Case should be updated annually.

The Detailed Business Case and release of capital expenditure will be approved by the relevant Executive Member in consultation with the relevant Director, the Executive Member for Corporate Resources and the Chief Finance Officer.

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4.10.7 Capital Schemes (gross expenditure budget £60,000 and above)

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After a Capital Scheme has been approved by the Council for inclusion in the Capital Programme, a Detailed Business Case will be produced for the scheme. Executive approval to implement will be required for schemes with a gross expenditure budget exceeding £499,999. Schemes with a gross expenditure budget above £59,999 but below £500,000 can proceed with the approval of the relevant Executive Member in consultation with the relevant Director, Executive member for Corporate Resources and the Chief Finance Officer.

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For Capital Schemes, some further costs may need to be incurred to take a project up to Detailed Business Case stage. The relevant Executive Member in consultation with the relevant Director, the Executive Member Corporate Resources and the Chief Finance Officer can authorise expenditure up to a level of 10% (not to exceed £60,000) of the approved gross expenditure budget at this stage to enable a Detailed Business Case to be produced. The revenue budget of the applicable directorate will meet these costs if ultimately the scheme does not proceed for any reason.

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4.10.8 Minor Capital Schemes (gross expenditure budget £59,999 and below)

A Detailed Business Case is not required for these schemes and Minor Capital Schemes in this range can proceed with the approval of the relevant Executive Member in consultation with the relevant Director, Executive Member for Corporate Services and the Chief Finance Officer.

4.10.9 In year, the Executive may approve expenditure on Capital Schemes that have not previously been included in the Capital Programme, but which were included in the Reserve list approved by Council when setting the Capital Programme or are schemes with gross expenditure budgets exceeding £499,999 which are to be funded in full from external sources. Approval is subject to the production of Outline and Detailed Business Cases and confirmation that the revenue cost of such schemes can be accommodated from within the approved revenue budget for the Capital Programme in the relevant financial year, as confirmed by the Chief Finance Officer and the Executive Member for Corporate Resources.

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- Deleted:** The Detailed Business Case and release of capital expenditure will be approved by the relevant Portfolio Holder in consultation with the relevant Director, the Portfolio Holder Finance, Governance and People and the Chief Finance Officer.¶¶
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4.10.10 In year, the Executive may approve expenditure on new Capital Schemes estimated to cost less than £500,000 net of external funding that have not previously been included in the Capital Programme, subject to the production of Outline and Detailed Business Cases. New Capital Schemes estimated to cost more than £500,000 net of external funding must be approved by Full Council if not previously included on the Reserve List.

4.10.11 Schemes that are fully externally funded and where the gross expenditure budget is less than £500,000 can be included in the Capital Programme with the approval of the relevant Executive Member in consultation with the relevant Director, Executive Member for Corporate Resources and the Chief Finance Officer subject to the production of Outline and Detailed Business Cases.

4.10.12 Variations from the Detailed Business Case

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Where there are variations in the net costs of capital schemes compared with the provision in the Detailed Business Case, additional costs will be approved in accordance with the following conditions:-

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Existing Scheme - net capital budget - Additional Costs	Approval Powers
Up to <u>10% of the approved net scheme budget subject to a maximum value of £25k</u>	Relevant Executive Member and relevant Director <u>and Chief Finance Officer</u>
Up to <u>25% of the approved net scheme budget subject to a maximum of £100,000</u>	Executive
<u>Over 25% of the approved net scheme budget or over £100,000</u>	Council

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Where additional costs are agreed, the relevant Executive Member in consultation with the relevant Director will seek compensatory savings.

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4.10.13 The Chief Finance Officer will report to the Executive on the monitoring of the approved Capital Programme, including: expenditure and income to date; projected expenditure and income and approved variations.

