

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



please ask for Leslie Manning
direct line 0300 300 5132
date 21 November 2013

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Tuesday, 3 December 2013 10.00 a.m.

Venue at

Room 14, 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:

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

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 18 July 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	Conversion Incentive To consider a proposed conversion incentive.	+ To Follow
8	Review of the Member/Officer Protocol To consider a review of the Protocol for Member/Officer Relations.	+ To Follow
9	Constitution - Proposed Amendments To consider a range of proposed amendments to the Council's Constitution to bring it up to date.	* 11 - 38

To consider the Committee's work programme.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15b, Priory House, Monks Walk, Shefford on Thursday, 18 July 2013

PRESENT

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

Cllrs P N Aldis
A L Dodwell
M R Jones
D J Lawrence

Cllrs Mrs J G Lawrence
J Murray
B Saunders
N Warren

Apologies for Absence: Cllrs J G Jamieson
Mrs C F Chapman MBE

Substitutes: Cllrs K C Matthews (In place of Mrs C F Chapman MBE)
M A G Versallion (In place of J G Jamieson)

Members in Attendance: Cllr D Bowater

Officers in Attendance: Mrs C Jones – Head of HR Policy and Development
Mr L Manning – Committee Services Officer
Ms D Clarke – Director of Improvement and Corporate Services
Mr J Atkinson – Head of Legal and Democratic Services

GPC/13/12 **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 16 May 2013 be confirmed and signed by the Chairman as a correct record.

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

None.

GPC/13/14 **Chairman's Announcements and Communications**

None.

GPC/13/15 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/13/16 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/13/17 Annual Report on the Arrangements for Ethical Standards

The Committee considered a report by the Head of Legal and Democratic Services/Monitoring Officer on developments in respect of ethical standards since the Localism Act 2011 was brought into force on 1 July 2012.

The Head of Legal and Democratic Services/Monitoring Officer introduced his report which provided a summary of how the arrangements for the new Code of Conduct, the submission of register of interests forms and use of independent persons had worked in practice over the previous 12 months. He also drew Members' attention to the procedure adopted for the handling of complaints, the number of complaints received by Central Bedfordshire Council since 1 July 2012 and a comparison with the number received in previous years.

The meeting noted that the comparison had revealed a rise in the number of complaints received regarding town and parish council members, mainly in connection with an alleged failure to disclose interests and a failure to show courtesy and respect to others. The Head of Legal and Democratic Services/Monitoring Officer stressed that, whilst the comparison had shown an increase in the number of complaints, their origin was essentially limited to a few parish councils.

The Committee considered the means by which town and parish councillors could be encouraged to attend training, it being noted that the majority had failed to attend recent training sessions organised by the Head of Legal and Democratic Services/Monitoring Officer. The possibility of using the quarterly conference between Central Bedfordshire Council and local town and parish councils as a means to raise the issue was suggested though it was acknowledged that town and parish council attendance at the conference was not representative. The Director of Improvement and Corporate Services sought the cooperation of those Members who were also town and parish councillors to help reduce the number of trivial complaints submitted in view of the cost to this Council in officer time and effort.

The Committee considered the impact of the combination of a lack of training and personal experience on following correct procedure and the failure to acknowledge personal accountability and the democratic process. Members

emphasised the importance of training for councillors to ensure the proper governance of town and parish councils, especially those where the clerk lacked formal training.

Concern was also expressed by Members regarding the failure by some town and parish councillors to return new register of interests forms. In response the Head of Legal and Democratic Services/Monitoring Officer explained that he was in contact with town and parish councils over this issue. However, he added that, whilst under the Localism Act, register of interests forms had to be submitted within 28 days of election, there was no statutory requirement for new forms to be submitted by councillors if they had been elected before 1 July 2012 when the legislation had come into force. He would continue, nonetheless, to encourage the completion and return of new forms.

NOTED

the outcome of the arrangements made by Central Bedfordshire Council to comply with its obligations in respect of ethical standards under the Localism Act 2011 following the first year of their operation.

