

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



please ask for Helen Bell
direct line 0300 300 4040
date 16 January 2014

NOTICE OF MEETING

COUNCIL

Date & Time

Thursday, 30 January 2014 6.30 p.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the COUNCIL

Members are asked to retain their Special Executive agenda, 21 January 2014 and bring it along to this meeting.

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

AGENDA

Prayers

The Reverend Janet Humphries, Assistant Priest for Northill with Caldecote and Old Warden, will take prayers.

1. **Apologies**

Apologies for absence to be received.

2. **Minutes**

To approve the minutes of the Council meeting held on 28 November 2013

(Attached pages 7 to 15)

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Questions, Statements and Deputations**

To receive any questions, statements and 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.

5. **Petitions**

To receive and discuss petitions if any, in accordance with the Public Participation Procedure as set out in Annex 2 of part A4 of the Constitution.

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

The Chairman to announce any matters of communication.

7. **Leader of the Council's Announcements and Communications**

The Leader of the Council to announce any matters of communication.

8. **Executive Member Presentations**

To receive reports from up to three Executive Members on recent matters of interest and ask questions on matters contained within the reports.

Reports are anticipated from:

- Executive Member for Sustainable Communities - Services.
- Executive Member for External Affairs.

9. **Recommendations from the Executive**

To consider recommendations from:

(i) the meeting of the Executive held on 10 December 2013
and answer questions asked under Rule No. 13.1.

(a) Disposal of land at the Biggleswade A1 South roundabout.

(Attached page 17)

(b) Council Tax Support Scheme.

(Attached page 19)

(c) Minerals and Waste Local Plan Strategic Sites and Policies – Plan for Adoption.

(Attached page 21)

(ii) the special meeting of the Executive held on 21 January 2014
and answer questions asked under Rule No 13.1.

(d) Amended draft Gypsy and Traveller Local Plan including the site list

(To follow)

10. **Recommendations from the General Purposes Committee**

To consider recommendations from:

- (i) the meeting of the General Purposes Committee held on 3 December 2013 and answer questions asked under Rule No. 13.1.
 - (a) Code of Procurement Governance
(Attached pages 23 to 32)
 - (b) Protocol on Member/Officer Relations
(Attached pages 33 to 54)
- (ii) the meeting of the General Purposes Committee held on 20 January 2014 and answer questions asked under Rule No 13.1.
 - (c) Proposed amendments to the Constitution – Planning Matters
(To follow)
 - (d) Pay Policy Statement 2014/15
(To follow)

11. **Calendar of Meetings**

To consider the proposed Calendar of Meetings for the municipal year 2014-2015.

(Attached pages 55 to 58)

12. **Police and Crime Panel Members Allowance**

To note the position on Police and Crime Panel Member - Allowances.

(Attached pages 59 to 61)

13. **Motions (if any)**

To consider motions by Members of the Council under Rule No. 17, in the order received.

14. **Written Questions**

To answer written questions from Members of the Council under Rule No. 13.2.

The following written question has been received from Councillor Aldis:-

Can the Executive Member with responsibility for Safer Communities please explain the process by which the Police and Crime Commissioner installs vehicle recognition cameras on Council owned property (like street light columns) without any consultation or notification to local parish and town councils or CBC ward members?

Can the Executive Member explain what the purpose is of these cameras?

What safeguards do Members of the community have that the information gathered by these cameras is only used for properly authorised activities?

15. **Open Questions**

To answer Open Questions asked by Members of the Council under Rule No. 13.7.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CENTRAL BEDFORDSHIRE COUNCIL** held in the Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 28 November 2013.

PRESENT

Cllr Ms C Maudlin (Chairman)
Cllr D Bowater (Vice-Chairman)

<p>Cllrs P N Aldis Mrs A Barker A R Bastable R D Berry M C Blair A D Brown Mrs C F Chapman MBE Mrs S Clark N B Costin I Dalgarno A L Dodwell Mrs R J Drinkwater P A Duckett Dr R Egan C C Gomm Mrs S A Goodchild</p>	<p>Cllrs Ms A M W Graham Mrs D B Gurney C Hegley P Hollick J G Jamieson K Janes R W Johnstone D Jones M R Jones D J Lawrence Mrs J G Lawrence D McVicar Mrs M Mustoe R B Pepworth B Saunders J A G Saunders</p>	<p>Cllrs A Shadbolt I Shingler M A Smith Miss A Sparrow R C Stay A M Turner Mrs P E Turner MBE M A G Versallion N Warren B Wells R D Wenham P Williams J N Young A Zerny</p>
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Apologies for Absence

<p>Cllrs L Birt Mrs G Clarke D J Hopkin</p>	<p>Cllrs K C Matthews T Nicols B J Spurr</p>	<p>Cllrs T Woodward</p>
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<p>Officers:</p> <p>Mr M Coiffait Miss H Bell Mr R Carr Ms D Clarke</p> <p>Mrs J Ogley</p> <p>Mrs M Clay</p> <p>Ms M Peaston Mr C Warboys</p>	<p>– Community Services Director – Committee Services Officer – Chief Executive – Director of Improvement and Corporate Services – Director of Social Care, Health and Housing – Chief Legal and Democratic Services Officer – Committee Services Manager – Chief Finance Officer</p>
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C/13/44

Prayers

Prayers were taken by Pastor Jumbo Isong.

C/13/45 **Minutes**

RESOLVED

that the Minutes of the meeting held on 12 September 2013 be confirmed and signed as a true and correct record.

C/13/46 **Members' Interests**

None were declared.

C/13/47 **Questions, Statements and Deputations**

No questions, statements or deputations were received.

C/13/48 **Petitions**

No petitions were received.

C/13/49 **Chairman's Announcements and Communications**

The Chairman advised that she intended to vary the order of business and to take Item 15, Monitoring Treasury Management Six Months to 30 September 2013, after item 9.

The Chairman also advised that item 14 Open Questions would be taken as the last item of business.

The Chairman made the following announcements:

- The Chairman's Civic reception had been combined with her 'You Make a Difference Awards' held on 23 October 2013 and had been a success.
- The Chairman's next Civic Reception would be held on 9 March 2014.
- The Chairman would be hosting an event at the Grove Theatre, Dunstable on 27 April 2014 called 'Wow! Here come the Girls'.

The Chairman also invited Members to attend a tree planting event in Biggleswade at the weekend.

C/13/50 **Leader of the Council's Announcements and Communications**

The Leader reported upon:

- the Looked After Children Awards;

- the opening of new classrooms and hall at Greenfield Lower School;
- the opening of the alternative free school for students for whom mainstream schooling did not meet their needs; and
- economic development in Central Bedfordshire.

C/13/51

Executive Member Presentations

Councillor M Jones, Executive Member for Corporate Resources reported on work within his portfolio area including:

- The Customer Service Team had dealt with 1 million customer calls in the last year. Over 1,000 Freedom of Information Requests, 500 complaints, 150 compliments and 500 MP enquiries had been received and dealt with.
- £50 million of savings had been made in the last year with no rise in Council tax.
- The Communications Team had responded to over 600 media enquiries in the last year.
- In the last year, the Procurement Team had let 200 contracts, Overview and Scrutiny had supported over 60 meetings and briefings and Human Resources had responded to 70,000 job applications.
- A Working Group had been set up to evaluate and address the impact of Welfare Reform.

Councillor Jones responded to questions.

Councillor Hegley, Executive Member for Social Care, Health and Housing, focused her presentation on the work of Village Care Schemes throughout Central Bedfordshire. Councillor Hegley drew on case studies to demonstrate the impact of Village Care Schemes on people's lives.

Councillor Hegley responded to questions.

