

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 14, Priory House, Chicksands, Shefford on Thursday, 30 June 2016

PRESENT

Cllr Mrs J G Lawrence (Chairman)
Cllr G Perham (Vice-Chairman)

Cllrs L Birt
Mrs C F Chapman MBE
Mrs A L Dodwell
P Hollick
M R Jones

Cllrs K C Matthews
N Warren
R D Wenham
A Zerny

Members in Attendance: Cllr R D Berry

Officers in Attendance: Mr Q Baker – Monitoring Officer
Mrs D Broadbent-Clarke – Director of Improvement and Corporate Services
Mrs C Jones – Chief People Officer
Mr L Manning – Committee Services Officer
Mr J Partridge – Head of Governance
Ms M Peaston – Committee Services Manager

GPC/16/3. **Minutes**

RESOLVED

that the minutes of the meetings of the General Purposes Committee held on 24 March 2016 and 19 May 2016 be confirmed and signed by the Chairman as a correct record.

GPC/16/4. **Members' Interests**

None.

GPC/16/5. **Chairman's Announcements and Communications**

The Chairman reminded the Committee that, Deb Broadbent-Clarke, the Director of Improvement and Corporate Services, would be leaving the Council that day. The Chairman set out the roles undertaken by the Director since joining the Council in 2010 and the contribution she had made in moving the Council forward. On both a personal level, and on behalf of the meeting, the Chairman thanked the Director for her assistance and efforts during her time at the authority and wished her well for the future. The Chairman concluded by

asking Members to remain at the end of the meeting to make their individual farewells.

GPC/16/6. **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/16/7. **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/16/8. **Market Rate Supplements - Annual Updates**

The Committee considered a report by the Director of Improvement and Corporate Services which set out an update on the current application of Market Rate Supplements (MRS) to posts across Central Bedfordshire Council. The report provided information covering:

- The number of MRS payments against salary bands
- The number of MRS payments by MRS band
- The percentage cost of MRS payments against the total salary bill by directorate
- Staff turnover in the service areas in receipt of MRS.

The Assistant Director People introduced the report, drawing Members' attention to the payment of Enhanced MRS to particular staff that were already in receipt of Standard MRS. In connection with this the meeting noted that all staff in posts requiring a social work degree received a Standard MRS but those experienced workers (Social Worker level 2 and above) with case holding responsibilities in those teams with hard to fill vacancies also received the Enhanced MRS. The meeting noted that that this had proved to be a successful strategy and had enabled the Council to compete in the highly competitive job market. Further, the recruitment of experienced social workers had enabled a reduction in the use of agency staff and, therefore, a reduction in the overall spend on agency workers. Whilst there had been an increase in the proportionate spend on MRS payments to permanent members of staff this represented a better use of resources than funding the long term use of agency/interim workers. It also maximised the chance of a child building a long term relationship with their social worker rather than be subject to frequent changes through the use of temporary members of staff.

The Assistant Director People drew Members' attention to the recent approval by the Council's Corporate Management Team for the increase and extension of the current MRS payments for particular posts in social care to overcome

recruitment and retention difficulties. The Assistant Director People stressed that the supplements were mainly paid to middle ranking posts and not to senior members of staff. Further, they were only paid to those officers 'in post' and not to agency staff.

Various queries followed from Members. Arising from discussion on the substantial increase in the voluntary turnover rate within Information Technology during 2015/16 Members requested that future reports include the total number of people within a particular team together with the number of staff actually leaving so that the context could be established. The Assistant Director undertook to supply such information in future reports.

A Member referred to the development of capped rates paid to agency workers in the Eastern Region in an attempt to managing costs and sought additional information on this matter. In response the Assistant Director People stated that a maximum rate had been agreed by councils and the results had proved so successful that other regions were considering adopting the same approach. In response to a further query regarding the overall saving in agency worker costs the Assistant Director People undertook to examine this issue and advise Members.

A Member referred to Appendix C to the report which set out MRS as a percentage of salary costs over the last three financial years and expressed concern at the rapid increase in MRS costs from approximately £0.5m in 2013/14 to approximately £1.0m in 2015/16. In response the Assistant Director People explained that the costs had increased because permanent experienced staff, who attracted MRS payments, had replaced agency staff in teams where vacancies had been hard to fill. She added that she did not envisage this cost being reduced. However, she emphasised that whilst an increase in such permanent staff had led to increased MRS costs there was an overall saving because the cost of the permanent staff, even with MRS payments, was less than the cost of agency staff. Another Member reminded the meeting of the positive impact of the Academy of Central Bedfordshire at which social workers were being trained and developed 'in-house' and how this approach, although medium term in its contribution towards easing the current shortage of social workers, had been adopted to varying degrees elsewhere.

RESOLVED

that the annual update on the current application of market rate supplements to posts across Central Bedfordshire Council be received.