RESOLVED

that the Head of Legal and Democratic Services/Monitoring Officer work with the Bedfordshire Association of Town and Parish Councils to arrange training for town and parish councillors and encourage their participation in such training.

GPC/13/18 **Work Programme**

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

In response to a Member's query regarding the consideration of an item on the Annual Report of the Leader the Head of Legal and Democratic Services first explained that the intention was to submit any proposed constitutional changes to the Committee's December meeting so that any suggested amendments, if eventually adopted, could be in place by the date of Annual Council. He then stated that the specific reference to the Annual Report of the Leader was in connection with the need to consider a possible amendment to the Constitution to allow Members to ask questions on the Report.

The Chairman referred to the delay in submitting a report which dealt with review of the Member/Officer protocol and how this delay was specifically linked to Members use of emails. The meeting was assured that the report would be submitted to the Committee's October meeting.

RESOLVED

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

GPC/13/19 **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/13/20 **Market Rate Supplement Payments - Update**

Further to minute GPC/13/11 of its last meeting the Committee considered a report by the Director of Improvement and Corporate Services setting out additional information on the current application of Market Rate Supplements (MRS) to posts across Central Bedfordshire Council. The report described the impact of national shortages in some qualified and experienced staff on the current market rate of pay. The report also provided information relating to the proportion/percentage of the total pay bill (including on-costs) for each Directorate budget used to fund the payment of MRS. Detail for the years 2011/12 and 2012/13 was provided in order to allow a comparison and establish what change, if any, had taken place. Also shown was the number of MRS payments against salary bandings in 2011/12 and 2012/13 and information to show how many MRS payments were made by MRS payband and by Directorate.

The Director of Improvement and Corporate Services provided the local context for the continued use of MRS within Central Bedfordshire Council, the shortcomings relating to the system and the possible remedial action.

Full and lengthy discussion took place. Members fully acknowledged the underlying challenges regarding aspects of the Council's existing pay and grading structure and the measures being undertaken or contemplated at both national and local levels to meet staffing requirements.

RESOLVED

- 1 that the action taken by officers to secure savings with regard to Carlyle Managed Services be formally endorsed;**
- 2 that the Committee record its support for the introduction of remedial action to correct the inconsistencies within Central Bedfordshire Council's pay and grading structure;**

- 3 **that future annual reports on the use of Market Rate Supplements within Central Bedfordshire Council include information on staff turnover rates, including the specialist employment areas affected, and trends that have developed;**

- 4 **that any urgent trend relating to staff turnover be reported to the Committee as soon as is possible.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.13 a.m.)

Chairman

Dated

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Meeting: General Purposes Committee
Date: 3 December 2013
Subject: Constitution – Proposed Amendments
Report of: Cllr Maurice Jones, Executive Member for Corporate Resources
Summary: The report proposes a number of amendments to the Constitution to bring it up to date.

Advising Officer: Melanie Clay, Monitoring Officer
Contact Officer: Mel Peaston, Committee Services Manager
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Financial:

1. There are no financial implications.

Legal:

2. The Constitution requires that the Council maintains an up to date Constitution (Part A2 paragraph 1.2). This report enables the Constitution to be brought up to date.

Risk Management:

3. The purpose of the Constitution is to provide a framework of rules governing the way the Council exercises its functions and takes decisions (Constitution, Part A2 paragraph 1.1). If the Constitution is not up to date, there is risk that decisions may not be clear and transparent which could leave the Council open to challenge.

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.

6. 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. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.”
7. No equality impact assessment has been carried out to advise the preparation of this report. Amendments affecting financial and procurement arrangements are proposed at the request of the Chief Finance Officer and the Head of Procurement respectively.

Public Health

8. There are no public health implications.

Community Safety:

9. Not applicable.

Sustainability:

10. The Constitution is published on the Council’s website, reducing the need for paper copies. If any member of the public, councillor or officer of the Council wishes to see or have a paper copy or extracts, arrangements can be made accordingly.

