

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Thursday, 17 July 2014

### PRESENT

Cllr P Hollick (Chairman)

Cllrs A L Dodwell  
D Jones  
M R Jones  
D J Lawrence  
Mrs J G Lawrence

Cllrs K C Matthews  
J Murray  
R B Pepworth  
M A G Versallion

Apologies for Absence: Cllrs J G Jamieson  
R C Stay

Substitutes: Cllrs A Shadbolt (In place of J G Jamieson)

Members in Attendance: Cllrs P N Aldis  
R D Berry

|                         |                |   |
|-------------------------|----------------|---|
| Officers in Attendance: | Mrs K Aspinall | – Consultation Manager                        |
|                         | Mrs M Clay     | – Chief Legal and Democratic Services Officer |
|                         | Mrs M Damigos  | – Corporate Lawyer                            |
|                         | Mr R Gould     | – Head of Financial Control                   |
|                         | Mr L Manning   | – Committee Services Officer                  |
|                         | Ms M Peaston   | – Committee Services Manager                  |
|                         | Mrs G Stanton  | – Chief Communications Officer                |

GPC/14/15. **Minutes**

### RESOLVED

**that the minutes of the meeting of the General Purposes Committee held on 29 May 2014 be confirmed and signed by the Chairman as a correct record.**

GPC/14/16. **Members' Interests**

None.

GPC/14/17. **Chairman's Announcements and Communications**

None.

**GPC/14/18. 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/14/19. 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/14/20. Webcasting**

Members considered a report of the Executive Member of Corporate Resources which set out a proposed approach for the introduction of webcasting to provide simultaneous broadcasting and recording of certain meetings in the Council Chamber at Priory House. If implemented the webcasting would enable the public to regularly view meetings of full Council, Executive and Development Management Committee off site. In addition, the report included a draft protocol for webcasting, recording and the use of social media in the Council's meetings.

The Chief Communications Officer introduced the report, referring to the increasing demand for government openness at both national and local level. She stated that webcasting already took place at a variety of local authorities, had done so for a number of years and was no longer regarded as being unusual. The Chief Communications Officer next referred to the changing nature of mass communication and to 'Open and Accountable Local Government', the draft guide for the press and public on attending and reporting local government meetings recently issued by the Department for Communities and Local Government. A copy of the draft guide was attached at Appendix A to the report. She drew Members' attention to the new rights for the public set out within the draft guide which required councils to allow any member of the public to photograph, film and audio-record meetings without permission. The Chief Communications Officer stressed that, as a result, it was important that the Council retained its own, complete record of events and webcasting could provide the means of doing so.

The Chief Communications Officer continued her introduction to the Executive Member's report, outlining the proposed approach for introducing webcasting, the preparation and review arrangements, the review mechanisms and a proposed timetable which would see the implementation of the system by December 2014.

Full discussion then took place with Members considering the issues both for and against the adoption of webcasting and the timeframes enabling review before the rolling out of webcasting for additional committees.

Various concerns were raised in relation to absence of any protection for Members in the form of the equivalent of 'Parliamentary Privilege' when speaking in meetings and the possible manipulation of recordings made by some members of the public. With regard to the latter it was felt that a full recording of all meetings was valuable no matter where the meeting was held. It was noted that with the availability of webcasting, it might become unnecessary to hold certain meetings close to the affected communities as those interested in the issue could watch a webcast. However, it was also suggested that webcasting could lead to the encouragement of inappropriate behaviour by some Members in the form of 'grandstanding' and the number of webcasted meetings could be restricted or the introduction of webcasting delayed until after the elections in May 2015. A query was raised regarding the financial implications of webcasting and the possible augmentation of the existing public address system in the Council Chamber was suggested as a way of reducing costs. With regard to the possibility that other meetings held in the Council Chamber, such as those of the overview and scrutiny committees, be webcast if there was sufficient public interest the meeting was reminded that some meetings involved lay Members and concern was expressed that webcasting could dissuade them from participating.