C/13/52

Recommendations from the Executive

(a) Central Bedfordshire Draft Equality and Diversity Strategy 2013-16

The Council considered a recommendation from the meeting of the Executive held on 5 November 2013 concerning the draft Equality and Diversity Strategy 2013-16. The Strategy had been refreshed in line with the requirements of the Equality Act 2010 to enable the Council to

continue to adopt a robust approach to equality issues across all of its activities.

RESOLVED

that the Draft Equality and Diversity Strategy for Central Bedfordshire be adopted.

(b) Implementation of the Leisure Facilities Strategy, including findings of the Flitwick Leisure Centre Invest to Save Feasibility Study

Cllr Jamieson declared a personal interest upon this item as he is a member of Flitwick Leisure Centre.

The Council considered recommendations from the meeting of Executive held on 5 November 2013 concerning the implementation of the Leisure Facilities Strategy, including the findings of the Flitwick Leisure Centre invest to save feasibility study.

RESOLVED

- a) **that a total gross expenditure budget of £11,925,000 be included in the capital programme in 2014/15 and 2015/16;**
- b) **that the capital receipts arising from the disposal of surplus land adjoining the redevelopment Flitwick Leisure Centre be applied to reduce the Council's prudential borrowing;**
- c) **that a virement in 2013/14 of £436,900 to the Flitwick Leisure Centre redevelopment invest-to-save scheme from an identified underspend in the 2013/14 £830,000 Leisure Strategy Implementation Invest to Save Project, be approved;**
- d) **that the development of the Flitwick Football facility approved by Executive on 18 March 2013 should continue and the award of contract for the construction of a pavilion be made in accordance with the Council's Code of Procurement Governance;**
- e) **that the grant of a lease at a peppercorn rent for the management and operation of the Flitwick football facility (including pitches and pavilion) for 25 years to Flitwick Eagles Football Club be approved, subject to their provision of an appropriate business case;**
- f) **that a land exchange between Central Bedfordshire Council and Flitwick Town Council to facilitate the redevelopment of Flitwick Leisure Centre be approved; and**
- g) **that the redevelopment of Flitwick Leisure Centre be approved and the procurement of a building contractor be undertaken in**

accordance with the Council's Code of Procurement Governance.

(c) Roker Park Stotfold

The Council considered recommendations from the meeting of the Executive held on 27 November 2013 concerning the proposed release of a covenant restricting use of Roker Park, Stotfold, to enable Stotfold Town Council to sell the land and invest the proceeds in a new football ground/stadium at Arlesey Road.

RESOLVED

- 1. that the Restrictive Use Covenant in favour of Central Bedfordshire Council on land known as Roker Park, Stotfold be released to enable Stotfold Town Council to dispose of the land for residential development on condition that:**
 - (a) the net proceeds of sale (enhanced value) be shared equally between Central Bedfordshire Council and Stotfold Town Council;**
 - (b) Stotfold Town Council will repay the outstanding loan of £537,000 owed to Central Bedfordshire Council from its share of the proceeds of sale; and**
 - (c) Stotfold Town Council would give an undertaking to use the balance of its share of the proceeds of sale to construct a new football ground/stadium off Arlesey Road, Stotfold.**
- 2. that Central Bedfordshire Council will make a contribution from its share of the proceeds of sale (up to a maximum of £500,000) to assist the Town Council to complete the construction of the new football ground/stadium on land off Arlesey Road, Stotfold; and**
- 3. that subject to resolutions 1 and 2 above, Central Bedfordshire Council will grant Stotfold Town Council a 99 year lease at a peppercorn rent of 24 acres of land off Arlesey Road, Stotfold to relocate the new football ground/stadium will be located.**

C/13/53

Monitoring Treasury Management Six Months to 30 September 2013

The Council received and considered a report of the Deputy Leader, Executive Member for Corporate Resources on the implementation of the Council's Treasury Strategy approved for six month period up to 30 September 2013. The report set out how the strategy was implemented, the state of the financial markets and what action had been undertaken to address the challenges and results of that action.

RESOLVED

that the satisfactory performance of the Treasury Management and Prudential Indicators for the six month period ended 30 September 2013 be noted.

C/13/54 Report of the Bedfordshire Fire and Rescue Authority

The Committee received and considered a report of the Bedfordshire Fire and Rescue Authority following its meeting held on 22 October 2013.

RESOLVED

that the report of the Bedfordshire Fire and Rescue Authority be noted.

C/13/55 Report of the Bedfordshire Police and Crime Panel

The Council received and considered a report of the Bedfordshire Police and Crime Panel.

RESOLVED

that the report of the Bedfordshire Police and Crime Panel be noted.

C/13/56 Notice of Motion

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

“The Council recognises that even in these difficult financial times it has a duty of care and responsibility towards the Town and Parish Councils which are the bedrock of our democracy. Accordingly it asks the Executive, when preparing the Council’s draft revenue budget for 2014-15, to include a grant to Town and Parish Councils equivalent to 80% of the Transition and Mitigation Grant for the financial year 2013-14.

Unless directed otherwise by Central Government, the Council proposes that in future years the level of this grant will be reduced by 20% each year (60% of 2013-2014 level in 2015-2016; 40% in 2016-2017; 20% in 2017-2018).

The Council recognises that these arrangements will considerably assist local councils in those areas where the change in the Council Tax system is most acute.”

Further to agreement by the Council in accordance with Part B5 paragraph 19.8 of the Council’s Constitution, an alteration to the motion from Councillor Zerny was accepted, as follows:

1. 2nd sentence of first paragraph: replace the wording following “2014-15” with:-

“to pay the same level of Council Tax Support Grant to each of the parish councils as in 2013/14 and to do so throughout the duration of the Medium Term Plan. If any reductions have to be made to the support grant they should be directly proportional to any decrease in the overall income Central Bedfordshire receives from Government.”

2. Remove 2nd paragraph
3. Final sentence reverse the order of the words “considerably assist”.

So the motion before Council read:

“The Council recognises that even in these difficult financial times it has a duty of care and responsibility towards the Town and Parish Councils which are the bedrock of our democracy. Accordingly, it asks the Executive, when preparing the Council’s draft revenue budget for 2014/15, to pay the same level of Council Tax Support Grant to each of the parish councils as in 2013/14 and to do so throughout the duration of the Medium Term Financial Plan. If any reductions have to be made to the support grant they should be directly proportional to any decrease in the overall income Central Bedfordshire Council receives from Government.

The Council recognises that these arrangements will assist considerably local councils in those areas where the change in the Council Tax system is most acute.”

In accordance with paragraph 21.5 of Part B5 of the Council’s Constitution ‘Full Procedure Rules’, a recorded vote was requested and granted.

Upon being put to the vote, those in favour of the motion were:

Councillors: Aldis, Coleman, Egan, Goodchild, Graham, D Jones, Murray, Pepworth, Shingler, Smith, Williams and Zerny.

Those against the motion were:

Councillors: Barker, Bastable, Berry, Blair, Bowater, Brown, Chapman, S Clark, Costin, Dalgarno, Dodwell, Duckett, Gomm, Hegley, Hollick, Jamieson, Janes, Johnstone, M Jones, D Lawrence, J Lawrence, McVicar, Mustoe, B Saunders, J Saunders, Sheppard, Sparrow, Stay, A Turner, P Turner, Versallion, Warren, Wells, Wenham & Young.

Councillors: Mrs Drinkwater, Mrs Gurney & Shadbolt had left the meeting prior to consideration of this item.

Councillor Maudlin abstained from voting.

The motion was lost.

C/13/57 Written Questions

Written questions had been submitted under Rule No. 13.2 by Councillor Aldis as follows:

What is the annual cost to this Authority of Concessionary Bus Passes over and above the grant paid by the Government?

What percentage of residents in Central Bedfordshire hold a bus pass?

How many journeys are made in the average year and which way is the trend?

In the last year how many new Concessionary Bus Passes have been issued by this Authority?