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APPENDIX B

C3 EXECUTIVE FUNCTIONS

3. Functions delegated to all Executive Members and individual portfolio holders

Responsibility	Functions	Qualifications (if any)
The relevant Executive Member	To authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum, capital gross expenditure or total contract value)	In consultation with the relevant Director or Assistant Chief Executive, the Executive Member for Corporate Resources and the Chief Finance Officer and subject to compliance with Paragraph 19 of the Access to Information Procedure Rules.
The Executive Member for Corporate Resources	To authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum or capital gross expenditure or total contract value)	In consultation with the relevant Executive Member and Monitoring Officer

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Meeting: General Purposes Committee
Date: 18 July 2013
Subject: Annual Report on the Arrangements for Ethical Standards
Report of: Head of Legal & Democratic Services/ Monitoring Officer
Summary: The report considers the developments in respect of ethical standards that have taken place since the Localism Act 2011 was brought into force on 1 July 2012.

Advising Officer: John Atkinson, Head of Legal & Democratic Services/Monitoring Officer
Contact Officer: As above
Public/Exempt: Public.
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The effectiveness of the Council's governance arrangements contributes to the achievement of all the Council's priorities.

Financial:

1. The proposals contained in the report have no immediate financial implications.

Legal:

2. Under the Localism Act 2011, the Council was required to introduce revised arrangements governing ethical standards, including a Code of Conduct, arrangements for handling complaints and the establishment of a Register of Members Interests. The Council also has responsibility for overseeing the arrangements that are adopted by Town and Parish Councils and for investigating complaints that are made against Town and Parish Councillors.

Risk Management:

3. It is important that the Council has in place an effective local framework to secure high ethical standards in the conduct of its business. The main risk to the Council of a failure in the area of ethical standards is reputational.

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

6. Not applicable

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION:

The Committee is asked to review the arrangements that the Council has made to comply with its obligations in respect of ethical standards under the Localism Act 2011 in the light of the first year's experience.

Introduction

10. The Localism Act 2011 introduced revised arrangements for local authorities in respect of ethical standards, including the Code of Conduct, Register of Interests and the handling of complaints. This Council's obligations under the Act included certain responsibilities regarding the Register of Interests and the conduct of complaints relating to Town and Parish Councils.
11. The Council adopted a new Code of Conduct at its Annual Meeting in April 2012. The relevant provisions in the Localism Act 2011 came into force on 1 July 2012 and in accordance with those provisions the Council subsequently approved the matters that should be included in the Register of Interests and appointed a panel of independent persons to provide views on complaints.
12. The purpose of this report is to provide the Committee with a summary of how the new arrangements have worked in practice over the last 12 months.

The Code of Conduct

13. The Code of Conduct adopted by the Council has also been adopted by most town and parish councils in the area. However, it is open to each council to adopt its own code and so there is not a single code of conduct that covers all councils in Central Bedfordshire. A number of parish councils have adopted the model Code of Conduct circulated by the National Association of Local Councils. To date, this has not caused any practical problems.
14. A copy of the Council's Code of Conduct is attached as Appendix A. In practice, the Code seems to provide a sound framework for issues regarding the conduct of Members.

The Register of Interests

15. The Council decided to confine the items that must be included in the Register of Interests to those disclosable pecuniary interests that were prescribed by the government in regulations. However, the Council also adopted the following general obligation:

As an over-riding obligation, Members are required to abide by the law and the Nolan Committee Seven Principles of Public Life in determining whether any additional interests should be disclosed.

16. Members were asked to submit fresh register of interests forms to reflect the new categories of disclosable pecuniary interest prescribed by the Regulations.
17. This Council's Monitoring Officer is responsible under the Act for ensuring that the registers of interest for all the town and parish councils in the area are published on the Council's website and are available for inspection. New forms and guidance notes were issued to town and parish clerks following the publication of the Regulations and they were asked to submit their registers to this Council for publication. The current position is that we have received 420 completed forms for town and parish councillors.
18. All councillors are under an obligation to notify the Monitoring Officer of any disclosable pecuniary interests they have within 28 days of their election to the Council. In August 2012, the Secretary of State issued guidance for councillors entitled: *Openness and transparency on personal interests*. In this guidance, the Secretary of State emphasised that under the principle of honesty holders of public office have a duty to declare any private interests relating to their public duties and that this obligation did not only apply in the immediate aftermath of their election.

Independent Persons

19. The Act provides that each Council must appoint at least one independent person whose views are to be sought and taken into account before the Council makes a decision following the investigation of a complaint that a Member of the Council or a Town or Parish Councillor has failed to comply with the Code of Conduct.