In response to concerns regarding the financial implications of webcasting the meeting was advised that full research had been undertaken with other local authorities on this matter to establish the likely costs involved. With regard to lay Member participation the officers advised that full training would be offered to non-councillors as well as to Members. Members concurred that the proposed protocol for webcasting, recording and the use of social media at the Council's meetings, as set out at Appendix B to the report, should be amended to include reference to lay member(s) of a committee where appropriate.

With regard to grandstanding, it was acknowledged that the proposed timing of the introduction of webcasting was unfortunate but it was also stated that this activity already took place.

Other Members viewed the adoption of webcasting as both inevitable and beneficial. The recording of meetings in some way by the public already took place and the Secretary of State for Communities and Local Government had made clear his determination to allow the public to undertake photography, filming and audio-recording at local authority meetings without the need for a council's permission. It was acknowledged that whilst the minutes of a meeting would remain the formal legal record the absence of a full, official recording of proceedings in the form of a webcast would leave the Council without a defence against the manipulation or editing of private recordings by individuals or organisations. To this end it was felt that the options for providing webcasting from other meeting rooms and venues besides the Council Chamber should be investigated.

It was noted that the current system within the Council Chamber was unable, in its current state, to provide a webcasting service and its upgrading would be expensive.

Last, whilst it was not possible to prevent members of the public from editing their own recordings it was to the Council's benefit to ensure that an official recording was made and publically available. It could also encourage public engagement. Further, if images were manipulated by an individual or organisation in a way which defamed a Member or officer then legal action could be taken.

## **RECOMMENDED TO COUNCIL**

- 1 that the implementation of webcasting for meetings of the full Council, Executive and Development Management Committee, when held in the Council Chamber at Priory House, be approved and the following timetable adopted:**
  - a Initiation of procurement of a webcasting system in October 2014;**
  - b Preparation phase for Members and officers through briefing sessions and notes in November 2014;**
  - c Implementation of a system by December 2014**
- 2 that options for the provision of a mobile webcasting solution to enable webcasting from other meeting rooms and venues be explored.**

## **RESOLVED**

- 1 that, subject to the adoption of the recommendations above, the provisions suggested in the report of the Executive Member for Corporate Services to prepare Members and officers for the implementation of webcasting be approved;**
- 2 that the proposed approach to reviewing the new system, to assess the extent to which the equipment, procedures and officer support are meeting operational requirements, be approved;**
- 3 that the new draft protocol for webcasting, recording and using social media in the Council's meetings, attached at Appendix A to these minutes, be approved subject to the inclusion of a reference to lay (or co-opted) Members where appropriate.**

### **GPC/14/21. Standards Complaints - Annual Report**

The Committee considered the annual report on ethical standards complaints and related issues for 2013/14 by the Chief Legal and Democratic Services Officer/Monitoring Officer. The Chief Legal and Democratic Services Officer/Monitoring Officer first apologised for the late circulation of her report which was due to capacity issues. She then introduced the report which set out information on the following matters:

- The Code of Conduct
- The Register of Interests

- Independent Persons
- Complaints
- Training
- Conclusion and Next Steps

The meeting was aware that the report included an exempt Appendix D which set out a summary of Councillor Code of Conduct Complaints as at July 2014 and that exempt Appendix E, which was due to be tabled, set out complaints received in connection with one specific local authority during the 2013/14 municipal year.

Members were of the opinion that, given the relevance of the exempt reports to their discussions, further consideration of this item could only proceed following exclusion of the press and public.

#### **RESOLVED**

**that further consideration of this item be deferred pending the exclusion of the press and public from the meeting.**

#### **GPC/14/22. 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/14/23. Standards Complaints - Annual Report (Conclusion)**

Further to minute GPC/14/21 above, exempt Appendix E to the report of the Chief Legal and Democratic Services Officer/Monitoring Officer was circulated.

Discussion first took place on exempt Appendix D with particular reference to the following issues:

- the role of town and parish clerks and their training and development
- the resource implications which had arisen within the Legal Team as a result of the need to process the high number of standards complaints received in connection with town and parish councils
- the nature of the complaints received.