Of the total number how many were:

- a. New applicants
- b. Replacements for lost or stolen cards. Replacements for damaged cards?

In what circumstances is the £10 charge for the replacement cards not enforced?

The Deputy Executive Member for Sustainable Communities responded to the question and indicated that he would circulate a written reply to all Members of the Council.

C/13/58 Open Questions

The Chairman invited the Minority Group Leaders to ask a question each prior to the consideration of questions that had been placed in the Open Questions receptacle.

1. Councillor Murray asked about the future for schools in Dunstable.

The Executive Member for Children's Services referred to the significant increase in positive results at Key Stage 4.

2. Councillor Aldis asked a question about the improvements to the A1 in Bedfordshire and how Ward Members would be kept informed.

The Executive Member for Sustainable Communities-Strategic Planning and Economic Development summarised the measures being undertaken to promote improvements to the A1 and the ways in which Members would be involved.

3. Councillor Egan sought assurance that the matter of abandoned land within her ward was being dealt with.

Councillor Young advised that the matter had now been referred to the Assets Team for resolution.

4. Councillor Egan asked how many Central Bedfordshire employees were working on the basis of zero hours contracts.

The Deputy Leader and Executive Member for Corporate Resources advised that the Council did not employ staff on this basis.

5. Councillor Chapman asked about the implications of a call in of the Executive's decision concerning its ICT network.

The Deputy Executive Member for Corporate Resources advised that delays brought about by the call in had resulted in additional costs to the Council.

- 6 Councillor Pepworth asked about the steps the Council was taking to support residents affected by Welfare Reforms.

The Executive Member for Social Care, Health and Housing explained how Housing Officers and the Citizens Advice Bureau were working to help residents affected by the reform.

- 7 Councillor Egan asked about Social Housing available to disabled residents.

The Executive Member for Social Care, Health and Housing advised that available accommodation was reviewed on a monthly basis.

- 8 Councillor Murray referred to the delays in responding to a written question he had asked at Council on 12 September 2013.

The Deputy Leader, Executive Member for Corporate Resources would undertake to discuss delays in responding to written communications with the relevant Director.

(Note: The meeting commenced at 6.30 p.m. and concluded at 8.55 p.m.)

Chairman

Dated

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COUNCIL MEETING – 30 JANUARY 2014

**Recommendation to Council from the Executive meeting
held on 10 December 2013**

E/13/97 Disposal of Land at the Biggleswade A1 South Roundabout

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that sought approval to enter into a contract to dispose of land for a Trunk Road Service Area at the Biggleswade A1 south roundabout.

RECOMMENDED to Council

that the land at the Biggleswade A1 south roundabout be disposed of for use as a Trunk Road Service Area.

RESOLVED

that subject to the above, that the Director of Improvement and Corporate Services, in consultation with the Deputy Leader and Executive Member for Corporate Resources, be authorised to approve the disposal and the terms thereof for a conditional contract for the disposal of the land at best value.

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COUNCIL MEETING – 30 JANUARY 2014

**Recommendation to Council from the Executive meeting
held on 10 December 2013**

E/13/84 Council Tax Support Scheme

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources which reviewed the Council's Local Council Tax Support Scheme. The report also provided an update on policy developments relating to the Government's welfare reforms and the impact on Central Bedfordshire residents.

In response to questions, the Deputy Leader and Executive Member for Corporate Resources explained that the Council had a legal duty to collect money that was owed to the Council. Residents who were suffering financial hardship would be able to apply for a grant from either the discretionary fund or the local welfare provision. The Council was still waiting for further information from the Government in relation to the Universal Credit scheme.

Reason for decision: To enable the Council to endorse the Central Bedfordshire Council Local Council Tax Support Scheme. If the scheme was not approved by 31 January 2014, the Council would have to award Local Council Tax Support in accordance with the Government's default scheme which would result in the cost of the scheme exceeding that of the Local Council Tax Support Scheme.

RECOMMENDED to Council

- 1. that the review of the Local Council Tax Support Scheme be confirmed and that the current scheme be extended for a further year (2014/15) with a full review during 2014/15 to inform the approach from April 2015.***

RESOLVED

- 1. that further Government changes to welfare reform be noted; and**
- 2. that the latest analysis of the impact on Central Bedfordshire residents be noted.**

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COUNCIL MEETING – 30 JANUARY 2014

**Recommendation to Council from the Executive meeting
held on 10 December 2013**

E/13/83 Minerals and Waste Local Plan: Strategic Sites and Policies - Plan for Adoption

The Executive considered a report from the Executive Member for Sustainable Communities – Strategic Planning and Economic Development that proposed the adoption of the Plan incorporating the modifications put forward by the Inspector. The Inspector had found the Plan to be sound and legally compliant, provided a number of modifications were made. All of the modifications, apart from one relating to the allocation of the waste recovery site at Thorn Turn, had been considered previously and approved by the Executive.

Members noted that the allocation of Elstow South for non-hazardous waste landfill had not been confirmed by the Inspector, but the Inspector had confirmed the allocations at Rookery South for both non-hazardous waste landfill and waste recovery.

Reason for decision: To enable the Minerals and Waste Local Plan: Strategic Sites and Policies to be progressed towards formal adoption, consistent with the Local Development Scheme.

RESOLVED

that the Inspector's Report as set out in Appendix A to the report be noted.

RECOMMENDED to Council

that the Minerals and Waste Local Plan: Strategic Sites and Policies incorporating the modifications proposed by the Inspector in his report, be adopted as Council policy.

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<p>Recommendation to Council on 30 January 2014</p>	<p>From: General Purposes Committee on 3 December 2013</p>	<p>Item 10(i)(a)</p>
	<p>Code of Procurement Governance</p>	
<p>1.</p>	<p>Council is asked to approve the following recommendation:-</p>	
	<p>that the proposed amendments to Part I3 the Council's Constitution (the Code of Procurement Governance), as set out in Appendix B, be approved.</p>	
	<p>Background</p>	
<p>2.</p>	<p>The Committee considered a report of the Executive Member for Corporate Resources which set out a number of proposed amendments to the Constitution. The Committee Services Manager introduced the report, the meeting noting that the proposed amendments fell into two areas. The first area dealt with minor changes to the Constitution including the correction of errors and the general updating of the document. Because of their nature the Committee was able to authorise the Monitoring Officer to undertake these amendments.</p>	
<p>3.</p>	<p>The Committee then turned to consider the second area of proposed amendments which related to the Code of Procurement Governance (Part I3 of the Constitution). These were introduced by the Chief Procurement Officer. Members considered the proposed wording contained in the new Table 1 within paragraph 5.1, which set out the procurement procedure dealing with the total contract/order value above the EU threshold, and reference was made to the absence of any indication in the Table of what the threshold figure was. Whilst noting that this figure was variable and was about to be reviewed it was felt that a statement providing an 'as of' date could be included and it made clear that the figure was subject to change.</p>	
<p>4.</p>	<p>The wording contained in the new Table 1 which referred to the requirement for a minimum of 5 suppliers for a total contract/order value above the EU threshold was queried. In response the Chief Procurement Officer acknowledged that the number of suppliers stated was not a statutory requirement but a preferred figure and the wording would be amended to reflect this.</p>	
<p>5.</p>	<p>Turning next to paragraph 5.4 clarification was sought as to why £20k had been chosen as the figure above which every contract would be recorded in the Council's Register of Contracts. The Chief Procurement Officer explained that the figure had been chosen because quotations and tenders over this figure required the use of the Council's electronic tendering system and so recording was a</p>	

	straightforward procedure. The Committee felt that paragraph 5.4 should include a reference to this.	
Appendices	Appendix B	Tracked Changes Between the Existing and Proposed Code of Procurement Governance (Part 13 of the Constitution).

Appendix B

I3 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.

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.

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>

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.