20. The Council worked in collaboration with Bedford, Luton and Milton Keynes Councils to establish a joint panel of independent persons. This arrangement seems to have worked well over the last year. In practice over that period, no complaints in Central Bedfordshire have proceeded to the stage of formal investigation, but the Monitoring Officer has consulted an independent person in each case where he has carried out an initial assessment and their views have been helpful in determining whether any action should be taken.

Complaints

21. A copy of the procedure that the Council has adopted for handling complaints is attached as Appendix B.
22. There have been a significant number of complaints received since 1 July 2012, but it has been necessary for the Standards Sub-Committee to meet on only one occasion so far. At the time of writing this report, the Monitoring Officer has received a total of 28 complaints under the new arrangements. Of these, twenty-two complaints concern Town and Parish Councillors and six are about Members of Central Bedfordshire Council. Twelve of the complaints concern Members of one Parish Council. These twelve complaints have recently been referred to the Standards Sub-Committee to consider how best to approach this situation.
23. The procedure provides for the Monitoring Officer to carry out an initial assessment of all complaints received, in consultation with an independent person. This process has generally worked well but it has not been possible in all cases for the assessment process to be completed within the 20 day period. A number of the complaints relate to contentious issues where the complainant has been engaged in pursuing their concerns in other ways and, whatever the merits of the particular complaint, these cases require careful handling to try to achieve a satisfactory resolution to the complaint. There was also a delay in handling complaints following the introduction of the new arrangements pending the appointment of independent person. This process was completed in September 2012.

Transitional Arrangements

24. The transitional regulations provided that any complaints that remained outstanding as at 1 July 2012 would be completed in accordance with the new arrangements.

25. In Central Bedfordshire, six complaints were received before 1 July 2012 where the complaints process was not completed before the new arrangements came into force. Four of these cases were actually received during the last week of June and have been handled throughout in accordance with the new arrangements. There were two complaints where the process was started under the previous statutory framework but not completed by 1 July 2012. In one case, an investigation was carried out after 1 July 2012. The investigating officer's report recommended that no further action was required and this recommendation was accepted by the Monitoring Officer. In the other case, the initial assessment was completed before 1 July 2012 but the complainant requested a review of the decision taken by the Assessment Sub-Committee after 1 July 2012. The Monitoring Officer dealt with this by asking an independent person with experience as an independent member of the Council's Standards Committee to conduct the review. The Monitoring Officer acted on the recommendations of the independent person and the complaints process was completed in this way.

Training

26. Training was provided for Members of the Council on the new arrangements on 13 July 2012. Since then the Monitoring Officer has delivered three training sessions for Town and Parish Councillors. These sessions were attended by over 50 Councillors and Clerks.

Conclusion and Next Steps

27. In general, the arrangements that the Council put in place in response to the requirements in the Localism Act 2011 are working well.

Appendices:

Appendix A – Code of Conduct

Appendix B – Procedure for Handling Complaints

Background Papers: None

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Appendix A

F1 THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

1. Introduction

- 1.1 This Code of Conduct ("the Code") has been adopted by the Council as required by Section 27 of the Localism Act 2011 ("the Act").
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("Members") and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the "Nolan" principles of standards in public life):

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership

2. Who does the Code apply to?

- 2.1 The Code applies to all members of the Council and to all co-opted members of any committee, sub-committee or joint committee or sub-committee of the Council.

3. When does the Code apply?

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.

Appendix A

4. What standards of conduct are Members expected to observe?

Selflessness:

- 4.1 Members must always act in the public interest.
- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves or any other person, an advantage or disadvantage.
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

Integrity

- 4.4 Members must not do anything which compromises or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

Objectivity

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Head of Paid Service, Chief Finance Officer and Monitoring Officer, where such advice is provided pursuant to their statutory duties.

Accountability

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

Local Government Act 1972
Employment Rights Act 1996
Data Protection Act 1998
Freedom of Information Act 2000
Bribery Act 2010
Equality Act 2010
Localism Act 2011

Appendix A

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply (e.g. in respect of Member/Officer Relations, ICT, Member Allowances etc).