Members next focused on the problems experienced within the local council described in exempt Appendix E.

Possible remedial measures for the challenges being experienced within some town and parish councils were considered. In addition, the sanctions that could be imposed by Central Bedfordshire Council were noted.

## **RESOLVED**

- 1 that authority be delegated to the Monitoring officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with standards allegations made under the Localism Act 2011;**
- 2 that both the Member's right and complainant's right to reject the Monitoring Officer's suggestion of a local resolution be no longer permitted and paragraph 9 of Part F2 of the Constitution be amended accordingly;**
- 3 that the Monitoring Officer submit an annual report to the General Purposes Committee setting out the resource implications of dealing with the standards complaints which had been received.**

(Note: at the conclusion of the above item all copies of exempt Appendix E were collected. The Committee then moved back into public session to consider its remaining business).

### **GPC/14/24. Constitution Update - Maintaining the Constitution**

The Committee considered a report of the Executive Member for Corporate Resources which set out a proposed amendment to the Constitution to enable it to be maintained as an up to date document in a more efficient manner.

Members were aware that the Constitution provided for the Monitoring Officer to make urgent amendments to that document to give effect to any decision of the Council, or changes in the law, or minor amendments such as correcting errors, or to ensure that the Constitution was up to date, but only following consultation with the General Purposes Committee (paragraph 2.3 of Part A5 of the Constitution refers). The report suggested that the requirement for the Monitoring Officer to first consult the Committee before making the amendments of a type which did not require Members' discernment or evaluation, for example, spelling or typographical errors, resulted in unnecessary delay. In contrast, authorising the Monitoring Officer to make such amendments without needing to undertake consultation with the Committee would enable corrective action to be taken more quickly.

Members noted that it was suggested that the changes would be brought together and made on a monthly basis to enable the updating process to be managed in a timely way. It was also noted that an audit trail would be maintained through the Monitoring Officer's personal sign-off of the amendments and the retention of the document on file. In addition, it was proposed that a schedule of the changes would be prepared and submitted to the Committee on a six monthly basis so that Members were able to maintain an overview of the Constitution as it evolved.

The Committee indicated its full support for the proposed amendment to the Constitution and related action regarding the submission of update reports.

## **RECOMMENDED TO COUNCIL**

**that the Monitoring Officer be authorised to make urgent amendments to the Constitution to give effect to any decision of the Council or changes in the law, minor amendments such as to correct errors or to ensure that the Constitution is up to date, by amending the Constitution at Part A5, paragraph 2.3 through the deletion of the words “after consultation with the General Purposes Committee”;**

## **RESOLVED**

**that, subject to the approval of the recommendation above, reports be submitted to the General Purposes Committee twice a year to update the Committee on any amendments which have been made to the Constitution following authorisation by the Monitoring Officer.**

### **GPC/14/25. Constitution Update in Respect of Capital Programme Management and Asset Related Delegations**

Members considered a report of the Executive Member for Corporate Resources which set out proposed amendments to the Constitution in respect of capital programme approval limits and asset related delegations which were found in Part I2 (Code of Financial Governance) and Part H3 (Scheme of Delegation by the Council and the Executive to Directors and other officers) of the Constitution respectively.

The Executive Member for Corporate Resources and Head of Financial Control introduced the report. Turning first to Part I2, the meeting noted that the current approval requirements for virements were the same for both revenue and capital budgets (paragraph 4.7 of the Code of Financial Governance refers). The proposed change would introduce higher values for capital virements, with cumulative values in excess of £500,000 requiring the approval of the Executive in place of the current figure of £200,000.

The meeting then noted that variations in cost of capital detailed business cases were approved in line with the values set out in the Code (paragraph 4.10.18 refers) and that it was proposed to increase the current limits in line with the threshold for Key Decisions with variations in excess of £150,000 requiring Executive approval and £500,000 requiring Council approval.