Procurement:

11. Not applicable.

Overview and Scrutiny:

12. This matter has not been considered by overview and scrutiny.

RECOMMENDATIONS:

The Committee is asked to:

1. **authorise the Monitoring Officer to amend the Constitution as set out in Appendix A (attached);**
2. **RECOMMEND TO COUNCIL the changes proposed to Part I3 of the Constitution, Code of Procurement Governance, as set out in Appendix B (attached).**

Summary

13. The Constitution provides that the Monitoring Officer may, after consultation with the General Purposes Committee, make urgent amendments to the Constitution, amendments to give effect to changes in the law, and minor amendments to correct errors and to ensure that the constitution is up to date. (Part B1 paragraph 1.1; also Part A5 paragraph 2.3)
14. This report sets out some proposed amendments which fall into those categories.
15. Otherwise, the constitution can only be changed by Council (Part B1 paragraphs 1 and 1.1). It is suggested that the changes proposed to Part I3 Code of Procurement Governance fall into this category.

Introduction

16. A number of matters in the Constitution should be addressed to correct some errors and also to bring the document up to date, to reflect current or introduce best practice.

Minor adjustments

17. A list of minor adjustments is set out at **Appendix A**. These include correcting typographical errors and updating details such as current Chief Officer titles, latest legislation etc. The reasons for the amendment are given in each case together with the proposed revised wording.
18. The Committee can authorise the Monitoring Officer to make all the amendments which are within Appendix A.

Referral to Council – Code of Procurement Governance

19. **Appendix B** sets out Part I3 of the Constitution, which is the Code of Procurement Governance.
20. The Head of Procurement has identified a number of proposed changes to this section. These can be seen as tracked changes, and include:
 - setting out the procurement procedures more clearly in a table which is defined by the amount of the contract order
 - changing the contract value at which contracts must be recorded on the Council's register of contracts
 - requiring that value for money reviews of contracts must take place as a minimum on an annual basis and before any contract extension.

21. The reasons for reducing the value of contracts which must be recorded on the Council's register from £60,000 to £20,000 are:
- to provide that the visibility and management of a wider spectrum of CBC spend through our contracts for goods and services is improved. It will also match the requirement that for procurements above £20,000 the council's electronic tendering system must be used. To aid implementation an improved contract management system is being considered for implementation in the new year.
22. Requiring value for money reviews annually and before contract extensions ensures:
- consistency of approach to our supply base
 - delivery of as much value as possible.
23. It is not appropriate for the Monitoring Officer to make the proposed changes to Part I3 as they are neither urgent, nor corrections, nor simple updates. The appropriate route is for the Committee to recommend these changes to Council. Council will meet on 30 January and can consider the Committee's recommendations then.

Conclusion and Next Steps

24. Whilst all the amendments proposed in Appendix A can be effected by the Monitoring Officer, subject to the approval of the Committee, the changes proposed through Appendix B should be made by Council.

Appendices:

Appendix A – Schedule of Minor Proposed Amendments

Appendix B – Part I3, Code of Procurement – Proposed Amendments

Background Papers: (open to public inspection)

None

Appendix A

Table of proposed minor amendments to the Constitution to be carried out by the Monitoring Officer

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
1	B1 para 1.1	General Purposes Committee	Constitution Advisory Group	Updating to reflect current Council arrangements.
2	B5 para 2.2.2.17	"To receive an annual report from the Leader outlining policy priorities for the forthcoming year."	"To receive and consider an annual report..." The change is the deletion of the words "to consider".	At the last AGM some Councillors considered there was a lack of clarity arising from the inclusion of the words "to consider". Amending the sentence as proposed makes the meaning clear.

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
3	B5 para 2.6.2	Delete wording “ for reporting to the Council for information” .		Deletes the requirement for changes in membership of committees agreed by political group leaders during the course of a year to be reported to Council for noting. Instead, will be reported through the weekly Members’ Information Bulletin. The public can see membership of any committee on the website.
4	B5 para 4.2.1.14	Delete the words “Bedfordshire Police Authority”		Update to reflect change in arrangements. The PCC and PCP cannot be required to report to Council, although there is provision through the constitution to include reports on the Council agenda if they do so.

