

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **COUNCIL** held in the Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 21 July 2016.

PRESENT

Cllr D Bowater (Chairman)
Cllr Mrs C F Chapman MBE (Vice-Chairman)

Cllrs	Mrs A Barker R D Berry M C Blair A D Brown J Chatterley Mrs S Clark K M Collins I Dalgarno S Dixon Mrs A L Dodwell P A Duckett F Firth Mrs J Freeman C C Gomm	Cllrs	Mrs S A Goodchild Ms A M W Graham Mrs C Hegley P Hollick K Janes R W Johnstone M R Jones J Kane K C Matthews Ms C Maudlin R Morris T Nicols G Perham A Ryan	Cllrs	B Saunders D Shelvey I Shingler P Smith B J Spurr R C Stay Mrs T Stock G Tubb A M Turner M A G Versallion N Warren B Wells R D Wenham A Zerny
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Apologies for Absence

Cllrs	L Birt N B Costin P Downing K Ferguson E Ghent	Cllrs	Mrs D B Gurney J G Jamieson D J Lawrence Mrs J G Lawrence D McVicar	Cllrs	J A G Saunders T Swain B Walker T Woodward J N Young
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Officers:	Mr R Carr Mrs M Clampitt Mr M Coiffait Mrs S Harrison Mr J Longhurst Mrs J Ogley Ms M Peaston Mr C Warboys	– Chief Executive – Committee Services Officer – Director of Community Services – Director of Children's Services – Director of Regeneration and Business – Director of Social Care, Health and Housing – Committee Services Manager – Chief Finance Officer
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C/16/11. **Minutes**

RESOLVED

that the minutes of the Annual Meeting of Council held on 19 May 2016 be approved and signed by the Chairman as a correct record.

C/16/12. **Members' Interests**

(a) **Personal Interests:-**

Name	Item	Nature of Interest	Present or Absent
Cllr D Bowater	9	Knows one of the Independent Persons candidates	Present
Cllr Mrs C F Chapman MBE	9	Knows one of the Independent Persons candidates	Present

(b) **Personal and Prejudicial Interests:-**

None were declared.

C/16/13. **Questions, Statements and Deputations**

No questions, statements or deputations were made.

C/16/14. **Petitions**

No petitions were received.

C/16/15. **Chairman's Announcements and Communications**

The Chairman informed the Council that he had presented cheques to two charities following fund raising events as follows:

Diabetes UK - £12,500
MS Bedfordshire - £1,250

The Chairman thanked Cllr Maudlin for her assistance with the fund raising.

In addition, the Chairman had been invited to the Leighton Buzzard Scouts Annual General Meeting to receive a certificate marking the support provided by Central Bedfordshire Council together with the Rotary Club.

C/16/16. **Leader of the Council's Announcements and Communications**

The Deputy Leader of the Council reported on the following:

- Ampthill Tidy Tip had reopened; and
- The opening of an extended nature reserve at Rushmere Park.

C/16/17. **Executive Member Presentations**

Councillor Mrs Hegley, Executive Member for Social Care and Housing reported on the work within Social Care and Housing, including:

- Priory View has been nominated by Inside Housing for Development of the Year
- there would be a Member briefing in November on Housing and Garage site development
- progress with Greenfields, Crescent Court and Croft Green
- the transformation plan for Children's Services
- a Chartered Institute of Personnel and Development (CIPD) Nomination

Councillor Hegley thanked her Deputy Executive Members for their work.

Councillor Spurr, Executive Member for Community Services reported on the work within Community Services, including:

- the emergency response to the recent flooding in Dunstable;
- the work of Trading Standards including to tackle the illegal sale of tobacco and alcohol;
- licensing activity;
- 5,589 pupils across Central Bedfordshire receive transport to school;
- Grass cutting – the new contract had started and had experienced some difficulties compounded by unusual weather conditions;
- Biggleswade Tidy Tip had reopened but in view of unexpected but repeated accidents by users, would have a modification made to the curbs.

Councillor Spurr responded to questions.

Councillor Spurr thanked his Deputy Executive Members for their work.

C/16/18. **Extension of appointment of Independent Persons**

The Council received a report from the Executive Member for Corporate Resources requesting a six-month extension of the appointment of the Independent Persons for Central Bedfordshire Council.