Members were aware that the Code (paragraph 5.7.1 refers) indicated that the Chief Finance Officer had responsibility for the production of an Asset Management Plan. The report stated that this responsibility rested more appropriately with the relevant Directors as was already set out in the Council's detailed Financial Procedures. The Chief Finance Officer's responsibilities (as set out in paragraphs 5.7.2 and 5.7.3) were to ensure that Council procedures

provided for the sound stewardship of all assets, including the disposal or acquisition of interests in land and buildings.

The Committee next considered the proposed amendments to Part H3 of the Constitution which set out the Scheme of Delegation. The delegations to the Director of Improvement and Corporate Services (paragraph 4.2 refers) included delegations specific to property and asset management and the report proposed amendments to remove duplication, align value limits with the existing criteria for Key Decisions and update references to specific asset plans and protocols.

Last, the Corporate Property Assets Disposal protocol guided the identification of assets surplus to service requirements. Council approval was required for individual disposals of land and property assets with an estimated receipt value in excess of £500,000. Any significant assets identified as being surplus to service requirements would be identified within the capital Programme and Budget which was recommended annually to Council. It was proposed to amend Part I2 (paragraph 4.10.2 refers) which detailed the components of the Capital Programme to include any surplus assets available for disposal.

Following the introduction a Member referred to the proposed changes to Part I2 and expressed concern over what he viewed as a further reduction in Member influence. In response the Executive Member for Corporate Resources reminded the meeting that the original approval limits had been adopted prior to the Council's creation in 2009. Further, from 2009 until the present, there had been few capital related issues so the need for any Constitutional change in this area had not been required. This situation had now altered and the Constitution required updating to ensure the current limits were in line with the threshold for Key Decisions. Another Member reminded the meeting that the limits had been set at a level below that of the former County Council and that experience indicated that these were too restrictive as Central Bedfordshire matured as a unitary authority.

## **RECOMMENDED TO COUNCIL**

**that Parts I2 and H3 of the Constitution be amended, as set out at Appendices B and C to these minutes.**

(Note: As permitted under paragraph 9.5 of Part E3 of the Constitution, Councillor J Murray requested that his vote against the above recommendation be recorded.)

## **GPC/14/26. General Purposes Committee - Work Programme for 2014/15**

Members considered a report by the Chief Legal and Democratic Services Officer setting out the Committee's proposed work programme for the 2014/15 municipal year. The meeting noted the current absence of any items, besides the work programme itself, which were scheduled to be considered at the October 2014 meeting.



**RESOLVED**

- 1 that, subject to resolution 2 below, the proposed General Purposes Work Programme for the remainder of the 2014/15 municipal year, as attached at Appendix A to the report of the Chief Legal and Democratic Services Officer, be approved;**
- 2 that the meeting of the Committee scheduled to be held on 2 October 2014 be cancelled if there are no additional reports forthcoming.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.24 a.m.)

Chairman .....

Dated .....

This page is intentionally left blank

**Central Bedfordshire Council protocol for webcasting, recording and use of social media in council meetings.****Webcasting**

The Council will transmit live on the internet ('webcasting'), and record for subsequent transmission some of its public meetings. Fixed cameras are located within the Council Chamber at Priory House which will be used for this purpose.

This Protocol has been agreed to assist the conduct of webcast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

Accordingly the following will apply to all meetings to be webcast by the Council.

**Main Provisions**

1. The Chairman of the meeting has the discretion to terminate or suspend the webcast if continuing to webcast would prejudice the proceedings of the meeting.

This may include, but is not restricted to:

- (i) during the management of public disturbance
  - (ii) when the proceedings of the meeting were suspended for any reason
  - (iii) during consideration of exempt matters when the public and press had been excluded from the meeting.
2. No exempt or confidential agenda items shall be webcast.
  3. Any elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.

