

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 26 October 2017

PRESENT

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

Cllrs Mrs C F Chapman MBE
J G Jamieson
K C Matthews

Cllrs B J Spurr
N Warren

Apologies for Absence: Cllrs Mrs A L Dodwell
P Hollick
S Watkins
R D Wenham
A Zerny

Substitutes: Cllrs D Bowater (In place of Mrs A L Dodwell)
D J Lawrence (In place of R D Wenham)
I Shingler (In place of A Zerny)

Officers in Attendance: Mr Q Baker – AD Legal Services (Monitoring Officer)
Ms M Damigos – Corporate Lawyer
Mr B Dunleavy – Democratic Services Manager
Mr L Manning – Committee Services Officer
Mr J Partridge – Head of Governance
Mr C Warboys – Director of Resources

GPC/17/11. **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 22 June 2017 be confirmed and signed by the Chairman as a correct record.

GPC/17/12. **Members' Interests**

None.

GPC/17/13. **Chairman's Announcements and Communications**

The Chairman announced that there would be a verbal statement by the Head of Governance on the provision of webcasting at the Council.

GPC/17/14. Petitions

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

GPC/17/15. 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 Part 4G of the Constitution.

GPC/17/16. Webcasting Update

The Head of Governance stated that he had envisaged updating the Committee on the replacement video recording system at this meeting. However, whilst a new system had been identified, it was not due to be installed until the following week. Until installation took place, therefore, he was unable to set out the impact on how meetings would be recorded in the future. He added that there was a possibility it would have no effect.

In response to a Member's comments the Head of Governance acknowledged that issues had arisen with the existing webcasting system but he hoped that its replacement would be more reliable and a better product overall. Following further Member comment he undertook to seek Members' experiences of webcasting and report back to the Committee in December on the feedback he had received.

GPC/17/17. Community Governance Review

The Committee considered a report which sought the Committee's agreement to conduct a Community Governance Review for the whole of Central Bedfordshire. Approval was also sought for the proposed terms of reference for the Review and the associated timetable.

The Committee noted that the Council was required to undertake a Community Governance Review under the terms of the Local Government and Public Involvement in Health Act 2007 every 10-15 years. Given the absence of any scheduled elections in 2018 at either national or local level (for Central Bedfordshire) staff resources were available to complete a Review by September of that year.

Points and comments included:

- An introduction by the Democratic Services Manager who referred to the opportunity to deal with a number of electoral anomalies, including the disproportionate number of councillor positions on some small parish councils and the resulting difficulties in finding sufficient numbers

of candidates to stand for election, as well as poorly drawn electoral boundaries. The Democratic Services Manager circulated two maps to illustrate examples of the latter.

- References by Members to issues relating to existing electoral boundaries and the impact of major residential development on electoral numbers in their own wards. With regard to the latter, and given the pace of development, the Democratic Services Manager stressed that the outcome of the Review would represent a snapshot and was unlikely to provide a totally satisfactory outcome for all parties.
- The Democratic Services Manager advising that information relating to parish councils' range of powers would be included in the consultation document and would also be included in the material presented at the forthcoming Town and Parish Council conference in November.
- A Member's request that parish councils be reminded that the Review would not impact on existing settlement boundaries and did not provide an opportunity to review these. Further, councils should also be reminded that, with regard to planning applications, these councils were not statutory consultees and therefore had no right to be consulted although Central Bedfordshire Council did seek their opinions on such applications.
- Members recognised the value in holding regular Community Governance Reviews at shorter, 5-10 year, intervals rather than the 10-15 years suggested in the guidance jointly issued by the Secretary of State for Communities and Local Government and the Local Government Boundary Commission.
- In particular Members were aware of the ongoing high level of residential development within Central Bedfordshire and the need to respond to any anomalies that arose with regard to the democratic process as soon as was reasonable.

RESOLVED

- 1 that a Community Governance Review be undertaken across the whole of Central Bedfordshire under the terms of Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007;**
- 2 that the timetable for the above Review, as outlined in Appendix A to the report of the Democratic Services Manager, be approved;**
- 3 that the terms of reference for the above Review, as set out in Appendix B to the report of the Democratic Services Manager, be approved;**
- 4 that following the 2017/18 Community Governance Review such Reviews be held at 5-10 yearly intervals.**

GPC/17/18. **Wixams Joint Development Control Committee - Membership**

The Committee considered a report which sought Members' approval for recommendations to be submitted to full Council seeking an amendment to the terms of reference of the Wixams Joint Development Control Committee (Wixams JDCC) to reduce the number of councillors appointed to the joint committee, the appointment of councillors and substitutes as required and the amendment of the Council's Constitution to reflect these changes.