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
5	B5 para 4.2.1.17	After “to answer open questions asked by members of the Council under Rule no 13.7” add “as the final item on the agenda”		Update to reflect established practice
6	D1 table following para 1.1 Terms of Reference of Corporate Resources Overview and Scrutiny Committee	Delete “Office of the Chief Executive” and insert Directorate of Improvement and Corporate Services	Directorate of Corporate Resources	To reflect current directorate arrangements
7	D1 table following para 1.1 Terms of Reference of SusCom O&S Cttee	1 st line insert after” review and scrutiny” insert “community services and regeneration and business support”	Sustainable communities	To reflect current directorate arrangements

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
8	E2 para 4.2.2	Replace "twice" with "once" so the paragraph reads "The Council will receive a report from the Chairman of the Audit Committee on the Committee's activities once each year".		Update to reflect established practice.
9.	F1 additional para 5.7	"Members must register any gifts and hospitality they receive in the course of undertaking their responsibilities as a Member of the Council where the estimated value exceeds £25.00. Guidance for Members on the receipt of gifts and hospitality is contained in Part 1 of the Ethical Handbook and Members should have regard to that guidance when deciding whether it is appropriate for them to accept gifts and hospitality. A decision to accept a gift and/or hospitality may reflect on the perception of whether Members are acting in the public interest or acting for the personal benefit of themselves or others and, depending on the circumstances, acceptance of a gift or hospitality may give rise to a breach of a number of obligations included in the Council's Code of Conduct."	New paragraph at the conclusion of the section on Part F1 Register of Interests.	To clarify how the Council's Code of Conduct impacts on gifts and hospitality.

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
10	H1 para 2	Amend the index of chief officers	Delete previous chief officer titles - Director of Sustainable Communities, Assistant Chief Executive – People and Organisation / Resources	Update to reflect titles of officers in the current corporate management team
11	H1, table set out in para 3.1	Add to the table of statutory officer appointments: S3 & S25 Local Government Act 2003 Chief Finance Officer – Assistant Director Financial Services		Update to insert this statutory appointment
12	H1 para 3.4.7	Add to the functions of the Monitoring Officer “Procurement of external legal advice: the Monitoring Officer will advise on the procurement of external legal advice.”		Update to reflect current arrangements

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
13	H1 para 3.5.2	<p>Insert a new paragraph under the functions of the Chief Finance Officer as follows:</p> <p>“Sustainable financial position: 23 & 25 of the Local Government Act 2003 require the Chief Finance Officer to report to the Council at the same time that the budget is considered and the council tax set on the robustness of the budget estimates and the adequacy of financial reserves. He/she must ensure that the guidelines and ratios set down for the purposes of the Prudential Capital regime are adhered to, once fixed, and report to the Council if they are going to be infringed.”</p>		Update – include for completeness.
14	H1 table following para 4.4	<p>Insert new item to follow item 6, and re-number the table items thereafter.</p> <p>New item 7 to read: The Flood and Water Management Act 2012</p>		To reflect new legislation
15			<p>To maintain a register of structures and features which are likely to have a significant effect on flood risk in the area</p>	<p>Assistant Director Planning</p>

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
16	H1 table following para 4.4, final 4 items of the table	Chief legal and Democratic Services Officer and Monitoring Officer	Assistant Director Customers and Systems	To reflect the current appropriate post
17 i	H3 Contents page, section 4	Insert after "Chief Executive" the words " – including the Chief Finance Officer"	Delete "4.2 Assistant Chief Executive – People and Organisation and Assistant Chief Executive – Resources"	To reflect the current titles of Directors and bring up to date
17 ii	ditto	Insert "4.2 Director of Improvement and Corporate Services – including Monitoring Officer"		As above
17 iii	ditto	Insert "Community Services Director"	Delete "Director of Sustainable Communities"	As above
17 iv	ditto	Insert "Director of Regeneration and Business Services"		As above
17 v	ditto	Insert correct page numbers as appropriate		To bring up to date