GPC/16/9. Amendments to the Council's Constitution

The Committee considered a report which set out proposed changes to the Council's Constitution. The changes, which affected Parts A2, A4, A5, E2, H1, H3, H4, I3 and J3, were set out in a schedule attached at Appendix A to the report. Members were aware that any changes agreed by the Committee would need to be submitted to full Council for approval.

Members noted that the proposed amendments arose from the ongoing review and updating of the Constitution to ensure its accuracy, clarity and fitness for purpose. In undertaking the review consultation had taken place with Directors together with the examination of relevant legislation. In addition, Members had submitted comments and suggestions. The review had also been informed by the consideration of recommendations made by external bodies which had had cause to comment on the Council's processes or governance structures.

With regard to future annual reviews the meeting noted that it was proposed to introduce a more structured and formal process of consultation engaging with all senior officers, elected Members and key stake holders.

The Committee noted the proposed changes to the Procurement Procedure Rules which would need to be implemented to align them with the principles contained in the Constitution should the proposed amendments to Part I3 (Code of Procurement Governance) be approved by Council. The meeting was aware that the Procurement Procedure Rules were maintained by the Procurement Team itself and did not form part of the Constitution. The proposed changes to the Procurement Procedure Rules were set out at Appendix B to the Monitoring Officer's report.

The Monitoring Officer then introduced his report. He explained the background to the updating of the Constitution and how, at least once every 12 months, he undertook a focussed review of the Constitution to pick up any key issues that had emerged.

The meeting noted that the key issues highlighted for consideration in the current annual review had been those relating to the processes followed when considering proposals involving collaborative or joint working or procurement with external bodies such as other local authorities and health bodies. The Monitoring Officer informed the meeting that, with regard to the proposed inclusion of a new paragraph 6 (6.1-6.5) in Part I3 he now also recommended the inclusion of an additional paragraph (paragraph 6.6) to those already listed. The additional paragraph would require any partnership to have a formal mechanism and structure of governance to be set out in a written document.

A second specific area of focus in the review had been that of the provisions relating to Overview and Scrutiny and in particular, the mechanism by which matters were referred for consideration. However, the Monitoring Officer felt that this mechanism should be left unchanged and any matters dealt with through issuing greater clarity and additional advice and guidance to report writers by Democratic Services. Members concurred with this approach.

The Monitoring Officer then responded to Members' queries regarding shared service arrangements. The Monitoring Officer stressed that the proposed new paragraph 6.4 in Part I3 was not a template for such arrangements but a list of guiding principles. At the request of Members he then outlined the operational arrangements in place for LGSS Law Ltd as an illustration of how such organisations could work. In response to a further query he also explained how, in drawing up the proposed changes, he had focused on the recent guidance issued by the Council's external auditor (Ernst & Young LLP) and followed their recommendations closely.

In addition to the above, and although the content of Central Bedfordshire Council's Constitution shared much in common with that of other councils, the Committee was advised that the layout and structure of the document departed from the model version followed by the vast majority of councils. Whilst this did not present any technical problems it was considered that consistency of layout would be beneficial and so authority was sought for the Monitoring Officer to order and format the Constitution in the standard form once the proposed changes to the Constitution had been approved by Council. The reordered Constitution would then be submitted to a suitable meeting of the General Purposes Committee for consideration.

RESOLVED

that no action be taken to amend the provisions relating to Overview and Scrutiny and, in particular, the mechanism by which matters are referred for consideration.

RECOMMENDATION TO COUNCIL

- 1 that Council approve and adopt the changes to the Constitution as set out above and detailed in Appendix A to these minutes;**
- 2 that Council approve the ordering and formatting of the Constitution in the standard form;**
- 3 that Council authorise the Monitoring Officer to implement the changes and take any steps consequential, incidental or necessary to bring them into effect;**
- 4 that Council note the proposed amendments to the Procurement Procedure Rules set out at Appendix B to these minutes.**

GPC/16/10. Member Development Programme

The Committee considered a report which provided a summary of the learning and development events delivered as part of the Member Development Programme. In addition an overview of events planned for the remainder of the Programme was provided.

The Head of Governance first thanked those officers who had organised the events given the difficulties which often arose in their preparation and scheduling. He then introduced the report during which he emphasised how the Programme's sessions had been designed to inform Members about the key themes they would encounter over the four years of the current Council. He also reminded Members that, in addition, other learning opportunities had been offered, including workshops and briefings delivered by officers. Many of the briefings arose from requests by Members for more information on particular subjects.

The Head of Governance stressed the importance of obtaining feedback from Members as a means of contributing towards continuous improvement of the Programme. The meeting noted that, to date, the feedback had been largely positive. The Head of Governance also referred to the proposed monitoring actions set out within the report. Their role was to provide a mechanism through which to establish whether or not the sessions had delivered the intended outcomes.

Turning to the proposed events planned for the four month period until the end of September 2016 the Chairman suggested a course on communications skills to assist members when being filmed. She felt that the inclusion of rehearsals would add to the value of the training. A Member suggested that councillors be provided with training on the wide range of issues faced by the Council and how they were dealt with.