**Agenda front sheets and signage at meetings**

On the front of each agenda for meetings that will be webcast, and on signs inside and outside of the Council's Chamber, there will be the following notice:

**Webcasting Notice**

**This meeting may be filmed by the Council for live and/or subsequent broadcast online at [www.address to be confirmed](#). At the start of the meeting the Chairman will confirm if all or part of the meeting will be filmed. The footage will be on the website for six months. A copy of it will also be retained in accordance with the Council's data retention policy. The images and sound recording may be used for training purposes within the Council.**

**If you make a representation to the meeting you will be deemed to have consented to be filmed. By entering the Chamber you are also consenting to be filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.**

**If you have any queries regarding webcasting of meetings, please contact  
XXXXXXXXXX**

**Development Management Committee Meetings**

In any correspondence notifying supporters or objectors of the meeting date on which a proposal will be heard, the following advice will be included:

**Please note that Council meetings may be filmed for live or subsequent broadcast online by the Council.**

### **Conduct of meetings**

At the start of each meeting to be filmed by the Council, the following announcement will be made by the Chairman:

**I would like to remind everyone present that this meeting will be filmed by the Council and broadcast live on the internet and will be capable of repeated viewing.**

**If you are seated in the Chamber it is likely that the cameras will capture your image. By your presence, you are deemed to consent to be filmed and to the use of those images and sound recordings for webcasting and/or training purposes. If you address the Committee your contribution will be recorded and broadcast unless this is during a period when the meeting is in private session, as permitted by the Access to Information provisions.**

**As the Chairman of the meeting, I can, at my discretion, terminate or suspend filming, if in my opinion, continuing to do so would prejudice the proceedings of the meeting or if I consider that continued filming might infringe the rights of any individual or breach any statutory provision.**

### **Cessation of webcasting for private sessions**

No part of any meeting will be webcast after Members have resolved to exclude the press and public because there is likely to be disclosure of exempt or confidential information. The Committee Services Officer will check that filming and/or recording of the meeting has ceased and will confirm this to the Chairman of the meeting before any discussion of exempt or confidential matters is commenced.

### **Storage and retention of webcasts**

Webcast meetings will be recorded and broadcast on the internet. All archived webcasts will then be available to view for a period of six months. Meetings will be recorded onto DVD, which will be stored in accordance with records management procedures.

Archived webcasts shall only be removed from the website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

Council Members and lay-members will be notified by the Monitoring Officer if such action is taken.

### **Copyright notice**

All footage from our webcasts is the copyright of Central Bedfordshire Council. The people featured in our webcasts have agreed to appear ONLY on the Council's official webcast site. You are not permitted to download any footage nor upload it (whether in part or in full) to another website without the written permission of Central Bedfordshire Council and those featured in the webcast. Also, video sharing websites (e.g. Youtube, Google Video) state under their terms and conditions that you must be

the copyright owner and have the permission of all those involved in order to upload videos to their sites.

You can, however, share a link to the official webcast video.

**Other filming or recording of meetings by the public or press**

The press and public are entitled to film, photograph, audio-record or any public meetings of the Council.

Those undertaking these activities must not act in a disruptive manner; this could result in expulsion from the meeting. Essentially, this could be any action or activity which disrupts the conduct of the meeting. Examples can include:

- moving to areas outside the areas designated for the public/press without the consent of the Chairman
- excessive noise in recording or setting up or re-setting equipment during the debate/discussion
- intrusive lighting and use of photography and
- asking people to repeat statements for the purposes of recording.

Oral commentary during the meeting is not permitted as this would be disruptive.

No recording is permitted and no recording equipment, other than the Council's own equipment, may be left in the room where a private meeting will be held or where, confidential or exempt items are being discussed. Recording will be suspended if a resolution is passed to exclude the public or if the Chairman suspends the meeting due to disorderly conduct.

**Reporting using social media at meetings**

Anyone attending one of the Council's meetings is welcome to report on the proceedings by making use of social media (e.g. to tweet or blog), provided that this does not disturb the business of the meeting.

There is no need to secure permission before using social media.

Council Members and lay-members attending any of the Council's meetings may use social media except when an exempt matter is under consideration. Members and lay-members are reminded that they must take account of all information presented before making a decision, particularly when a planning application is under consideration, and should actively listen and be courteous to others.