Openness

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Constitution.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

Honesty

- 4.12 Members must declare any disclosable pecuniary interests or conflicts of interest that may arise in respect of their responsibilities as a member of the Council.
- 4.13 Members must at all times ensure that their claims for expenses, allowances, and their use of facilities and services provided by the Council are strictly in accordance with the rules laid down on these matters.

Leadership

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 Members should value the Council's officers and work alongside them to achieve the Council's objectives.
- 4.17 In their dealings with the Council's employees, Members must have regard to the Council's protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

5. Register of Interests

- 5.1 The Council's Monitoring Officer maintains a register of interests of members and co-opted members of the Council.

Appendix A

- 5.2 The Council has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interests prescribed by regulations. These interests are listed in Part F2 of the Council's Constitution.
- 5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.
- 5.4 On taking office, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.
- 5.5 As an over-riding obligation, Members are required to abide by the law and the Nolan Committee Seven Principles of Public Life in determining whether any additional interests should be disclosed.
- 5.6 Members must disclose, when they are present at meetings of the Council, the Executive and all committees, sub-committees and joint committees, if they have a pecuniary or other interest in an item of business on the agenda of the meeting and the nature of that interest and where the interest constitutes a disclosable pecuniary interest, to withdraw from the meeting during consideration of that item of business. A dispensation has been granted in respect of Member representations prior to leaving the meeting, the details of which are set out in Appendix A, Schedule 1 paragraph 2 below.

Appendix A

DISCLOSABLE PECUNIARY INTERESTS

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member of Central Bedfordshire Council, Members must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

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Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions:

- “the Act” means the Localism Act 2011;
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- “director” includes a member of the committee of management of an industrial and provident society;
- “land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- “M” means the person M referred to in section 30 of the Act;
- “Member” includes a co-opted member;
- “relevant authority” means the authority of which M is a member;

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- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;
- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

2. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the Register will be available for public inspection and will be published on the authority’s website.

3. Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

4. Non participation in case of disclosable pecuniary interest

If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.

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Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5. Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

The details of dispensations are set out in Schedule 1 below.

6. Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

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Schedule 1

Dispensations to Members of the Council

1. A general dispensation has been approved and 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 all Members;
 - (b) setting the Council Tax or precept;
 - (c) housing, where they are a tenant of the Council, provided that the item of business does not particularly relate 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. A dispensation has been granted where a Member has a disclosable pecuniary interest in an item on the agenda of a meeting, permitting the Member to make representations, answer questions and 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.

Note: This dispensation cannot apply to hearings conducted by the Licensing Sub-Committee where a separate statutory procedure regarding the right to speak applies.
3. Subject to paragraph 4 below, the dispensations set out at 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. These dispensations will be reviewed in the light of experience and having regard to the requirements set out in section 33 of the Act.
5. Specific requests for dispensations should be made in writing for determination by the Monitoring Officer in consultation with the Chairman of the General Purposes Committee.

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**F2 ARRANGEMENTS FOR DEALING WITH STANDARDS
ALLEGATIONS UNDER THE LOCALISM ACT 2011**

1. Context

These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted member of this Council or of a parish council within its area has failed to comply with the relevant authority’s Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

2. The Code of Conduct

Central Bedfordshire Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council’s website or on request from the Monitoring Officer at Priory House, Chicksands.

Each town and parish council in the area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council’s website or on request from the town or parish clerk.

3. The Independent Person

The Council is required to appoint at least one independent person. The Council must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.

The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

4. Making a complaint

A complaint that a member of Central Bedfordshire Council or of a town or parish council in the District has failed to observe the Council’s Code of conduct should be submitted to:

The Monitoring Officer
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

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The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the arrangements for complaints about Member misconduct.

In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.

Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed about the complaint within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

5. Initial Assessment

The Monitoring Officer will assess every complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.

Where the complaint relates to a parish councillor, the Monitoring Officer may also inform the Parish Council about the complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

6. Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. Where the member or the authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

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7. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.

Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:

- **No action**
- **Local Resolution**
- **Hearing**

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8. No Action

If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint.

9. Local Resolution

If the Investigating Officer concludes that there has been a breach of the Council's Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.

A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and or accepting other remedial action by the Council.

If the Member and the complainant agree to accept the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee (and the Parish Council) for information, but will take no further action. However, if either the complainant or the Member informs the Monitoring Officer that the suggested resolution is not acceptable, then the Monitoring Officer will refer the matter to the Standards Sub-Committee for a hearing.