The Head of Governance advised that a second Member survey would be held to inform the Programme and highlight Members' interests. He undertook to include the issues raised by Members at the meeting.

A Member referred to difficulties arising from the timing of some of the sessions; the school holidays being particularly problematic. She also requested that the notes of the events be placed on the intranet so that Members who missed sessions could catch up. In response the Head of Governance stated that the notes of the formal sessions were already available but those for informal sessions were not. He acknowledged that the latter would also be helpful for Members and undertook to examine their inclusion on the intranet.

Another Member commented that she felt that insufficient notification was given of the sessions. She also commented that some officers were good presenters but others lacked the necessary skills.

Finally a Member referred to the need for training on issues which arose quite suddenly and in areas which lay outside the Council's responsibilities but which could, nonetheless, have a 'knock on' impact on the Council.

NOTED

the events and participation in the Member Development Programme from May 2015 to April 2016.

RESOLVED

- 1 that the proposed Member Development Programme events scheduled for the period to the end of September 2016 be approved;**
- 2 that the following actions to monitor whether the sessions have delivered the intended outcomes be approved:**

- a) **Surveying the Chairmen of committees to identify whether they feel the Committee is operating effectively and whether the learning and development sessions have contributed to this.**
- b) **Monitoring the feedback received after the sessions and subsequent engagement from Members requesting further learning/information.**
- c) **Sending a follow-up survey, between 4-6 month after the session, asking for Members' views on whether the learning has been put into practice and the impact it has had on their work.**
- d) **Continuing with the annual survey (initially sent in September 2015) asking Members for their views and suggestions about future learning sessions as part of a continuous improvement policy to ensure the Member Development Programme of events is relevant.**

GPC/16/11. **Revisions to the Terms of Reference for the Wixams Joint Development Control Committee**

The Committee considered a report which set out the recommendation made by the Wixams Joint Development Control Committee (Wixams JDCC) held on 15 March 2016 regarding proposed revisions to the Terms of Reference and Standing Orders relating to that Committee. The report also proposed the inclusion of the Standing Orders of the Joint Committee in the Council's Constitution for ease of reference.

Members were aware that the Wixams JDCC was a body operated as the result of a joint arrangement between Central Bedfordshire Council and Bedford Borough Council.

The report was introduced by the Committee Services Manager who highlighted various points for Members' information. The meeting was aware that the proposed revisions aimed to provide clarity and certainty as to which types of planning application would be considered and determined by the Wixams JDCC and which would be determined through officer delegated powers. The proposed revisions also provided updated guidance which reflected the formation of Central Bedfordshire Council and its location at Chicksands.

In addition to the above the Committee considered a schedule of further amendments to the Terms of Reference which had been submitted by a member of the Committee drawing on his experience as Chairman of the Council's Development Management Committee. To this end he proposed that the Wixams JDCC Terms of Reference be amended to, largely, reflect those of the Development Management Committee. The Member advised that the proposed amendment, which would see the inclusion of Chairman of each Council's Development Management Committee or Planning Committee in the membership, had not been supported by the Borough Council and so it was proposed that the form of words in the schedule submitted by the Member with regard to Standing Order 2 be amended by inserting the word 'normally' between 'shall' and 'be included'. The Borough Council had raised no further objections.

The Member informed the Committee that the last meeting of the Wixams JDCC had not been held in compliance with the current Terms of Reference. However, all decisions had been made unanimously and its decisions were binding.

RECOMMENDATION TO COUNCIL

- 1 that the proposed revisions to Part J2 of the Council's Constitution, comprising the Terms of Reference of the Wixams Joint Development Control Committee, as reproduced at Appendix C to these minutes, be approved;**
- 2 that the full Standing Orders of the Wixams Joint Development Committee, including the Scheme of Public Participation, be set out in the Council's Constitution, as shown at Appendix C to these minutes.**

GPC/16/12. **Work Programme**

Members considered a report which set out the Committee's work programme. Members were aware that there was only one report scheduled for consideration at the next meeting on 25 August though two additional items relating to the Constitution had been identified and these would require scheduling.

The Chairman advised that she would be absent from the August meeting.

NOTED

the report on the General Purposes Committee's work programme.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.10 a.m.)

Chairman

Dated

APPENDIX A

Proposed Amendments and Additions

Section 1 - Updates Necessitated due to Legislative Change

Part A2 – Purpose of the Constitution

1.1 The constitution is made under Section ~~9P37~~ of the Local Government Act 2000. The purpose of the constitution is to provide a framework of rules governing the way in which the Council exercises its functions and takes decisions. The Council is required to maintain an up to date constitution.

Part A4 – Citizens and the Council

Suggested new paragraph Part A4 paragraph 3.3 to take account of statutory right to film and record council meetings.

Para 3. Information

Citizens have the right to:-

3.3 film, photograph, record or report on any public meeting in accordance with legislation with the exception of any meeting or part of a meeting which is being held in private because confidential or exempt information is being discussed and an appropriate resolution to that effect has been passed.