Again, using social media should not disturb the business of the meeting.

Any concerns about a Member or lay-member using social media should be raised with the Chairman before or after the meeting.

This page is intentionally left blank

## Proposed amendments to Part I2 section 4.7, 4.10 and 5.7 of the Constitution

### Central Bedfordshire Council Constitution with tracked revisions

## I2 CODE OF FINANCIAL GOVERNANCE

- 4.10.2 The Executive will receive budgetary proposals for inclusion in the Council's Capital Programme and will submit a proposed programme to Council for approval. The programme will include all capital schemes including those proposed to be financed from revenue resources, external funding sources **or the realisation of capital receipts from the disposal of surplus assets that have been identified in accordance with the Corporate Property Assets Disposal Protocol.**

### 4.7 Virements:

- 4.7.1 Virement is a transfer of budget provision either within or between budget headings. It is an important facility to assist in managing budgets effectively within a cash limit.
- 4.7.2 The Council scheme of virements is as follows:-

| Category  | Virement Levels   | Approval Power   |
|---|---|--|
| <b><u>Within Portfolio Revenue Budgets</u></b><br>Within the same cost centre or between cost centres.<br><b><u>Capital schemes between projects.</u></b> | Up to £100,000 cumulative (sum of individual virements)   | Budget Managers in consultation with Chief Finance Officer   |
|   | <b><u>Revenue</u></b><br>£100,000 to £200,000 cumulative (sum of individual virements)<br><b><u>Capital</u></b><br><b><u>£100,000 to £500,000 per project..</u></b> | Directors in consultation with the Chief Finance Officer and with the agreement of the Executive Member(s) |

| Category           | Virement Levels   | Approval Power  |
|--------------------|---|---|
|                    | <u>Revenue</u><br>Over £200,000<br>cumulative (sum of<br>individual virements)<br><u>Capital</u><br><u>Over £500,000.</u>   | Executive   |
| Between portfolios | <u>Revenue</u><br>Up to £200,000<br>cumulative (sum of<br>individual virements)<br><u>Capital</u><br><u>Up to £500,000.</u> | Directors in consultation with the Chief Finance Officer and with the agreement of the relevant Executive Member(s) |
|                    | <u>Revenue</u><br>Over £200,000<br>cumulative (sum of<br>individual virements)<br><u>Capital</u><br><u>Over £500,000}</u>   | Executive   |

4.7.2.1 The scheme will be administered by the Chief Finance Officer within the guidelines approved by Council.

4.7.2.2 Budgets may be adjusted to take account of new grants received during the year outside of the Virement Scheme subject to the reporting of any adjustment over £100,000 in the next Budget Monitoring report to the relevant overview and scrutiny committee.

4.7.2.3 Virement will only apply to ~~direct expenditure~~ and to a current year's revenue and capital budgets.



#### 4.10 Capital Programme:

##### 4.10.18 Variations from the Detailed Business Case

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

| Existing Scheme – net capital budget - Additional Costs   | Approval Powers   |
|---|---|
| Up to <del>£150,000</del> <del>10%</del> of the approved net scheme budget, <del>subject to a maximum value of £25k</del>             | Relevant Executive Member and relevant Director and Chief Finance Officer |
| <del>Between £150,000 and £500,000</del> <del>25%</del> of the approved net scheme budget <del>subject to a maximum of £100,000</del> | Executive   |
| Over <del>£500,000</del> <del>25%</del> of the approved net scheme budget <del>or over £100,000</del>                                 | Council   |

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

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

#### 5.7 Asset Management:

~~5.7.1 The Chief Finance Officer will produce a five-year Asset Management Plan for the purpose of the overall strategic management of the Council's assets.~~

5.7.1 The Chief Finance Officer will ensure that procedures are put in place for the safeguarding and security of the Council's assets, including the keeping of asset registers; a terrier of land and property; inventories of furniture, fittings and equipment; and stores records.