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
18	H3 para 3	Delete "and each Assistant Chief Executive"		To reflect the current posts within the Corporate Management Team
19	H3 para 3.2.1.3	Delete "the two Assistant Chief Executives"		As above
20	Part H3 beneath section 4.1 Chief Executive	Move all the delegations relating to the Chief Finance Officer to here and renumber paragraphs appropriately		To reflect the position of the Chief Finance Officer as reporting to the Chief Executive
21	Part H3	Under Chief Finance Officer – Revenues and Benefits –Council Tax and National Non-domestic rates: Insert: "To operate a Collection Fund for Council Tax and National Non-Domestic Rates in accordance with section 89 of the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992) and the regulations, specifications and directions made under the Acts."		To update for completeness

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
22	H3 Chief Finance Officer section	The current provisions for determining rate relief for charitable bodies no longer to require the prior approval of the appropriate Executive Member.		To correct, to reflect best practice
23	H3 Chief Finance Officer	The current provisions for determining rate relief for businesses suffering hardship no longer to require the prior approval of the appropriate Executive member		To correct, to reflect best practice
24	H3 Chief Finance Officer	Provision “to determine the Council Tax Base” to reflect updated legislation. Delete “Local Government Finance Act” and insert “Local Authority Calculation of Council Tax Base (England)(Regulation 2012. Also delete the Qualification and insert “none”		To update with the correct legislation. Removes the requirement for prior consultation with the Executive Member

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
25	H3 Chief Finance Officer	Amend para to read "to make all lease arrangements"	Delete words "finance and operating" from this sentence	To update and remove ambiguity
26	H3 section 4.2	Insert the title "Director of Improvement and Corporate Services"	Delete "Assistant Chief Executive – People and Organisation"	To reflect the current title within the Corporate Management Team Structure
27	H3 section 4.2	<p>Add under the Director of Improvement and Corporate Services the delegations relating to</p> <ul style="list-style-type: none"> • Communications • Policy and Performance • Complaints • Data Protection and Freedom of Information • Registration and Coroner's Service <p>Renumber all paragraphs as appropriate</p>	<p>Delete the word "Partnerships" from the previous heading "Policy, Partnerships and Performance"</p>	<p>To reflect the delegations within the current Corporate Management Team structure</p> <p>There is a general delegation to all Directors for partnerships so no need for a specific reference</p>

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
28	H3 para 4.3	Insert title "Community Services Director"	Delete "Director of Sustainable Communities"	To reflect the delegations within the current Corporate Management Team structure
29	H3 para 4.3.7	Against the provision" to grant and sign licences for hackney carriage and private hire vehicles" delete the wording under the Qualification, as follows: "Applications shall be determined by the Licensing Committee where the officer considers that the applicant may not be a fit an proper person to hold a license"		This is a correction. The qualification should have been removed at an earlier point. The officer has set out in her job description the full delegation to determine such licences without any qualifier.
30	H3 para 4.3.31	Re-draft to read "to determine, suspend or revoke licences in relation to scrap yards and grant Collectors Licences under the Scrap Metal Dealers Act 2013		This updates in line with new legislation. Previous legislation (1964 Scrap metal Dealers Act) only made provision for the licensing of scrap yards.

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
31	H3 starting at para 4.3. 58	<p>Move the sections on</p> <ul style="list-style-type: none"> • Economic Growth and Regeneration; and • Planning and Development Strategy • Development Management • Adult and Community Learning <p>to within the Director of Regeneration and Business Support's delegations</p>		This is an updating to reflect the Corporate Management Team structure and specific delegations
32	H3 section on Waste	<p>Add an additional bullet point: The Control of Pollution (Amendment) Act 1989</p>		To update with relevant legislation
33	H3 new section 4.4	<p>Insert all the delegations for the Director of Regeneration and Business Development, which are:</p> <ul style="list-style-type: none"> • Economic Growth and Regeneration • Planning and Development Strategy • Development Management • Adult and Community Learning 		Update to reflect Corporate Management Team structure and responsibilities