RESOLVED

1. **that a temporary extension of the appointments of the existing Independent Persons for six months on the current terms and conditions, pending discussions with neighbouring authorities to explore the potential for the continuance and expansion of the Panel arrangement, be approved.**

2. that the Monitoring Officer, in consultation with the Chairman and Vice-Chairman of the General Purposes Committee, be authorised to negotiate the terms of the Independent Persons Panel with neighbouring authorities with a view to bringing a proposal back to Council for approval.

C/16/19. **Recommendations from the Executive**

(i) Housing Strategy 2016 – 2021

The Council considered recommendations from the Executive concerning the proposed Housing Strategy 2016 – 2021.

RESOLVED:-

1. that the Central Bedfordshire Housing Strategy 2016 – 2021, attached at Appendix 1 to the Executive report, be endorsed;
2. that the Director of Regeneration and Business, in consultation with the Executive Member for Regeneration, be granted delegated authority to make any future minor amendments that may be required to the Housing Strategy 2016 – 2021.

(ii) 2015/16 Capital Financial Outturn Report

The Council considered a recommendation from the Executive concerning the 2015/16 Capital Financial Outturn.

RESOLVED

1. that the net overspend on the Stratton Street Railway Bridge scheme of £1.3m be approved.

(iii) Maintaining a Sustainable Land Holding

The Council considered a recommendation from the Executive designed to enable the authority to maintain a sustainable land holding.

RESOLVED

1. that a new item be added to the Capital Programme to cover land purchases up to a maximum combined total of £8m for the financial year 2016/17, subject to the revenue impact being containable within the existing budget and the completion and sign off of a suitable business case.

C/16/20. **Recommendations from the Audit Committee**

- (i) Appointment of the Council's External Auditors following the Expiry of the Current Contract

The Council considered recommendations from the Audit Committee concerning the appointment of external auditors following the closure of the Audit Commission.

RESOLVED

- 1. that the Audit Committee's preferred approach of opting in to a procurement of external audit services through a Sector Led Body be approved;**
- 2. to note that the officers will notify the Local Government Association of the decision taken;**
- 3. to note that any recommendation on the final approach to be taken on this matter will be submitted to Council for approval at a later date.**

C/16/21. **Recommendations from the General Purposes Committee**

- (i) **Amendments to the Constitution**

The Council considered recommendations from the General Purposes Committee concerning changes to the Constitution and the Procurement Procedure Rules.

RESOLVED

- 1. that the changes to the Constitution set out at Appendix A to the submitted report be adopted and approved;**
- 2. that the ordering and formatting of the Constitution in the standard form be approved;**
- 3. that the Monitoring Officer be authorised to implement the changes and take any steps consequential, incidental or necessary to bring them into effect;**
- 4. that the proposed amendments to the Procurement Procedure Rules set out at Appendix B to the report be noted.**

(ii) Proposed Revisions to Terms of Reference and Standing Orders for the Wixams Joint Development Control Committee

The Council considered recommendations from the General Purposes Committee concerning amendments to the Terms of Reference and Standing Orders relating to the Wixams Joint Development Control Committee, and their inclusion in this Council's Constitution.

RESOLVED

- 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 A to the submitted report, be approved;**
- 2. that the full Standing Orders of the Wixams Joint Development Control Committee, including the Scheme of Public Participation, be set out in the Council's Constitution, as shown at Appendix A to the submitted report.**

C/16/22. Audit Committee Activity – 2015/16 Annual Report

The Council received the annual report from the Audit Committee for 2015/16 which presented a summary of the Committee's activities during the last twelve months.

The Council noted that every 5 years the Audit service was itself externally audited. Central Bedfordshire's Audit service had been audited by CIPFA recently.

The Chairman of the Audit Committee thanked the Officers for their work and also the new members of the Audit Committee who had demonstrated commitment and enthusiasm.

RESOLVED

that the Audit Committee Annual Report 2015/16 be endorsed.

C/16/23. Report of the Bedfordshire Fire and Rescue Authority

The Council received and considered a report of the Bedfordshire Fire and Rescue Authority following its meetings held on 19 April 2016 and 26 May 2016.

RESOLVED

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

C/16/24. **Bedfordshire Police and Crime Panel Activity Report 2015-16**

The Council received and considered a report on the Bedfordshire Police and Crime Panel Activity 2015-16.

RESOLVED

that the report on the Bedfordshire Police and Crime Panel Activity 2015-16 be noted.

C/16/25. **Motions**

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

“We at Central Bedfordshire believe that building strong local communities is crucial for all. Such communities bring together people of all ages, backgrounds and ethnicities. This diversity creates resilience, with people supporting each other and working together to make Central Bedfordshire a great place to live and work. Hate crimes have no place here, and our Council has been and will continue to be active in tackling such incidents across our patch.”