10. Hearings

If the Monitoring Officer considers that local resolution is not appropriate, or if either the complainant or the Member are not willing to co-operate with the proposal for local resolution, then the Monitoring Officer will submit the Investigating Officer's report to the Standards Sub-Committee which will conduct a hearing into the complaint before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the matter.

Following the hearing, the Standards Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.

If the Standards Sub-Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code.

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Before reaching a decision, the Standards Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person.

11. Sanctions

The Council has delegated to the Standards Sub-Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Sub-Committee may –

- 11.1 censure the Member;
- 11.2 publish its findings in respect of the Member's conduct;
- 11.3 report its findings to the Council (or to the Parish Council) for information;
- 11.4 instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- 11.5 inform the Member's Group Leader

The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw any special responsibility allowances to which the Member may be entitled under the Council's Members' Allowances Scheme.

The Independent Person is invited to attend all meetings of the Standards Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

12. Reviews

If either the complainant or the Member against whom a complaint has been made is dissatisfied with the outcome, he/she may ask for the decision to be reviewed. A review will be undertaken by the Standards Appeals Sub-Committee made up of Members who have not previously been involved in the consideration of the complaint.

13. Revision of these arrangements

The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee. The General Purposes Committee may therefore amend these arrangements.

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Meeting: General Purposes Committee
Date: 18 July 2013
Subject: General Purposes Committee Work Programme for 2013/14
Report of: Head of Legal and Democratic Services
Summary: This report sets out the proposed work programme for the General Purposes Committee for 2013/14.

Advising Officer: Mel Peaston, Committee Services Manager
Contact Officer: Leslie Manning, Committee Services Officer
Public/Exempt: Public
Wards Affected: All
Function of: General Purposes Committee

CORPORATE IMPLICATIONS

Council Priorities:

The activities of the General Purposes Committee are crucial to the governance arrangements of the organisation.

Financial:

1. Not Applicable.

Legal:

2. Not Applicable.

Risk Management:

3. Not Applicable.

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. Not Applicable.

Public Health

6. Not Applicable.

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not Applicable.

RECOMMENDATION:

The Committee is asked to agree its proposed work programme as attached at Appendix A to this report.

Background

10. To assist the General Purposes Committee in discharging its responsibilities during the 2013/14 Municipal Year a proposed work programme has been drawn up.
11. The work programme is attached at Appendix A to this report and contains the known agenda items that the Committee will need to consider during the year. Please note that work related to proposed revisions to the Member/Officer Protocol has not yet been completed and so it has been necessary to delay submission of this item until the next meeting of the Committee.
12. Additional items will be identified as the year progresses and the work programme is therefore subject to change.

Appendices:

Appendix A - General Purposes Committee Work Programme 2013/14.

Background Papers:

None

Location of papers:

N/A

Appendix A

General Purposes Committee Work Programme 2013/14

Date	Agenda Item
16 May 2013	<ul style="list-style-type: none"> • Capital Programme Management (RG) • Review of Member/Officer Protocol (JA) (Withdrawn) • Market Rate Supplement Payments – Annual Update (CJ) • Work Programme (LM)
18 July 2013	<ul style="list-style-type: none"> • Annual Report on the Arrangements for Ethical Standards (JA) • Review of Member/Officer Protocol (JA) (Submission delayed) • Market Rate Supplement Payments – Update (CJ) • Work Programme (LM)
3 October 2013 (Reserve meeting)	<ul style="list-style-type: none"> • Work Programme (LM) • Review of Member/Officer Protocol (JA)
3 December 2013	<ul style="list-style-type: none"> • Annual Report of the Leader – Proposed Change to the Constitution (MP) • Pay Policy Statement 2014/15 (CJ) • Work Programme (LM)
20 January 2014 (Reserve meeting)	<ul style="list-style-type: none"> • Work Programme (LM)
13 March 2014 (Reserve meeting)	<ul style="list-style-type: none"> • Work Programme (LM)
2014/15 Municipal Year	
22 May 2014	<ul style="list-style-type: none"> • Market Rate Supplement Payments – Annual Update (CJ) • Work Programme (LM)

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