[see Openness of Local Government Bodies Regulations 2014]

H1 – Proper Officer

Paragraph 3.1 Table of Proper Officers

12.	S.212A-S.9FB Local Government Act 2000	Scrutiny Officer	Director of Improvement and Corporate Services
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Paragraph 4.4 Table of Proper Officer Appointments

17	The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012	Regs 3 and 4 12 and 13	Recording of collective executive decisions	Monitoring Officer
18		Regs 5, 6, 9 and 11 14 and 15	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions	Monitoring Officer
19		Regs 12 and 15 10	Publicity in connection with the forward plan and giving notice etc. in cases of urgency	Monitoring Officer
20		Reg 17 16	Rights of access to documents for councillors	Monitoring Officer

Receipt and recording of Members' interests is now required under Sections 29 and 30 Localism Act 2011 by the Monitoring Officer rather than proper officer under S.96(2) of the Local Government Act 1972 therefore remove row 29 and renumber.

H3 - Delegations

Paragraph 4.7 – Director of Public Health

Further powers and functions contained in the Health and Social Care Act 2012

4.7.4 To exercise such other functions relating to public health as prescribed under the Health and Social Care Act 2012 and as may be prescribed by the Secretary of State, including those functions under the Licensing Act 2003 that are prescribed by the NHS Bodies and Local Authorities (partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

Section 2 – Fitness of Purpose

Amendment to reporting requirement for MO when exercising delegated authority to amend the constitution.

Part A5 Paragraph 2.3

2.3 The Monitoring Officer shall make urgent amendments to give effect to any decision of the Council or changes in the law, and minor amendments such as to correct errors or to ensure that the constitution is up-to-date. Any such changes will be published on the Council's website on a quarterly basis and report to the next scheduled meeting of GPC.

Clarification of Process for Assessing Shared and Collaborative Arrangements

Part I3 – Code of Procurement Governance

New paragraph 6:

- 6. Processes for the Assessment and Implementation of Shared Service or Collaborative.**
 - 6.1 Inter-municipal collaboration or shared services, is an increasingly prevalent form of service provision within the public sector due to the potential for costs efficiencies to be derived from economies of scale and the relative flexibility they enable in establishing such arrangements. These arrangements are in many cases exempt from the procurement regulatory regime and as such not subject to the formal requirements of tendering etc.*
 - 6.2 However, it is essential that any proposed shared service arrangement is subject to open and rigorous challenge to establish the business case rationale for proceeding with such an arrangement as an alternative to pursuing a standard outsourcing procurement route or retaining in-house provision. The use of shared services is unlikely to be popular with private sector providers who view these arrangements as negatively impacting upon the market for service provision and as such the potential for challenge is a real possibility.*
 - 6.3 The precise design of the selection processes will vary depending upon the nature of the arrangement and it is essential that appropriate professional advice is obtained in relation to the Legal, Procurement and Financial aspects of the arrangement.*

6.4 *In some cases, a competitive selection process may be appropriate but in all cases it is essential that the Council acts in accordance with general public law principles and good governance and the following list is intended as a guide in how to approach the assessment of such proposals.*

- *Ensure that all aspects of the process, including decision making and supporting evidence, are fully documented and available for audit purposes.*
- *Preparation of a business case is an essential element of this type of assessment.*
- *An options analysis should also be completed and signed off by a Director and elected members.*
- *Obtain legal, procurement and finance advice at an early stage in developing any shared service proposal.*
- *Ensure that processes followed in the selection or assessment of any proposal are objectively fair and reasonable.*

6.5 *Following the above general principles should avoid any sustainable challenges being brought and ensure that any decision making as to the appropriateness of any such arrangement is robust and objectively justifiable on the basis of financial and service benefits for the Council and its residents.*

6.6 *Any partnership shall be required to have a formal mechanism and structure of governance set out in a written document.*

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Governance of Partnerships

Part J3 – Partnerships Protocol

Additional wording for Part J3, Paragraph 1.5.3

1.5.3 *Private Sector Partnerships: Private companies, either in their own right or as part of a public sector partnership entering into a contract with the Council for a considerable period.*

1.5.4 *Public Sector Partnerships through jointly owned companies: These arrangements are becoming more common due to the advantages of using a separate legal vehicle as a basis for shared service delivery. Governance arrangements must be established in order that the Council is able to properly monitor the performance of the company and to exercise control and influence through its ownership rights such as share voting rights.*

Scheme of Delegation – Clarification

Part H3 – Scheme of Delegation

Paragraph 4.2.14 - Clarify delegations to Monitoring Officer by listing within a separate paragraph.

Terms of Reference – Committee Delegation

Part E2 – Paragraph 5.1.9

Clarification of extent of delegation to the General Purposes Committee.