In introducing the motion, Councillor Stock explained that hate crimes had increased following the recent EU referendum vote. It was noted that people of all backgrounds may be affected by hate crimes.

The motion was duly seconded by representatives of both of the other political groups on the Council, the Independent Group and the Labour Group and the single Liberal Democrat representative too, all of whom spoke endorsing the importance of the motion.

An amendment to the motion to include the word “Council” after the words “Central Bedfordshire” at the beginning of the motion was seconded and approved.

RESOLVED

“We at Central Bedfordshire Council believe that building strong local communities is crucial for all. Such communities bring together people of all ages, backgrounds and ethnicities. This diversity creates resilience, with people supporting each other and working together to make Central Bedfordshire a great place to live and work. Hate crimes have no place here, and our Council has been and will continue to be active in tackling such incidents across our patch.”

C/16/26. **Written Questions**

No written questions were received.

C/16/27. **Open Questions**

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

1. Councillor Zerny asked for an update on the delivery of Broadband in Central Bedfordshire.

The Executive Member for Corporate Resources advised that 90% of Central Bedfordshire households received Broadband. It was anticipated that by 2018/19 the number of households would increase to 97%. A further update would be provided in the third quarter of the year advising how Broadband would be delivered to the final 3%.

2. Councillor Chapman asked a question seeking information on the Council's policy on ragweed.

The Deputy Executive Member for Community Services undertook to provide a written answer.

(Note: The meeting commenced at 6.30 p.m. and concluded at 7.47 p.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 A

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<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 a New 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 Officer <u>set out below.</u>
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<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 Joint 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, Shefford.</p>	
<p>Standing Order 2 – Size of Joint Committee</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>← Formatted: Left</p>
<p>Standing Order 3 – Chairing of Meetings</p> <p>i. The Joint 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 Joint</p>	<p>← Formatted: Left, Indent: Left: 0 cm</p>

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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 A

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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 (as amended) in any matter, he/she will withdraw from the meeting while the matter is under

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consideration unless:-

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

Non-financial interest

- ii. 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 must withdraw (subject to paragraph iii below) .
- 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.

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 Members 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 Members, the number of which shall not exceed 50% of the total seats held by that group on the Joint Committee with a minimum of one substitute per group.
- iii. Each Independent Member on the Joint Committee not belonging to a constituted political group within a Council shall be entitled to nominate

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another Independent Member (who does not belong to a constituted political 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 application and withdraw from the meeting during consideration and determination thereof; *or*
 - (b) To appoint a substitute 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 authority, 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

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	<u>straddle the boundaries)</u>
c)	<u>Applications for planning permission for development carried out before the date of the application (section 73A) for all sites</u>
d)	<u>Applications for non-material amendments following a grant of planning permission (Section 96A of the 1990 Act) for all sites.</u>
e)	<u>Applications for Reserved Matters Approval pursuant to any outline planning permission granted previously on sites solely within the authority boundary.</u>
f)	<u>Applications to approve details pursuant to and discharge conditions attached to any planning permission granted previously for all sites</u>
g)	<u>Applications for replacement planning permission subject to a new time limit on sites solely within the Authority boundary.</u>
h)	<u>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.</u>
i)	<u>Applications for express consent for the display of advertisements and related powers and duties for all sites.</u>
	<u>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.</u>

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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 officers or 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 local 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: |

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	•	Introduction of an item by officers and or the Co-Chair
	•	Representations by Parish/Town Council representative(s)
	•	Representations by objector(s) or representative for all objectors
	•	Representations by applicant and/or any supporters
	•	Representations by a councillor with a personal and prejudicial interest
	•	Opportunity for officers to comment/clarify
	•	Representations by Ward Members
	•	Representations by non-Members of the Joint Committee in respect of any applications falling within their electoral ward
	•	Joint Committee Members' questions
	•	Representations by objector/s or the representative for all objectors
	•	Joint Committee Members' questions
	•	Representations by applicant and/or any supporters
	•	Joint Committee Members' questions
	•	Clarification by Officers, if required
	•	Any other councillor (not being a member of the Joint Ceommittee) may also be permitted to speak on an item;
	•	Consideration of the application by the Joint Committee.
<u>NOTE:</u>		
<u>1.</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>2.</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.

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(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 confine 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:	
	<p>(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;</p> <p>(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.</p>	
(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.	

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(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.