<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 (see footnote)</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 (see footnote)</u>	<u>As above, but with a minimum of 5 suppliers wherever possible. 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>

Footnote: As at 1 January 2014 the EU thresholds are £172,514 for goods/services and £4,332,012 for works

5.2 Requirements for Tendering:

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

- 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, which is the threshold level at which the Council's electronic tendering system must be used.
- 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:**

- 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.

- 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.

Recommendation to Council on 30 January 2014	From: General Purposes Committee on 3 December 2013	Item 10(i)(b)
	Protocol on Member/Officer Relations	
1.	Council is asked to approve the following recommendation:-	
	that the amendments to the Protocol for Member/Officer Relations, as set out at Appendix A, be approved and the revised Protocol be included in the Council's Constitution.	
	Background	
2.	Members considered a report by the Monitoring Officer which proposed amendments to the Protocol for Member/Officer Relations contained within Part F4 of the Council's Constitution.	
3.	The Committee noted that the proposed amendments included specific guidance for Members on the use of email when undertaking Council business. In connection with this matter the report referred to the guidance issued by the Information Commissioner setting out Members' responsibilities in relation to the holding and processing of personal information, including the need for councils and Members to be aware of the need to arrange appropriate security. The meeting noted that, over the last two years, the Commissioner had imposed financial penalties ranging between £80k and £120k on local authorities because of disclosures of personal information relating to children and adult social care service users.	
4.	The Committee was advised that ensuring that Members complied with the Council's arrangements governing the use of emails was an important part of the Council's own security measures. As such the amended Protocol stated that Members should use their Council email address for Council business. This meant that the Council was the data controller for the purposes of the Data Protection Act and ultimately the Council would be responsible for any breach of security. The amended Protocol also required Members to use the Council's Citrix system when working from a fixed location or from the approved Mobile Device Management solution when using a smart phone or tablet.	
5.	The Chief Information Officer stressed to the Committee that the proposed amendments to the Protocol attempted to strike a pragmatic balance between meeting central government requirements and allowing Members to continue to use their own devices.	

6.	The Director of Improvement and Corporate Services advised that discussions would be held with each Member on the data protection requirements.	
Appendices	Appendix A	Tracked Changes Between the Existing and Proposed Protocol for Member/Officer Relations (Part F4 of the Constitution).

Appendix A

F4 PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. Introduction

Purpose of the Protocol

- 1.1 Together, members and officers of the Council combine the essential skills, experience and knowledge to manage an effective public sector organisation. They work together in the interests of the citizens of Central Bedfordshire. Members provide a democratic mandate to the Council whereas officers contribute professional expertise and experience to deliver the policy framework agreed by councillors.
- 1.2 Collaborative working is the accepted norm for member and officer relations in Central Bedfordshire Council, but it is important to recognise and take account of their different roles. This is important for day-to-day interaction between members and officers and for the public perception of the Council; by ensuring transparency between the political role of members and the professional, impartial role of officers.
- 1.3 The Protocol's purpose is to provide guidance on member-officer relations and to address some key areas of interaction. The Protocol is not intended to be comprehensive. Members and officers may seek advice from the Monitoring Officer on any matter not covered by this Protocol.
- 1.4 The Protocol should be read alongside other documents relevant to the interaction between members and officers including any relevant legislation and national and local Codes of Conduct, conditions of service and any procedure for whistleblowing. Of particular importance in this context are the Codes of Conduct for Members and Officers. These Codes have direct relevance to many of the issues covered in the Protocol. The Planning and Licensing Codes of Practice are also important. These Codes can be found in the Ethical Handbook.

Quick Guide to Member and Officer Roles

Members	Officers
Democratically elected accountable to the electorate	Accountable to the Council
Community leader for their ward	Serve the whole Council.
Add a political dimension	Politically impartial
Set policy and strategy, including the Budget/Council Tax	Provide advice and operational delivery within budget
Bound by a statutory Code of Conduct	Bound by their contract of employment and the current Code of Conduct for Officers (these may be supplemented in the near future by a statutory code).
Involved in senior appointments only.	Responsible for the management of staff

Application of the Protocol

- 1.5 The Protocol is adopted by full Council and applies to all elected and co-opted members and all officers employed or engaged by the Council. The term 'officer' refers to all the Council's employees. It also includes consultants and agency staff who work for the Council. Managers must bring the protocol to the attention of officers as soon as they commence work. Where appropriate, the principles in this Protocol should be incorporated into contracts for services. This applies in particular to 'partnership' type contracts.

2. Principles of Member/Officer Relations

Basic Principles

- 2.1 Like all effective partnerships, member-officer relations are based on the following principles:-
- 2.1.1 Mutual trust and respect of the different roles of members and officers;
 - 2.1.2 A common purpose; providing the best possible service to the residents and other stakeholders of Central Bedfordshire Council;
 - 2.1.3 A commitment to non-confrontational resolution of disputes.

- 2.2 Mutual trust and respect is based upon an understanding of the distinct contribution members and officers make and respect for the boundaries between those roles. A key principle for officers is their political impartiality; they serve the whole Council and not particular groups or members. This is particularly important for some officers, who occupy politically restricted posts and are therefore prevented by law from engaging in political activities beyond party membership.
- 2.3 Further, some officers hold posts with mandatory statutory responsibilities including the Chief Executive, Monitoring Officer, and Chief Finance Officer, Members must respect these responsibilities and accept that these officers may be required to give advice or make decisions which members may not agree with or support.

Expectations

- 2.4 Members can expect and will receive from officers:-
- 2.4.1 A commitment to the Authority as a whole, and not to any political group;
 - 2.4.2 A working partnership;
 - 2.4.3 An understanding of and support for respective roles, workloads and pressures;
 - 2.4.4 Timely response to enquiries and complaints;
 - 2.4.5 Professional and balanced advice, based on evidence and including options, not influenced by political views or preference, which does not compromise the political neutrality of officers;
 - 2.4.6 Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
 - 2.4.7 Awareness of and sensitivity to the political environment;
 - 2.4.8 Respect, dignity and courtesy;
 - 2.4.9 Training and development in order to carry out their role effectively;

- 2.4.10 Integrity, openness, mutual support and appropriate confidentiality;
 - 2.4.11 Not to have personal issues raised with them by officers outside the agreed procedures;
 - 2.4.12 That officers will not use their relationship with members to advance their personal interests or to influence decisions improperly;
 - 2.4.13 That officers will at all times comply with the Code of Conduct for Officers.
- 2.5 Officers can expect and will receive from members:-
- 2.5.1 A working partnership;
 - 2.5.2 An understanding of and support for respective roles, workloads and pressures;
 - 2.5.3 Political leadership and direction;
 - 2.5.4 Respect, dignity and courtesy;
 - 2.5.5 Integrity, openness, mutual support and appropriate confidentiality;
 - 2.5.6 Not to be subject to bullying, harassment or to be put under undue pressure. Members should have regard to the seniority of officers in determining what reasonable requests are, having regard to the relationship between members and officers, and the position of officers, particularly at junior levels;
 - 2.5.7 That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
 - 2.5.8 That members will at all times comply with the Code of Conduct for Members.

If these expectations are not met then difficulties are likely to arise and this may lead to complaints and the dispute resolution procedure in section 8 may need to be used.

- 2.6 The remainder of this Protocol will address specific areas of member-officer interaction

3. Working Arrangements

- 3.1 Members and officers work together on a regular basis in meetings, committees and less formal settings. It is inevitable that relationships will form and to ensure the principles of member-officer relations are upheld, the following guidance applies.