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
34	H3, within Director of Regeneration and Business Support's delegations para 4.4.21.2.3	Delete the sub para "the application or matter is contrary to other approved Council Planning policies or Supplementary Planning Guidance and is recommended for approval"		To update in line with current practice
35	H3 para 4.4.2.1.4	Insert title "Head of Development Management"	Delete "Assistant Director, Planning"	To update in line with current structures
36	H3 para 4.4.22.3	Delete wording "conservation area consent except the Council's own proposals which might need to be referred to the Secretary of State for determination" and renumber thereafter		Update in line with current practices
37	H3 4.4.22.10	Delete wording "comply with planning policy and/or supplementary planning policy guidance" with "are in conformity with the outline permissions"		To update in line with current practices

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
38	H3 4.4.32	Replace "Assistant Director" with "Head of Service for"		To reflect current structures
39	Add a new para 4.4.37.5	Consultation by the Planning Inspectorate for Development Consent Orders	In consultation with the Executive Member for Planning	To reflect current practice
40	H3 para 4.4.44	Add, following "Section 70 A" "70B and 70C"		To update
41	H3 para 63	Delete the paragraph, ie the wording "to revise the hourly rate for the provision of Access Auditing services as may be required to cover costs"		Update to reflect current practices
42	H3 new para to follow para 4.4.65	"to exercise functions of the authority in relation to the requirements of the Flood and Water Management Act 2010"		To reflect legislation

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
43	J2 para 2. 6	<p>Add "South East Midlands Local Transport Board</p> <p>To serve as a joint committee of the Executives of Central Bedfordshire Council, Bedford Borough Council and Luton Borough Council as set out in the Assurance Framework"</p>		Update, to reflect arrangements put in place during 2012/13
44	Part I2, throughout	Delete all references to Assistant Chief Executives		Update to reflect current Chief officer structure

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13 CODE OF PROCUREMENT GOVERNANCE

1. Introduction

1.1 The Council's Code of Procurement Governance, which is given operational effect by the Council's Procurement Procedures that set out the detailed provisions relating to procurement, applies to all its procurement activity except for employment contracts. Officers and members involved in procurement, contracting and asset disposal (including land and property) are required to observe the rules, and it is a disciplinary offence not to do so. The Procurement Procedures specify the minimum procedural requirements, but more exacting procedures may be appropriate in high-risk projects. The Code of Procurement Governance and Procurement Procedures are managed by the Council's Procurement Team which provides training, advice and support. Any amendments to the Code of Procurement Governance shall be considered by the ~~Constitution Advisory Group~~ General Purposes Committee and recommended for Full Council approval.

2. Strategic Principles

- 2.1 **Compliance with Legislation:** The Procurement Procedures are intended to ensure that in all its dealings the Council complies with European Union (EU) and United Kingdom (UK) law as well as with its own Code of Financial Governance and supporting Financial Procedures.
- 2.2 **Competition and Best Value:** The Procurement Procedures are based upon the principle that competition is a key driver of value for money and is to be encouraged at all times.
- 2.3 **Procurement Efficiency:** The Council intends to maximise the use of e-procurement, and wherever possible Requests for Quotations, Proposals and Invitations to Tender should be issued and received electronically. The Council will use e-auctions whenever possible.
- 2.4 **Continuous Improvement:** All contracts of more than one year duration must provide for continuous improvement throughout their lifetime.
- 2.5 **Openness, Integrity, Transparency and Fairness:** Any procurement or disposal process must demonstrate the highest standards of integrity, ensuring openness, fairness and transparency at all times. Non-commercial considerations must not be allowed to influence contractual decisions.

APPENDIX B

3. Responsibilities of Directors

3.1 Directors have a duty to ensure that officers dealing with contracts have written authority to do so, and comply with all appropriate rules.

4. Responsibilities of Officers

4.1 Officers dealing with contracts must have written authority to do so. Officers must ensure that procurement projects have policy approval and budgetary provision, and the sources of funding must be agreed and stated.