5.7.2 The Chief Finance Officer will ensure that detailed arrangements are put in place for the disposal or acquisition of interests in assets. All disposals or acquisitions of interests in purchases of land and buildings will be undertaken in accordance with the scheme of delegations. Council, in accordance with the Budget and Policy Framework Procedure Rules, must approve any disposals or purchases acquisitions of land and buildings that are outside of the Budget and Policy Framework.

## Proposed amendments to Part H3 section 4.2 of the Constitution

### H3 SCHEME OF DELEGATION BY THE COUNCIL AND BY THE EXECUTIVE TO DIRECTORS AND OTHER OFFICERS

#### 4. DELEGATIONS TO INDIVIDUAL DIRECTORS AND OTHER OFFICERS

#### 4.2 Director of Improvement and Corporate Services Qualifications (if any)

##### *Property and Asset Management*

- |        |  |      |
|--------|--|------|
| 4.2.54 | To undertake routine maintenance and updating of the "Market Conditions and Consent to Trade" document within agreed Council policies and budgets.   | None |
| 4.2.55 | To take operational decisions within agreed Council policies, budgets and the "Market Conditions and Consent to Trade" document.   | None |
| 4.2.56 | To have overall responsibility for the management and maintenance of any land or buildings, including agricultural landholdings, held for Council purposes having regard to service objectives and in the interests of the Council as a whole. | None |
| 4.2.57 | To manage any land and buildings not currently required for any of the Council's statutory functions.  | None |
| 4.2.58 | To accept, renew and vary contracts for maintenance and repair of all equipment and services within the annual estimates.  | None |
| 4.2.59 | To dispose of worn or obsolete plant or equipment in accordance with the Code of Procurement Governance and/or current inventory procedures, as appropriate.   | None |
| 4.2.60 | To undertake maintenance, repairs and alterations in respect of the Council's operational property.  | None |
| 4.2.61 | To let Council owned rooms and, where appropriate, waive or reduce charges in respect of Council bookings.   | None |

|        |  |      |
|--------|--|------|
| 4.2.62 | <del>To undertake the management of agricultural holdings for which the Council is</del> | None |
|--------|--|------|

|                              |  |   |
|------------------------------|--|---|
|                              | <del>responsible.</del> [RG1]  |   |
| 4.2.6 <u>23</u>              | To authorise development and appropriation of land and buildings, subject to a maximum value in any case of £200,000 per annum (revenue) or <del>£2500,000</del> (capital).[RG2]   | Subject to consultation with the relevant Executive Member and the ward Member(s)                   |
| 4.2.6 <u>34</u>              | To authorise the acquisition, disposal or variation of any estate or interest (together with licences and wayleaves) in any land and buildings subject to a maximum value in any case of £200,000 per annum or £500,000 (capital).     | Subject to consultation with the relevant Executive Member and the ward Members(s)                  |
| 4.2.6 <u>45</u>              | In accordance with the <u>Corporate Property Assets Disposal Protocol Surplus Policy</u> and the delegated powers outlined in 4. <del>23.6413</del> , to sell land surplus to requirements, <del>which is on the Disposals List.</del> | Subject to approval of the relevant Executive member and after consultation with the ward Member(s) |
| <del>4.2.66</del>            | <del>To approve the terms of the acquisition, disposal or variation of any estate or interest (together with licences and wayleaves) in</del> any land or buildings.[RG3]  | None  |
| 4.2.6 <u>75</u>              | To establish and maintain a corporate database of the Council's land and buildings, including details of liabilities, and to perform any responsibilities placed on the Council under the Local Government Planning and Land Act 1980. | None  |
| 4.2.6 <u>68</u>              | To take appropriate action on behalf of the Council with regard to rating issues, including the conduct of appeals.  | In consultation where appropriate with the Monitoring Officer.                                      |
| 4.2.6 <u>79</u>              | To determine and issue general guidelines to officers for the management of land resources and the maintenance of buildings. <del>etc.</del>   | None  |
| 4.2. <del>70</del> <u>68</u> | To certify or make arrangements for the certification of authorisation and identity cards and passes for officers and Members.   | None  |
| 4.2. <u>69</u> <u>71</u>     | To let land and premises for not more than fifteen years in accordance with the <u>Council's approved</u> Asset Management Plan.   | None  |