*5.1.9 Oversight of the Council's constitution, including approving, **for recommendation on to Full Council**, any changes that may be required on the advice of the Monitoring Officer;*

Update re Statutory Officers

Part H4 – Officer Employment Procedure Rules

Suggested amendments to paragraph 5 to include reference to grievances.

5. Grievances and Disciplinary Action

5.1 Any grievance involving the Head of Paid Service, Monitoring Officer or Chief Finance Officer will be conducted in accordance with the relevant contractual provisions.

*5.12 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.*

5.23 Councillors will not be involved in any disciplinary action against any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

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APPENDIX B

Proposed Amendments to the Procurement Procedure Rules

Replacement Section 2.1

2.1 Shared Service and Partnership Working

2.1.1 The way in which councils and other public bodies make arrangements for the provision of services within their remit has changed over the years and continues to change apace. Two key areas of change have been:

- the increasing number and scale of shared or collaborative service provisions between organisations within the public sector and secondly,
- the increasing extent and complexity of partnership working between organisations within the public and not for profit sector.

The Council's Constitution addresses the governance requirements in two sections: Part I3 the Code of Procurement Governance and J3, the Partnerships Protocol.

2.1.2 Shared and collaborative service provisions may in some cases raise questions of procurement law and practice due to the developing legal framework underlying these arrangements, much of which has originated from the European Commission and Court of Justice. As such, this is an area where it is especially important that appropriate legal, procurement and finance advice and guidance is sought as each requirement may be very different. What follows is general advice and guidance.

Processes for the Assessment and Implementation of Shared Service or Partnership Working.

2.1.4 Inter-municipal collaboration or shared services in support of public functions, is an increasingly prevalent form of service provision within the public sector due to the potential for costs efficiencies to be derived from economies of scale and the relative flexibility they enable in establishing such arrangements. These arrangements are in many cases exempt from the procurement regulatory regime and as such not subject to the formal requirements of tendering.

2.1.5 However, it is essential that any proposed shared service arrangement is subject to open and rigorous challenge to establish the business case rationale for proceeding with such an arrangement as an alternative to pursuing a standard outsourcing procurement route or retaining in-house provision. The use of shared services is unlikely to be popular with private sector providers who view these arrangements as negatively

impacting upon the market for service provision and as such the potential for challenge is a real possibility.

2.1.6 The precise design of the selection processes will vary depending upon the nature of the arrangement and it is essential that appropriate professional advice is obtained in relation to the Legal, Procurement and Financial aspects of the arrangement.

2.1.7 In some cases, a competitive selection process may be appropriate but in all cases it is essential that the Council acts in accordance with general public law principles and good governance and the following list is intended as a guide in how to approach the assessment of such proposals.

- Ensure that all aspects of the process, including decision making and supporting evidence, are fully documented and available for audit purposes.
- Preparation of a business case is an essential element of this type of assessment.
- An options analysis should also be completed and signed off by a Director and elected members.
- Obtain legal, procurement and finance advice at an early stage in developing any shared service proposal.
- Ensure that processes followed in the selection or assessment of any proposal are objectively fair and reasonable.

2.1.8 Following the above general principles should avoid any sustainable challenges being brought and ensure that any decision making as to the appropriateness of any such arrangement is robust and objectively justifiable on the basis of financial and service benefits for the Council and its residents.

Appendix C

CONSTITUTION
REVISIONS TO PART J2

<p>Wixams Joint Development Control Committee (With with Bedford Borough Council)</p>	<ol style="list-style-type: none"> 1. To exercise the development control powers and duties of the Bedford Borough and Mid Central Bedfordshire District Councils under the Town and Country Planning legislation in relation to the Wixams (Elstow nNew sSettlement) (the area as defined in the Planning and Development brief) (figure 2) as specified below:- 2. Determination of: - <ol style="list-style-type: none"> 2.1 Outline planning applications for development relating to the settlement. 2.2 Full reserved matter remediation work applications for sites that straddle the boundaries of the constituent Authorities. <p><i><u>*reserved matters relating to the original outline planning permissions (reference CB/11/02182/VOC & 11/01380/M73) comprise any applications for approval of reserved matters for Sub Areas, Strategic Infrastructure Works and Strategic Landscaping Applications.</u></i></p> 3. The heads of terms of any joint legal agreements relating to the proposed development. 4. Any other planning issues applications relating to the development of the settlement as may be referred to the Joint Committee from time to time from either Authority in respect of their own area. 5. All other matters as set out in Standing Order 14 below will be dealt with in accordance with that delegation. 6. Membership: <ul style="list-style-type: none"> • 9 Central Bedfordshire councillors • 9 Bedford Borough councillors • <u>See Standing Orders 2 and 12 below in respect of composition of the Joint Committee and substitutes</u> 7. Full terms of reference are available on request from the Monitoring Officers <u>set out below.</u>
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Appendix C