Forms of Address and Conduct at Meetings

- 3.2 In formal Council, Executive, committee or sub-committee meetings:-
- 3.2.1 Members should normally be referred to by their office: e.g. Leader, Chairman or Councillor and, otherwise, normal courtesies shall be observed;
 - 3.2.2 Relations can be friendly and cordial but not over familiar, as the public or other members and officers could perceive this as inappropriate or favouritism;
 - 3.2.3 Criticism should be constructive and not personal;
 - 3.2.4 Officers will not allow themselves to be drawn into a party political debate.
- 3.3 This guidance also applies to informal meetings to the extent that all present consider it necessary. Members and officers should ensure that their interaction does not embarrass others, suggest favouritism or personal dislike or otherwise damage working relationships.

Personal Relationships

- 3.4 If a friendship or closer relationship (including relatives) exists or forms between a member and an officer, this needs to be addressed openly. Friendship is likely to be something closer than an acquaintance or work colleague and include some social interaction. In such situations:-
- 3.4.1 Members should seek advice from the Monitoring Officer and, if in doubt, must declare their interest at formal and informal meetings;

- 3.4.2 Officers must raise the matter with their Assistant Director or Director to discuss appropriate action.

4. Supporting Political Groups and Individual Members

Support for Political Groups

4.1 Political groups (including the Cabinet) may ask the Chief Executive (~~or, in his/her absence, or~~ the relevant Director) for a briefing on Council business. If the Chief Executive or the Director agrees, the following principles will apply:-

4.1.1 Only senior officers will give briefings (although they may be accompanied by junior officers with specialist knowledge);

4.1.2 Briefings will cover Council business only and officers will not be asked or allow themselves to be involved in a political discussion or discussion of any other matter than the subject of the briefing;

4.1.3 Briefings given to one group will be available to any political group, on request;

4.1.4 Officers will respect the confidentiality of political group meetings;

4.1.5 Officers may refuse to brief meetings attended by a non-member (except for other council officers), as they are not bound by the Code of Conduct's obligations of confidentiality and also, other than the above, officers must not attend political party meetings, as this may jeopardise their impartiality;

4.1.6 Briefings are not a substitute for the provision of information and advice in formal Council meetings.

4.2 For clarity, briefings are restricted to the political groups within the Council and do not include any meeting arranged by a political party itself.

5. The Management of Officers

5.1 Although officers will support, advise and respond to members' requests, the law is clear that only other officers can manage officers. This means that:-

- 5.1.1 Day to day management of officers is the responsibility of managers and ultimately the Chief Executive, acting as Head of Paid Service.
- 5.1.2 Officers will comply with all reasonable requests from members but individual members cannot instruct officers to do any piece of work or take any course of action.
- 5.1.3 Officers will not seek any member's support in any employment or other dispute or a Council appointment or promotion except in so far as is provided at paragraph 1.2 of the Officer Employment Procedure Rules at Part H4 of the constitution.
- 5.1.4 Members are responsible for the recruitment and appointment of the Chief Executive, Directors, Chief Finance Officer and Monitoring Officer, in accordance with the Council's Officer Employment Procedure Rules.
- 5.1.5 Officers are responsible for recruitment of all other officers.
- 5.1.6 Members' role in any formal action against an officer or grievance involving an officer is limited to reporting an officer's actions to their manager and/or as a witness (except where the Officer Employment Procedure Rules at Part H4 of the constitution provide otherwise).
- 5.1.7 When representing the Council at meetings about industrial relations matters, members must remember that they represent the Council as an employer and are not there to represent the officers. This applies in particular to meetings with trade union representatives. If a member considers that they cannot undertake this task from this perspective, they should withdraw from this role.

6. Access to Information

- 6.1 To carry out their duties effectively, members must have broad access to Council information. The following principles apply here:-
 - 6.1.1 Members' access to information will be compliant with their statutory and common law rights (see Appendix A for details);

- 6.1.2 Officers will not withhold information from a member who is entitled to receive it (see Appendix A for details);
- 6.1.3 Where confidential, personal or otherwise sensitive information is provided to a member, they will deal with that information in accordance with the Members' Code of Conduct at Part F2 of the constitution;
- 6.1.4 Any disputes relating to access to information will be referred to the Monitoring Officer for determination;
- 6.1.5 Further information on access to information is available at **Appendix A**.

6.1.6 Use of IT Systems

a) Members are bound by the terms of the Council's Acceptable Use Policy when using Council systems and must sign the Policy prior to accessing systems and data.

b) Members must use Council email for all council business and must not auto-forward or copy any Council information to non-Council email accounts or software programmes. Under no circumstances should commercially sensitive or personally identifiable information be forwarded from Council email addresses to Members' private email addresses.

c) Access to Council email from a fixed location, such as a home or workplace address, will be provided using a personally owned device, such as a laptop or PC, and the Council's Citrix system and a two factor authentication token.

d) Members may synchronise their Council email and calendars with their smart phone or tablet devices providing the approved Mobile Device Management solution has been installed and configured on the device. Members agree that the Council can wipe just the Council email and calendar information from the smartphone device if it is lost or stolen. This application does not provide the Council with access to any other data stored on the device.

Members' Enquiries

- 6.2 Members' enquiries may be made by any means.

- 6.3 Officers will make every effort to provide a substantive response to a member enquiry within **2 working days**, but if a substantive response cannot be provided officers will acknowledge receipt of the enquiry. If it is not possible to provide a substantive response within 5 working days, officers must explain:-
- 6.3.1 The reason for the delay;
 - 6.3.2 What action is being taken to pursue the enquiry; and
 - 6.3.3 The timescale within which a substantive response will be sent, which must be within 15 days, unless agreed otherwise by the member and officer.
- 6.4 Directors are responsible for ensuring that member enquiries are dealt with promptly and accurately in their Directorates.
- 6.5 Where an enquiry imposes a disproportionate burden on officers' work, this should be explained and discussed with the member concerned and senior management to agree an alternative deadline and/or response.
- 6.6 Members' enquiries, which are in fact constituent complaints, will be handled under the Council's Complaints Procedure.
- 6.7 This members' enquiry procedure supplements and does not replace members' statutory and common law rights to information.
- 6.8 Co-opted and independent members' rights of access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.

7. Media Relations and Publicity

- 7.1 The Council's Communications Service leads on all media and publicity events. The following principles are relevant to member-officer relations and the media:-
- 7.1.1 Members and officers will comply with the Council's Media and Publicity Protocol when speaking for or on behalf of the Council;

- 7.1.2 Members are free to speak to the media on any matter on behalf of a political party or as an individual but should make this clear in any statement made;
- 7.1.3 Officers must also act in accordance with the Code of Conduct for Officers when speaking about the Council in public.

8. When things go wrong: dispute resolution

- 8.1 The Council's experience is that members and officers work well together and with few formal complaints. However, it is still necessary to have a clear process to handle complaints.
- 8.2 The key principle for dispute resolution is that both members and officers are committed to informal, non-adversarial solutions. Where a dispute arises, the first step should be for both parties to seek to resolve any differences informally between themselves or, where necessary, with the assistance of a manager.
- 8.3 When an informal resolution is not possible, the following processes will apply.

Formal complaints about officers

- 8.4 Members should make any formal complaints about officers to their Director or the Chief Executive, copied to the Monitoring Officer. The matter will be investigated and the member will be informed of its progress and outcome.
- 8.5 In appropriate cases, breaches of this Protocol may also constitute offences under the Code of Conduct for Officers and in such cases, disciplinary action may be taken.
- 8.6 Members must remember that the decision to take formal action against an officer and the action taken is the sole responsibility of management. A member's evidence will be considered but members must:-
 - 8.6.1 Respect the confidentiality of the investigation and disciplinary process;
 - 8.6.2 Not seek improperly to influence the action taken against an employee;
 - 8.6.3 Accept the management decision.