5. Key Elements of the Procurement Procedures

5.1 **Thresholds:** All procurement is subject to the financial thresholds in Table 1 below: ~~The Executive must approve expenditure before commencing any procurement over £500,000 per annum (revenue) or £500,000 whole life/total contract value (capital). Expenditure approval between £200,001 and £500,000 inclusive is delegated to the relevant Portfolio holder see Part C3, paragraph 3. Proper authorisation must be obtained prior to commencement of any procurement activity. Section C2 of the Constitution sets out criteria to identify key decision. In all cases best value should be determined with regard to the whole-life cost of the works, supplies and services to be procured. If after the Tender evaluation, Following approval, the Executive need only approve the award of contracts the where the recommended contractor's tender exceeds the approved sum, or where there are exceptional circumstances. Then the appropriate approval (in line with the original approval process) needs to be revisited.~~

Note: It is never acceptable to split contracts in order to avoid threshold requirements.

APPENDIX B

Table 1

Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
£0-£2,000	Authorised officer	Budget holder	No short listing required	<p>For contracts valued below £2,000 the principles of best value apply and the selection process should be documented. Wherever possible at least 2 competitive quotations should be obtained. If the contract is then awarded to any other than the lowest bidder then the reasons for doing so should be justified and recorded in writing</p>
£2,001 to £20,000	Authorised officer	Budget holder	No short listing required	<p>A minimum of three written quotations on the suppliers' headed notepaper or from the suppliers' email domain to the originating officer. If the contract is then awarded to any other than the lowest bidder then the reasons for doing so should be justified and recorded in writing</p>

APPENDIX B

Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
£20,001-£59,999	Authorised officer	Budget holder	Budget holder	Formal quotation by sealed bid, (Unopened Envelope) -opened in the presence of an independent authorised officer. At least three tenders should be invited; five or more is best practice where possible.
£60,000— European Union threshold	Authorised officer	Assistant Directors	Assistant Directors	A formal tender with advertisement and the inclusion of contract conditions is required. Five or more tenders should be invited where possible. A minimum of three is permitted by exception subject to the approval of the Chief Finance Officer. Guidance must be sought from the Procurement Team.
Above European Union thresholds below Works £3,927,260 Supplies & Services £156,442	Director	Director up to and including £200,000 Portfolio holder between £200,001 and £500,000 inclusive Executive above £500,000	Director	A formal European Union compliant tender is required. The Procurement Team must be involved in the project as a senior supplier in Prince 2 terms.

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<u>Total Contract /Order Value:</u>	<u>Procurement procedure:</u>
<u>Up to £2,000</u>	<u>For contracts/orders up to £2,000 the principles of best value apply and the selection process should be documented. (Best value here means that the onus is on the officer to prove they have best value, via an enquiry or knowledge of that market). Wherever possible at least 2 competitive quotations should be obtained. If the contract is awarded to any other than the lowest bidder, then the reasons for doing so should be justified and documented</u>
<u>£2,001 - £20,000</u>	<u>A minimum of three written quotations on the suppliers' headed notepaper or from the suppliers' email domain to the originating officer. Use the "superlite" quotation and evaluation documents found in the Procurement Toolkit. If the contract is awarded to any other than the lowest bidder, then the reasons for doing so should be justified and documented.</u>
<u>£20,001 - £59,999</u>	<u>All quotations and tenders over £20,000 in value must use the Council's electronic tendering system (In-Tend). Use the "Quotation Lite" and "Evaluation Lite" documents found in the Procurement Toolkit. At least three tenders should be invited; five or more is best practice where possible.</u>
<u>£60,000 – EU Threshold</u>	<u>A formal tender with advertisement and the inclusion of contract conditions is required. Five or more tenders should be invited where possible; a minimum of three. Guidance and templates for PQQs, tenders and evaluations should be sought from the Procurement Team.</u>
<u>Above EU Threshold</u>	<u>As above, but with a minimum of 5 suppliers. Note, EU thresholds are set by the European Union generally on a 2 year basis for supplies, services and works. These are changed according to EU & UK Legislation and the Council is bound by this legislation which sets out the levels, processes and procedures which must be adhered to. Details of the levels can be found in Table 2 of the Procurement Procedure Rules.</u>
<u>£500,000+</u>	<u>As above. Note the potential lead-in times for the Executive Decision making process</u>