CONSTITUTION
REVISIONS TO PART J2

<p>Standing Orders of the Wixams Joint Development Control Committee NB: These were not previously included in the Constitution but for the sake of transparency and ease of reference, are proposed for inclusion now and are set out below.</p>	
<p>Standing Order 1 - Meetings</p> <p>Ordinary Meetings</p> <p>i. Ordinary meetings of the Joint Committee will take place on such days, and at such times and frequencies, as the <u>Joint</u> Committee may agree.</p> <p>Special Meetings</p> <p>ii. A special meeting of the Joint Committee may be called at any time by its Co-Chairs.</p> <p>Summons and Agenda</p> <p>iii. A summons and full agenda will be provided to each member of the Joint Committee at least three <u>five</u> clear days before the meeting.</p> <p>Items of Business</p> <p>iv. Only items of business appearing on the agenda will be considered at a meeting, unless an item is deemed by the Co-Chair presiding at the meeting to be urgent.</p> <p>Place of Meeting</p> <p>v. Meetings of the Joint Committee will rotate between Bedford and Chicksands, <u>Shefford</u>.</p>	
<p>Standing Order 2 – Size of Joint Committee</p>	<p>← Formatted: Left</p>
<p>The Joint Committee will comprise 18 Councillors, that is 9 representing Bedford Borough Council and 9 representing –Central Bedfordshire Council. <u>The Chairman of each Council's Development Management Committee or Planning Committee shall normally be included in the membership. Up to 4 named substitutes may also be appointed by each authority.</u> Each Council shall appoint its Members to the Joint Committee in accordance with the requirements of Section 15 of the Local Government and Housing Act 1989.</p>	
<p>Standing Order 3 – Chairing of Meetings</p>	<p>← Formatted: Left, Indent: Left: 0 cm</p>
<p>i. The <u>j</u>Joint <u>e</u>Committee shall at the first meeting after its appointment <u>the four-yearly election of its constituent councils</u> elect as Co-Chairs of the <u>Joint</u></p>	

Appendix C

CONSTITUTION
REVISIONS TO PART J2

Committee, one member of each of the constituent authorities, which shall normally be the Chairman of the Development Management Committee and the Planning Committee, respectively-

- ii. Each meeting of the Joint Committee shall be chaired by the Co-Chair of the authority hosting the meeting, save that in the absence from a meeting of any one of the Co-Chairs, the other Co-Chair shall preside.
- iii. In the absence of both Co-Chairs, the Joint Committee shall elect a person from among their number to preside at the meeting.
- iv. The person presiding shall be entitled to a second or casting vote where there is an equality of any votes on the matter.

Standing Order 4 – Quorum

- i. The quorum at a meeting is one quarter of the Joint Committee's membership. If the meeting lacks a quorum at any stage, its business shall be adjourned to an agreed date and time or to the next ordinary meeting.

Standing Order 5 – Decisions and recommendations

- i. Minutes of the proceedings of meetings of the Joint Committee shall be recorded formally and signed at the next meeting by the person presiding.
- ii. No discussions shall take place on the minutes except where their accuracy is challenged by a motion before they are signed.
- iii. The Joint Committee shall have full delegated powers to act within its Terms of Reference. If it wishes to make a recommendation on any matter, this will be placed before the Council of each of the two Local Authorities for a decision.

Standing Order 6 – Rights of non-members of the Joint Committee

- i. Every Member of each of the two constituent councils shall have the right to attend meetings of the Joint Committee. Such a Member will be entitled to speak once on any item and may, with the consent of the person presiding, contribute further, but shall not vote.

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Standing Order 7 – Public participation

- i. Public participation in meetings of the Joint Committee shall operate on the basis of the scheme set out in Appendix A to these Standing Orders.

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Appendix C

CONSTITUTION
REVISIONS TO PART J2

Standing Order 8 – Rules of Debate

Motions and Amendments

- i. A motion or amendment may only be discussed if it has been proposed and seconded and, if required by the person presiding, put into writing.

Amendments

- ii. An amendment must be relevant to the motion and shall be either:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add words.but no amendment may be moved which shall have the same effect as voting against the motion.
- iii. Only one amendment may be moved or discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. However the person presiding may permit two or more amendments to be discussed (but not voted on) together if s/he considers that this would be a convenient way to proceed.
- iv. If an amendment is lost then other amendments may be moved upon the original motion. If an amendment is carried, then further amendments may be moved to the revised motion.

Alteration or withdrawal of a motion

- v. With the consent of the person presiding, a Member may alter or withdraw a motions/he has moved.

Right of reply

- vi. The proposer of a motion has a right of reply at the close of the debate on a motion or upon amendment to their motion immediately before either is put to the vote. The mover of an amendment also has a right of reply. Neither reply should exceed one minute in length.

Standing Order 9 – Admission to meetings

- i. Meetings of the Joint Committee shall be open to the public and the press unless the statutory powers of exclusion have been exercised.