Formal complaints about Members

- 8.7 An officer's complaint about a member should be reported to the Chief Executive and copied to the Monitoring Officer and the officer's Head of Service or Director.
- 8.8 The Monitoring Officer will, where appropriate, investigate the complaint and report the outcome to the Chief Executive, the member, the officer and officer's Director or Head of Service.
- 8.9 In appropriate cases, the Monitoring Officer will notify the relevant political group leader of the complaint and his/her findings.
- 8.10 The Monitoring Officer will seek to find a resolution to the complaint which is mutually acceptable to the member and officer concerned. If this is not possible then the Monitoring Officer will recommend necessary actions.
- 8.11 If the Monitoring Officer considers that in breaching the terms of this Protocol, the member may have breached the Code of Conduct for Members then a referral will be made to the Council's Standards Committee (see also paragraph 8.12 below).

Interaction with the Members' Code of Conduct and the Whistleblowing Policy

- 8.12 A complaint against a member may disclose evidence of a breach of the Code of Conduct. The Protocol's aim is, in part, to provide guidance and resolve disputes informally and thereby prevent Code of Conduct complaints. However, an officer's use of the dispute resolution procedure in this Protocol does not prohibit them from making a complaint under the Code of Conduct about the same matter.
- 8.13 Equally, officers and members are not prevented by this Protocol from using the Council's Confidential Reporting Policy (also known as 'Whistleblowing'), particularly for matters involving potential fraud, deception or other criminality.

9. Monitoring and Review

- 9.1 The Protocol will be monitored and reviewed by the Council's Standards Committee on an annual basis.

10. Further sources of information

Topic	Source
Employment and appointment of officers	Officer Employment Procedure Rules Officer Terms and Conditions of Employment
Member conduct	The Code of Conduct for Members The Monitoring Officer www.standardsboard.co.uk Planning and Licensing Codes of Good Practice
Officer conduct	Code of Conduct for Officers
Media and Publicity	Media and Publicity Protocol Statutory Recommended Code of Practice on Local Authority Publicity
Complaints	Corporate Complaints Policy
Whistleblowing	Confidential Reporting Policy and Anti-Fraud Strategy
Members' Access to Information	Appendix A. Access to Information Procedure Rules
Freedom of Information and Data Protection	Freedom of Information and Data Protection Acts www.informationcommissioner.gov.uk

APPENDIX A

PROTOCOL FOR MEMBER/OFFICER RELATIONS

Members' Rights of Access to Council Information

This is a summary of the legal rights of access to Council information available to Councillors. To make a complex area simpler to understand, this guidance is a summary document and not a complete statement of the law. If in doubt, members are recommended to seek further advice from the Monitoring Officer. In short, a member's rights of access to information depend on their role within the Council. The key rights of access to council information are summarised in the table below and refers to the relevant section below.

Person seeking access	Right of access
Public and Press	<p>Access to all Council reports, agendas and minutes, except those reports which are exempt from public access</p> <p>Access to the Forward Plan of Executive decisions</p> <p>Rights under Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 1998.</p>
Independent Standards Committee Members	<p>Public and press rights:</p> <p>Reports for local determination hearings under the Code of Conduct (including exempt information)</p>
All elected members	<p>Public and press rights plus:</p> <p>"Need to know"</p> <p>Right to inspect "business to be transacted" by the Council</p>
Scrutiny committee members	<p>All the rights above and additional rights to Executive reports and information relating to matters it is scrutinising.</p>
Executive members	<p>All rights above and also full access to Executive reports</p>

1. Common Law – The “Need To Know”

- 1.1 The primary rights are in common law, i.e. case law built up over the years. Members have rights of access to information so far as access is reasonably necessary for them to perform their duties. The case law says this is not a “roving commission” to access any documents and the member needs to prove they have a right to know. A committee member generally has a need to know about matters in relation to that committee or its sub-committee. This right is not limited to formal committee papers.
- 1.2 Refusals can take into account the effects on disclosure on third parties and the need to know must be in “good faith”.
- 1.3 It should be noted that this is a right of access to the member only and for carrying out their official duties. It does not allow a member to further disclose the information and indeed the unauthorised disclosure of confidential information is a breach of the Code of Conduct.

2. Members’ Statutory Rights of Access

2.1 Access to Council and Committee documents – Local Government Act 1972

Public Access

- 2.1.1 Members have generally the same rights of access as members of the public in respect of the formal council meetings.
- 2.1.2 The default position is that there is access to all agendas, reports and minutes of council, committee and scrutiny meetings. Schedule 12A of the LGA 1972, however, sets out a list of categories of exempt information which may be excluded from public access before the meeting and by a vote of the committee itself at the meeting. The categories of exempt information within Schedule 12A are set out in the table at the end of this document.
- 2.1.3 It should also be noted that the application of an exemption is now subject to a public interest test. The Council will now have to show that the public interest is against public access.

Additional Rights of Members

- 2.1.4 Members have rights of access to information that are greater than the rights available to the public. Specifically, members have the right to inspect any document in the possession or under the control of the Council which contains material relating to any business to be transacted at a council, committee or sub-committee meeting.
- 2.1.5 It is important to note that this right is limited in the following ways:-
- ⇒ It is a right to inspect not receive a copy.
 - ⇒ It applies only to access before the meeting.
 - ⇒ It only applies to documents held at that time.
- 2.1.6 If a report contains exempt information, the right to inspect at 2.1.4 does not apply unless the information comes within either of the following categories:-
- ⇒ Paragraph 3 – information about the financial or business affairs of any person (including the Council) where the information is not about terms proposed during contract negotiations.
 - ⇒ Paragraph 6 – proposals to issue statutory notices, directions or other orders.

2.2 Access to Executive documents

All Members

- 2.2.1 The members' rights of access to executive (i.e. Executive members) documents are very similar to the regime described above but there are some key differences due to the nature of executive arrangements.
- 2.2.2 The access regime described above applies equally to executive documents so that:-
- ⇒ Executive agendas are publicly available, unless the information falls within Schedule 12A.

⇒ Members have the additional right to inspect information about business to be transacted at meetings of the Executive, subject to the same restrictions outlined above.

2.2.3 In addition, the Leader is required to publish a Forward Plan of all Key Decisions to be made by the Executive in the next 4 months. (Note: Central Bedfordshire has decided to publish a Forward Plan of all Key Decisions to be made by the Executive in the next 12 months.) The Forward Plan provides specified details of the decisions to be made and is publicly available. Key Decisions are defined in Part C2 of the constitution.

2.2.4 Executive meetings where Key Decisions are made must be held in public and there is public and member access to the agenda, reports and minutes of such meetings. At Central Bedfordshire Council, all Executive meetings are in public.

Members of Scrutiny Committees

2.2.5 Members of overview and scrutiny committees have additional rights. Scrutiny members are entitled to a copy of any document which is in the possession or under the control of the Executive of that authority, and which contains material relating to one of the following:-

⇒ Any business transacted at a private or public meeting of a decision-making body of that authority.

⇒ Any decision made by an individual Executive Member.

⇒ Any Key Decision made by an officer of the authority under the urgency procedure.

2.2.6 This right is limited as follows. No Scrutiny member is entitled to:-

- ⇒ A copy of such document or part of a document as contains exempt information under Schedule 12A, unless that information is relevant to an action or decision that they are reviewing or scrutinising, or which is relevant to any review contained in any programme of work of the committee or one of its sub-committees.
- ⇒ A copy of a document or part of a document containing advice provided by a political adviser or assistant.

2.2.7 Scrutiny's right is a broader entitlement to copies of documents but is still limited when exempt information is being considered.

2.2.8 Where members of overview and scrutiny committees receive copies of Executive reports containing exempt information, they must preserve the confidentiality of that information. Therefore, before considering that item of business, the committee should pass a resolution excluding the press and public from the meeting during the consideration of the item.