## Appendix C

|                      |   |   |
|----------------------|---|---|
| 4.2.7 <del>20</del>  | To licence land and premises for not more than 364 days.  | None  |
| 4.2.7 <del>3</del>   | <del>In accordance with the Surplus Policy, to sell land surplus to requirements which is on the Disposals List in accordance with the delegated powers outlined in 4.3.13. [RG4]</del>           | <del>Subject to approval of the relevant Executive Member and ward member(s).</del> |
| 4.2.7 <del>14</del>  | To deal with all matters in connection with the management and leasing/licensing of the Council's industrial land and premises in accordance with the Council's current Asset Management Plan.    | None  |
| 4.2.7 <del>52</del>  | To deal with all matters in connection with the management and leasing of the Council's Managed Workspace in accordance with the Council's current Asset Management Plan.                         | None  |
| 4.2.7 <del>36</del>  | To deal with all matters in connection with the management and leasing of the Council's retail premises in accordance with the Council's current Asset Management Plan.                           | None  |
| 4.2.7 <del>77</del>  | <del>To deal with all matters in connection with the Council entering into wayleaves and easements. [RGS]</del>   | <del>In consultation with the Monitoring Officer.</del>                             |
| 4.2.7 <del>48</del>  | To enter into leases of land where the Council is to construct a public amenity or provide or reacquire the freehold of land.   | In consultation with the Monitoring Officer and relevant Executive Member.          |
| 4.2.7 <del>59</del>  | To take decisions on applications by electricity, gas, water, telephone, broadcasting or cable companies to place any apparatus in, on, over or under any land or buildings owned by the Council. | In consultation with the Monitoring Officer and ward members.                       |
| 4.2.807 <del>6</del> | To:   |   |
|                      | 4.2.807 <del>6</del> .1 assess each application for release from restrictive covenants on its own merits;   |   |
|                      | 4.2.807 <del>6</del> .2 negotiate compensation payable to the Council where such release is requested in order to facilitate speculative development or some other profit making exercise.        |   |

|                              |   |   |
|------------------------------|---|---|
| 4.2. <del>81</del> <u>77</u> | To exercise, at his/her discretion, the provisions of any authorised guarantee agreement, such provisions to always be enforced except where there are commercial or operational reasons not to do so.  | None  |
| 4.2. <del>82</del> <u>78</u> | To serve, at his/her discretion, the required legal notice (Section 17 Notice) on original tenants where the tenant (Assignee) is in arrears in order to protect the Council's rights to pursue original tenants for the debt if it is considered viable. | None  |
| 4.2. <del>83</del> <u>79</u> | To negotiate the grant of wayleaves for the purposes of Town Centre Enhancement Schemes or Closed Circuit Television Schemes.   | None  |
| 4.2.8 <u>40</u>              | To undertake maintenance, repairs and alterations in respect of the Council's non-operational property.   | None  |
| 4.2.8 <u>15</u>              | To determine licences to erect and site public notice boards on Central Bedfordshire Council land throughout Central Bedfordshire.  | None  |
| 4.2.86                       | <del>To approve and enter into property investments (in accordance with the provisions of the Investment Management Strategy).</del> <sup>[RG6]</sup>   | <p>Subject to the following criteria:-</p> <p>(i) <del>decision is required urgently to secure an investment and it is not possible to report to Executive;</del></p> <p>(ii) <del>following consultation with the Leader of the Council, and relevant Executive Member, Chief Executive, Chief Finance Officer and Monitoring Officer;</del></p> <p>(iii) <del>any Key Decision must comply with the</del></p> |

~~provisions of the  
Access to  
Information  
Rules (Record of  
an Individual  
Decision).~~

This page is intentionally left blank