Standing Order 10 – Interest of Members in contracts and other matters

Financial interest

- i. If any Member has any financial interest, direct or indirect, within the meaning of Section 95 of the Local Government Act 1972 in any matter, he/she will withdraw from the meeting while the matter is under

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Appendix C

CONSTITUTION
REVISIONS TO PART J2

consideration unless:-

- i. The disability to discuss that matter has been removed by the Secretary of State; or
- ii. The Joint Committee invite him or her to remain.

Non-financial interest

- ii. ~~(a)~~ Any Member who has a personal, non-financial interest in any matter must promptly disclose that interest but may remain, speak and vote unless the interest is clear and substantial, in which case the ~~member~~ Member must withdraw (subject to paragraph iii ~~(b)~~ below) ~~of this Standing Order.~~
- iii. Members shall have regard to the provisions of the National Code of Local Government Conduct. Involvement in the affairs of a public body or voluntary association, etc, by a Member who has been appointed as a representative of a constituent Council will not, in the absence of any other relevant constraints, be construed as a clear and substantial interest and in that situation the Member should disclose the interest, but may remain and participate fully in the meeting.

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Standing Order 11 – Voting

- i. All decisions shall be taken by a majority of Members present and voting by show of hands.
- ii. In the case of an equality of votes the person presiding may give a second or casting vote.
- iii. Immediately after a vote is taken, the request of any Member for a record of the way in which his/her vote was cast shall be met and included in the minutes of the meeting.

Standing Order 12 – Changes in membership and substitutes

- i. Any changes in the membership or substitute Mmembers of the Joint Committee shall be notified to the relevant Chief Executive for report to the next meeting of the relevant Council for information. Such notice shall be given to the Chief Executive or his/her nominee prior to the commencement of the meeting of the Joint Committee from which it is likely to have effect.
- ii. Each political group on either authority represented on the Joint Committee shall be entitled to nominate substitute Mmembers, the number of which shall not exceed 50% of the total seats held by that group on the Jjoint eCcommittee with a minimum of one substitute per group.
- iii. Each Independent Member on the Joint Sub-Committee not belonging to a constituted political group within a Council shall be entitled to nominate another Independent Member (who does not belong to a constituted political

Appendix C

CONSTITUTION
REVISIONS TO PART J2

group within the relevant Council) as a substitute member on the Joint Committee.

- iv. A Councillor who wishes a substitute Member to attend a meeting in his/her place shall so inform one of the substitute Members as soon as practicable before the date of the meeting and the substitute Member shall at the meeting concerned inform the relevant Chief Executive or his/her representative of his/her appointment as a substitute. In the event that no named substitute is able to act in that capacity for any given meeting, then any other member of the political group concerned shall be entitled to act as a substitute provided that the relevant Chief Executive or his/her representative is so informed before the commencement of the meeting and that the status of the substitute Member is declared at the start of the meeting.
- v. Any Member for whom a substitute is attending shall cease to be a member of the Joint Committee for the duration of the meeting, including any adjournment, and the substitute Member shall be a full member of the Joint Committee for the same period.

Standing Order 13 – Codes of Conduct

- i. Members shall observe their own Council's code of conduct for councillors dealing with planning matters except that any member of the Joint Committee who expresses a fixed view on an application prior to its determination by the Joint Committee shall be required *either*:
 - (a) To declare an interest in that applications and withdraw ~~form from~~ the meeting during consideration and determination thereof; *or*
 - (b) To appoint a substitute ~~m~~Member for the meeting at which the application is to be considered, in which case the Member who has expressed a fixed view may speak on the application from the public gallery prior to the formal discussion of the item.

Standing Order 14 – Delegations to Officers

~~The existing schemes of delegation to Bedford Borough Council's Borough Planner and to Mid Bedfordshire District Council's Head of Planning Services are deemed to apply in respect of planning applications considered by the joint Committee.~~

Officers of each aAuthority, authorised in accordance with their particular scheme of delegations from the Planning Committee, shall have delegated authority to deal with and determine the following matters:

- a) Applications for planning permission solely within their Council's boundary.
- b) Applications to develop land without compliance with conditions subject to which a previous planning permission was granted (section 73) for all sites (in this Standing Order meaning those within each Authority boundary and those that straddle the boundaries)

Appendix C

CONSTITUTION
REVISIONS TO PART J2

- c) Applications for planning permission for development carried out before the date of the application (section 73A) for all sites
- d) Applications for non-material amendments following a grant of planning permission (Section 96A of the 1990 Act) for all sites.
- e) Applications for Reserved Matters Approval pursuant to any outline planning permission granted previously on sites solely within the ~~a~~Authority boundary.
- f) Applications to approve details pursuant to and discharge conditions attached to any planning permission granted previously for all sites
- g) Applications for replacement planning permission subject to a new time limit on sites solely within the Authority boundary.
- h) In relation to parts 1, 3, 4, 6, 7, 11, 14, 15, 16, 17 and 18 of Schedule 2 of the GPDO 2015 (as amended) (i) approval or agreement required for any element of a proposal or (ii) for determination as to whether or not prior approval or agreement to any element of a proposal is required and, where such prior approval is required by the Council, determination of details of that element for all sites.
- i) Applications for express consent for the display of advertisements and related powers and duties for all sites.