3. Freedom of Information and other Statutory Rights

- 3.1 The Freedom of Information Act 2000 gives anyone the right to request information held by the Council. The Council is under a duty to confirm or deny that it holds the information and, if it does, to supply the information. The Council has 20 working days to supply the information, although in certain cases, this time limit can be extended. This right of access is subject to a number of exempt categories of information. Fees are payable for requests that take over 18 hours to provide a response.
- 3.2 Environmental information is available under the Environmental Information Regulations 2005, again within 20 working days for straightforward requests, although a fee may be charged immediately for all responses.

3.3 The Data Protection Act 1998 gives members rights of access to personal information about themselves held by the Council. It also provides for members to seek personal information about constituents they are representing subject to certain restrictions and provided that they have the consent of the constituent. The primary purpose of the Data Protection Act is to protect personal information about individuals and so generally its effect is to restrict access by members to personal information held by the Council about people unless the individual concerned is aware that it may be disclosed in this way.

3.4 The Council has approved a Data Protection Policy and a Freedom of Information Policy copies of which are available to members on request.

3.5 **Qualifications**

3.5.1 All information within paragraphs 1-7C of Schedule 12A of the Local Government Act 1972 (reproduced below) is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (the “public interest test”).

3.5.2 Information within paragraph 3 is not exempt information if it is required to be registered under:-

3.5.2.1 The Companies Act 1985;

3.5.2.2 The Friendly Societies Act 1974;

3.5.2.3 The Friendly Societies Act 1992;

3.5.2.4 The Industrial and Provident Societies Acts 1965 to 1978;

3.5.2.5 The Building Societies Act 1986; or

3.5.2.6 The Charities Act 1993.

4. The Code of Conduct

- 4.1 Members have wide rights of access to information held by the Council but this does not mean that they may share all this information with other people or the public. Much of the information disclosed under the “need to know” or the additional rights of access to Council and Executive documents will include access to confidential information, either about individuals, the Council or other persons/organisations.
- 4.2 The Code of Conduct prohibits the disclosure of confidential information, unless the member can show that the public interest in seeing the information outweighs the confidentiality, or unless the member can show that the information was already fully in the public domain. Such disclosure may also breach the Code by bringing the Council into disrepute or constitute the conferring of an improper advantage or disadvantage on any person. The Council may also face legal action for breach of confidentiality due to the member’s actions.
- 4.3 Members are strongly advised to seek advice from the Monitoring Officer in the first instance before considering the disclosure of information given to them in confidential or otherwise restricted circumstances.

SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972- SUMMARY
1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes — <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
Exempt Information in Local Determination Hearings of the Council's Standards Committee Only
7A. Information which is subject to any obligation of confidentiality.
7B. Information which relates in any way to matters concerning national security.
7C. The deliberations of a standards committee or a sub-committee

Meeting: Council
Date: 30 January 2014
Subject: Calendar of Meetings 2014-2015
Report of: Executive Member for Corporate Resources
Summary: To seek approval of the Calendar of Meetings for the Municipal Year 2014-2015.

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

CORPORATE IMPLICATIONS

Council Priorities:

Having in place effective leadership and political management arrangements of the Authority is critical to the delivery of the Council's vision and all its strategic priorities.

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:

that Council approves the draft Calendar of Council and Committee meetings for the period April 2014 – June 2015 as set out at Appendix A to this report.

Background

10. Preparing a Calendar of Meetings for the municipal year ahead enables effective planning of Council business and preparation of the Executive's Forward Plan. In addition the Constitution specifies that citizens have the right to attend meetings of the Council, the Executive and its committees and the Calendar enables citizens to be aware in advance of meeting dates.
11. Set out in Appendix A is a draft Calendar of Meetings for the period 1 April 2014 – 30 June 2015. The period covered extends just beyond the proposed Annual Council meeting on 21 May 2015.
12. The draft Calendar has been circulated for comment to the Leader and Deputy Leader of the Council, Group Leaders, Executive Members and Deputies and the Chairmen of all committees. In addition the Chief Executive and all Chief Officers have also been consulted. Wherever possible suggested amendments have been incorporated into the draft.
13. It should be noted that the draft Calendar only lists those meetings which can or need to be programmed (for constitutional, financial or other reasons). Meetings of other Council bodies, such as the Licensing Sub-Committee and Appointments Sub-Committee, will be arranged as and when required.

Appendices: Appendix A – Draft Calendar of Meetings 2014-15

Background Papers: None

Appendix A

**CENTRAL BEDFORDSHIRE COUNCIL
CALENDAR OF MEETINGS 2014 - 2015**

Tues	1	Apr	CS OSC	10.00am	Tues	2	Sep	CS OSC	10.00am
Wed	2	Apr	DMC	10.00am	Thur	4	Sep	SC OSC	10.00am
Thur	3	Apr	SC OSC	10.00am	Mon	8	Sep	SCHH OSC	10.00am
Thur	3	Apr	HWB	1.00pm	Tues	9	Sep	CR OSC	10.00am
Mon	7	Apr	SCHH OSC	10.00am	Thur 11 Sep Council				6.30pm
Tues	8	Apr	CR OSC	10.00am	Mon	22	Sep	Audit	10.00am
Tues 22 Apr Executive				9.30am	Tues 23 Sep Executive				9.30am
					Wed	24	Sep	DMC	10.00am
Thur 1 May Council (AGM)				6.30pm					
Tues	6	May	CS OSC	10.00am	Thur	2	Oct	General Purposes	10.00am
Wed	7	May	DMC	10.00am	Thur	2	Oct	HWB	1.00pm
Thur	8	May	SC OSC	10.00am	Mon	13	Oct	CPP	11.00am
Mon	12	May	SCHH OSC	10.00am	Tues	14	Oct	CS OSC	10.00am
Tues	13	May	CR OSC	10.00am	Thur	16	Oct	SC OSC	10.00am
Wed	21	May	Licensing	10.00am	Mon	20	Oct	SCHH OSC	10.00am
Thur	22	May	EUROPEAN ELECTIONS		Tues	21	Oct	CR OSC	10.00am
					Wed	22	Oct	DMC	10.00am
Tues 27 May Executive				9.30am					
Thur	29	May	General Purposes	10.00am	Tues 4 Nov Executive				9.30am
					Wed	12	Nov	Licensing	10.00am
Mon	2	June	CPP	11.00am	Wed	19	Nov	DMC	10.00am
Wed	4	June	DMC	10.00am	Thur 27 Nov Council				6.30pm
Thur	5	June	HWB	1.00pm					
Thur 12 June Council				6.30pm	Mon	1	Dec	CPP	11.00am
Tues	17	June	CS OSC	10.00am	Thur	4	Dec	General Purposes	10.00am
Thur	19	June	SC OSC	10.00am	Thur	4	Dec	HWB	1.00pm
Mon	23	June	SCHH OSC	10.00am	Tues 9 Dec Executive				9.30am
Tues	24	June	CR OSC	10.00am	Thur	11	Dec	SC OSC	10.00am
Mon	30	June	Audit	10.00am	Fri	12	Dec	CS OSC	10.00am
					Mon	15	Dec	SCHH OSC	10.00am
Wed	2	July	DMC	10.00am	Tues	16	Dec	CR OSC	10.00am
Tues 15 July Executive				9.30am	Wed	17	Dec	DMC	10.00am
Thur	17	July	General Purposes	10.00am					
Mon	21	July	CPP	11.00am	Mon	12	Jan	Audit	10.00am
Tues	22	July	CS OSC	10.00am	Tues 13 Jan Executive				
Thur	24	July	SC OSC	10.00am					9.30am
Mon	28	July	SCHH OSC	10.00am					
Tues	29	July	CR OSC	10.00am	Wed	14	Jan	DMC	10.00am
Wed	30	July	DMC	10.00am	Thur	15	Jan	General Purposes	10.00am
					Tues	20	Jan	CS OSC	10.00am
Wed	6	Aug	Licensing	10.00am	Thur	22	Jan	SC OSC	10.00am
Thur	7	Aug	HWB	1.00pm	Mon	26	Jan	SCHH OSC	10.00am
Tues 19 Aug Executive				9.30am	Tues	27	Jan	CR OSC	10.00am
Wed	27	Aug	DMC	10.00am	Thur 29 Jan Council				6.30pm