5.2 Requirements for Tendering:

5.2.1 Invitations to Tender and Requests for Quotation must include a clear specification of requirements.

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- 5.2.2 All candidates invited to bid must be issued with the same information at the same time, subject to the same terms and conditions. Candidates invited to bid must have adequate and equal time in which to submit a quotation or tender.
- 5.2.3 Where the contract value exceeds £60,000 the need for wide competition is paramount, so contracts must be advertised.
- 5.2.4 Invitations to Tender must require candidates to provide sufficient detail to enable checking of their financial stability, technical ability and performance and capability in the areas of health and safety, environmental management, and equality and diversity.
- 5.2.5 All candidates must be notified in writing, simultaneously and promptly, as to the outcome of any tender exercise.
- 5.3 **Form of Contracts:** All contracts must be in writing and must clearly specify the goods, works or services to be provided, including a programme of delivery, price, terms of payment, and any other terms agreed, together with exit procedures for when the contract either comes to its natural end or is terminated early, perhaps because the contractor has not fulfilled his contractual obligations.
- 5.4 **Register of Contracts:** The Council is required to keep records of its contracting activity. Every contract over ~~£60,000~~ £20,000 must be recorded on the Council's Register of Contracts.
- 5.5 **Equal Opportunities:** The Procurement Procedures recognise the Council's duties under Race, Disability and Gender Equality legislation, including the requirement to target services on the most vulnerable sections of the community and increase inclusion and participation amongst these groups.
- 5.6 **Risk Management:** The Procurement Procedures require appropriate risk management and contingency planning arrangements for all contracts exceeding £60,000 in value.
- 5.7 **Financial Protection:** The Procurement Procedures require officers to take appropriate advice regarding bonds or parent company guarantees.
- 5.8 **Probity and Record Keeping:**

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- 5.8.1 The criteria for awarding contracts must always be designed to give best value for money. Award criteria must always be appropriate to the contract, must be subject to strict change control processes, and must not be changed after tender proposals have been opened.
- 5.8.2 In the event of a marked or late tender the Section 151 Officer must decide whether or not the tender should be accepted.
- 5.8.3 Officers must ensure the confidentiality of all tender/quotation submissions.
- 5.8.4 The policy regarding the prevention and detection of corruption is set out in the Council's Code of Conduct for officers.

5.9 **Post Contract Management:**

- 5.9.1 All contracts must have a nominated officer to act as contract manager for the whole contract.
- 5.9.2 All contracts which exceed the EU threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.
- 5.9.3 Officers must not terminate a contract over £60,000 prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Chief Finance Officer.
- 5.9.4 If payments to a contractor are to be withheld or if there is a problem with a contract which may result in early termination, then legal advice must be sought.

5.9.5 Value for money reviews must take place as a minimum on an annual basis and before any contract extension.

- 5.10 **Professional Advice:** The Council uses the expertise of specialist consultants to undertake a range of procurement exercises on its behalf. The Procurement Procedures set out the way in which consultants must be commissioned and the appropriate Inland Revenue checks to be undertaken.

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- 5.11 **Waivers:** Any provision of the Procurement Procedures, except those relating to the EU Directives, may be exempted or waived in certain circumstances. Before any action is taken, waivers must be authorised in writing by the Director or Assistant Directors, The Chief Procurement Officer and the ~~Chief Finance~~ Section 151 Officer, who must be satisfied that a range of criteria are met.

Meeting: General Purposes Committee

Date: 3 December 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.
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

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"> • Standards Complaints – Annual Report (JA) • Review of Member/Officer Protocol (JA) (Submission delayed) • Market Rate Supplement Payments – Update (CJ) • Work Programme (LM)
3 October 2013 (Reserve meeting - cancelled)	<ul style="list-style-type: none"> • Review of Member/Officer Protocol (JA) • Work Programme (LM)
3 December 2013	<ul style="list-style-type: none"> • Constitution – Proposed Amendments (MC/MP) • Review of Member/Officer Protocol (JA/MS) • Conversion Incentive (CJ) • Work Programme (LM)
20 January 2014 (Reserve meeting)	<ul style="list-style-type: none"> • Proposed Amendments to Constitution (AE) • Pay Policy Statement 2014/15 (CJ) • 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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