All other relevant parts of the schemes of delegation to authorised officers of Bedford Borough Council and Central Bedfordshire Council are deemed to apply in respect of planning applications considered by the Joint Committee.

Appendix A –

Wixam’s Joint Development Control Committee Scheme for Public Participation

Applicants, agents, representatives of Parish/Town Councils, members of Bedford Borough Council and Central Bedfordshire Council (in respect of any application falling within their ward) and members of the public, who have already submitted comments in writing prior to the publication of the agenda, are entitled to speak (but not to question ~~o~~Officers or ~~m~~Members of the constituent councils) during the consideration of a planning application at any meeting of the Joint Committee at which the application is to be determined. Such entitlement to speak shall be in accordance with the following provisions:

- (a) Any person meeting the above qualification who wishes to speak must notify the nominated officer of their ~~l~~Local ~~A~~authority by telephone or e-mail by ~~10.00am on the day of close of business on the day before~~ the meeting at which the application in which s/he is interested is to be considered.
- (b) The following procedures will apply in respect of each item:
 - Introduction of an item by officers and or the Co-Chair

Appendix C

CONSTITUTION
REVISIONS TO PART J2

	<ul style="list-style-type: none"> • Representations by Parish/Town Council representative(s)
	<ul style="list-style-type: none"> • <u>Representations by objector(s) or representative for all objectors</u>
	<ul style="list-style-type: none"> • <u>Representations by applicant and/or any supporters</u>
	<ul style="list-style-type: none"> • <u>Representations by a councillor with a personal and prejudicial interest</u>
	<ul style="list-style-type: none"> • <u>Opportunity for officers to comment/clarify</u>
	<ul style="list-style-type: none"> • <u>Representations by Ward Members</u>
	<ul style="list-style-type: none"> • Representations by non-Members of the Joint Committee in respect of any applications falling within their electoral ward
	<ul style="list-style-type: none"> • Joint Committee Members' questions
	<ul style="list-style-type: none"> • Representations by objector/s or the representative for all objectors
	<ul style="list-style-type: none"> • Joint Committee Members' questions
	<ul style="list-style-type: none"> • Representations by applicant and/or any supporters
	<ul style="list-style-type: none"> • Joint Committee Members' questions
	<ul style="list-style-type: none"> • Clarification by Officers, if required
	<ul style="list-style-type: none"> • <u>Any other councillor (not being a member of the Joint Committee) may also be permitted to speak on an item-</u>
	<ul style="list-style-type: none"> • Consideration of the application by the Joint Committee-
<u>NOTE:</u>	
<u>1.</u>	<u>In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.</u>
<u>2.</u>	<u>Any information to be considered by the Joint Committee should be presented to officers by midday 3 working days prior to the meeting to allow for information to be considered. No new information may be presented at the meeting.</u>

Appendix C

CONSTITUTION
REVISIONS TO PART J2

(c)	The total time allowed for speeches in respect of each of the following groups of speakers will not exceed 5 minutes:-	
	i.	Parish/Town Council representatives for each Parish/Town Council that may have been consulted on an application who have been authorised, in writing, to speak, by the Clerk or Chairman of the Town/Parish Council on the Council's behalf;
	ii.	Ward representatives from either Council not on the Joint Committee
	iii.	Objectors
	iv.	Applicants and/or supporters.
	Where an application affects more than one Town/Parish Council or ward, the Co-Chair has the discretion to vary the requirements of (i) to (iv) above, where s/he considers it conducive to the dispatch of business and will not cause prejudice to the parties involved.	
(d)	In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category (iii) and (iv) or provision (c) above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.	
(e)	Anyone making representations under this scheme shall confide ne their comments to material planning considerations and should draw any believed inaccuracies in reports etc to the attention of the officers prior to the meeting.	
(f)	Where consideration of a planning application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements in (a) above have been complied with.	
(g)	The Co-Chair of the Joint Committee may:	
	(a) suspend the operation of this scheme during the consideration of any application or for the remainder of the meeting if s/he considers it necessary to do so for the purposes of maintaining order at the meeting;	
	(b) vary the order in which applications are to be considered if s/he considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.	
(h)	This scheme does not provide a right for Members or Officers of either constituent council to speak where they have declared an interest in the planning application.	
(i)	For interpretation purposes, Parish/Town Council shall be taken to include a Parish meeting.	

Appendix C

**CONSTITUTION
REVISIONS TO PART J2**

(j)	The Co-Chair has the right to require any person to stop speaking at any time s/he considers the question or statement to be defamatory, improper or outside the responsibilities of the Joint Committee.
(k)	The Co-Chair may vary or suspend the operation of this scheme at any time during the meeting, if s/he considers:-
	(a) that it is necessary to do so for the purpose of maintaining order at the meeting; or (b) that it is convenient and conducive to the despatch of business so to do.