Mon 2 Feb CPP 11.00am
 Thur 5 Feb HWB 1.00pm
Tues 10 Feb Executive (budget) 9.30am
 Wed 11 Feb DMC 10.00am
 Tues 17 Feb CS OSC 10.00am
 Thur 19 Feb SC OSC 10.00am
Thur 26 Feb Council (budget) 6.30pm

Mon 2 Mar SCHH OSC 10.00am
Mon 2 Mar Council (R) 5.00pm
 (Police precept)
 Tues 3 Mar CR OSC 10.00am
 Wed 4 Mar Licensing 10.00am
 Wed 11 Mar DMC 10.00am
 Thur 12 Mar General Purposes 10.00am
Tues 17 Mar Executive 9.30am
 Mon 23 Mar CPP 11.00am
 Mon 30 Mar Audit 10.00am
 Tues 31 Mar CS OSC 10.00am

Thur 2 Apr SC OSC 11.00am
 Thur 2 Apr HWB 1.00pm
 Wed 8 Apr DMC 10.00am
 Mon 13 Apr SCHH OSC 10.00am
 Tues 14 Apr CR OSC 10.00am
Tues 21 Apr Executive 9.30am

Thur 7 May ELECTIONS
 Thur 14 May Induction Event
Thur 21 May Council (AGM) 6.30pm
 Wed 27 May DMC 10.00am

Mon 1 June CPP 11.00am
Tues 2 June Executive 9.30am
 Thurs 4 June HWB 1.00pm
 Tues 9 June CS OSC 10.00am
 Thur 11 June SC OSC 10.00am
 Mon 15 June SCHH OSC 10.00am
 Tues 16 June CR OSC 10.00am
 Wed 24 June DMC 10.00am
 Mon 29 June Audit 10.00am

Key:

CPP – Corporate Parenting Panel
 CR OSC – Corporate Resources OSC
 CS OSC – Children’s Services OSC
 DMC - Development Management Committee
 HWB – Health & Wellbeing Board
 SCHH OSC – Social Care, Health & Housing OSC
 SC OSC – Sustainable Communities OSC

(R) - Reserve

Venues:

Licensing Sub-Committees will be arranged at local venues as and when required. All other meetings will normally be at Priory House unless otherwise agreed by the committee or body concerned.

Meeting: Council
Date: 30 January 2014
Subject: Police and Crime Panel Members - Allowances
Report of: Cllr Maurice Jones, Executive Member for Corporate Resources
Summary: The report brings to the Council's attention the conclusion of Bedford Borough Council's Independent Remuneration Panel on making any allowance to Bedfordshire Police and Crime Panel members from Home Office funding.

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

CORPORATE IMPLICATIONS

Council Priorities:

The proposal in this report supports the following Council priority:

- Value for money – freezing council tax

as there is no proposal to introduce an allowance for members of the Bedfordshire Police and Crime Panel.

Financial:

1. The report has no financial implications. If any allowances were to be agreed for Police and Crime Panel members in the future, there would be financial implications which should be considered at that time.

Legal:

2. The report has no legal implications as there are no proposals to change the current position.

Risk Management:

3. There are no risk management implications.

Staffing (including Trades Unions):

4. There are no staffing implications.

Equalities/Human Rights:

5. There are no Equalities/Human Rights implications arising from this report.

Public Health

6. There are no public health implications.

Community Safety:

7. There are no community safety implications.

Sustainability:

8. There are no sustainability implications.

Procurement:

9. There are no procurement implications.

RECOMMENDATION:

Council is asked to:

note the part of the report of the Independent Remuneration Panel to Bedford Borough Council on allowances for Bedfordshire Police and Crime Panel members, as set out at Appendix A attached.

Bedfordshire Police and Crime Panel - Allowances

10. The agreed Panel arrangements for the Bedfordshire Police and Crime Panel provide that no allowance will be paid by the Panel itself to any elected members representing the constituent authorities, except following consideration of a report from the host authority's Independent Remuneration Panel, and the approval of any proposed allowances by the constituent authorities.
11. At its meeting on 25 November, 2013 the Police and Crime Panel resolved to request Bedford Borough Council's Independent Remuneration Panel to consider and make recommendations to the three constituent authorities in respect of the payment of a Special Responsibility Allowance to the Panel's Chairman, and also to consider whether allowances should be available for other members of the Panel.

Independent Remuneration Panel's Report

12. The host authority's Independent Remuneration Panel has now met and considered the request, and the relevant paragraphs of the report to Bedford Borough's Council meeting on 15 January 2014 are attached.
13. Members' attention is drawn in particular to paragraphs 4.3 – 5.
14. Members are also advised that none of the three constituent authorities are currently paying their respective Panel members an allowance for this role.

Appendices:

Appendix A – section of report to Bedford Borough Council from its Independent Remuneration Panel.

Background Papers: (open to public inspection) - None

Note: Background documents are those which have been used to prepare the report, which are not already published and which are open to public inspection.

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Appendix A

Bedfordshire Police and Crime Panel

- 4.1 The Bedford Borough Council Independent Remuneration Panel has considered a request from the Bedfordshire Police and Crime Panel that it consider whether the position of the Police and Crime Panel Chair should attract a Special Responsibility Allowance and whether an Allowance should be available to other Panel Members.
- 4.2 In considering this request, the IRP had regard to the following:-
- § the role and responsibilities of the Police and Crime Panel
 - § the number of occasions on which the Panel Members have:-
 - met both formally and informally
 - met collectively for training/workshop purposes
 - attended external training events/conferences
 - met as part of a Task Group undertaking a discrete item policy review work
 - § that the Chair of the Panel and the Chief Executive of the Host Authority (Bedford Borough Council) also now hold scheduled monthly meetings with the Police and Crime Commissioner and his Chief Executive).
 - § the results of a survey undertaken to establish whether and what allowances are currently being paid to Chairs/Members of Police and Crime Panels elsewhere in the country – which identified wide ranging practices across England and Wales and that in a significant number of areas no allowances are currently payable
 - § the current level of Basic Allowance paid by the Panel's three Constituent Authorities, together with the levels of Special Responsibility Allowances they currently pay to their Scrutiny Committee Chairs and to their Co-opted Members
- 4.3 The IRP is aware of the moves towards significantly greater collaboration between the Bedfordshire, Cambridgeshire and Hertfordshire Police Forces and noted, from the survey that had been undertaken, that no allowances are currently payable to the Chairs of, and Members serving on, the Panels covering those Force areas. The IRP was of the view that there should be a consistency of practice across the Panels for the three Force areas concerned and therefore recommends that no allowances be paid to Panel Members from the Home Office grant for Panel support in 2014/15.
- 4.4 In relation to allowances and expenses, the Police and Crime Panel Arrangements provide that:-

“No allowance will be paid by the Panel itself to Elected Members except following consideration of a report from the Host Authority’s Independent Remuneration Panel and the approval of any proposed allowances by the Constituent Authorities. All Panel Members are entitled to claim mileage expenses for attending Panel meetings and events, at the rate set out in their respective Authority’s Members’ Allowances Scheme, the costs of which can be reimbursed from the Home Office grant for the Panel’s operation”.

- 4.5 It is of course open to the individual Constituent Authorities themselves to recognise Panel Membership in their individual allowance schemes and to pay their respective Panel Members an allowance themselves.

5. Recommendations

- (a) That no allowance be payable to the Chair or any Member of the Bedfordshire Police and Crime Panel from the Home Office funding available to meet Panel costs.