Points and comments included:

- The current terms of reference for the Wixams JDCC required that 18 councillors be appointed to the joint committee; the appointees being 9 Councillors from Central Bedfordshire Council and 9 Councillors from Bedford Borough Council.
- Up to 4 named substitutes could also be appointed by each authority, although the number should not exceed 50% of the total seats held by a political group on the joint committee with a minimum of 1 substitute per group.
- On 27 June 2017 the Wixams JDCC agreed that the membership of the joint committee should be reduced to 12 Councillors; 6 Councillors from each Authority, and that the terms of reference should be amended accordingly.
- The Wixams JDCC's support for a reduction in its membership had arisen because of the difficulty in ensuring sufficient levels of attendance.
- The General Purposes Committee noted that the Leader of Central Bedfordshire Council and the Mayor of Bedford Borough Council had considered a possible reduction in membership and were both in favour.
- If the revised terms of reference were approved by full Council it would be necessary to appoint 6 Councillors to sit on the Wixams JDCC and up to 3 substitutes.
- As the Wixams JDCC was a joint committee with Bedford Borough Council, the terms of reference in both Councils' Constitutions should be the same. The recommendations were due to be considered by Bedford Borough Council's General Purposes Committee on 31 October 2017.
- If Bedford Borough Council rejected the recommendations to change the joint committee's membership and update the terms of reference the current arrangements would remain in operation.

RECOMMENDED TO COUNCIL

- 1 that the terms of reference of the Wixams Joint Development Control Committee be amended to reduce the number of Councillors appointed to the joint committee from 9 to 6 Councillors from Central Bedfordshire Council;**
- 2 that 6 Councillors be appointed to the Wixams Joint Development Control Committee and up to 3 substitutes in line with political proportionality;**

- 3 that the Constitution be amended as detailed in Appendix A to these minutes;**
- 4 that it resolves that the above recommendations are subject to similar amendments by Bedford Borough Council becoming effective after their full Council meeting on 6 December 2017.**

GPC/17/19. Review of Policy and Procedure under the Regulation of Investigatory Powers Act 2000

The Committee considered a report which provided the annual update of the Council's use of its powers and compliance under and with the Regulation Of Investigatory Powers Act 2000 (RIPA). The report also set out the review of Council's Policy and Procedures under RIPA following an inspection by the Office of Surveillance Commissioners on 8 August 2017.

Points and comments included:

- Confirmation by the Corporate Lawyer that the Council's RIPA Policy and Procedure Guide had been amended in accordance with the inspection report by the Office of Surveillance Commissioners.
- That further amendments were required to reflect recent changes in personnel.
- That only one covert surveillance application had been made under RIPA. This had been submitted in September 2016 and although it predated the previous report to the Committee in October 2016 it had not been detailed in that report. It had therefore been reported within the current report for completeness.

NOTED

- 1 the results of the Assistant Surveillance Commissioner's inspection on behalf of the Office of Surveillance Commissioners on 8 August 2017 into the Council's use of its powers under the Regulation Of Investigatory Powers Act 2000 (RIPA).**
- 2 the summary of RIPA applications which detailed the Council's use of its powers and compliance with RIPA since the last report to the Committee in October 2016.**

RESOLVED

to endorse the changes made to the Council's Policy and Procedure Guide on the use of covert surveillance and covert human intelligence sources in line with the recommendations made by the Assistant Surveillance Commissioner.

GPC/17/20. **Report on the Arrangements for Ethical Standards**

The Committee received a report which provided a summary of the Council's ethical governance and arrangements during March – September 2017.

The Corporate Lawyer informed the meeting that Appendix C to the report, which was to set out the figures for the notification of Members' Interests and which had been marked to follow in both the report and agenda, would not now be submitted. She explained that various issues affecting the accuracy of the data to be used had become apparent and it had therefore been decided to withdraw the appendix.

Points and comments included:

- The Corporate Lawyer's reference to the submission of seven complaints under the Code of Conduct during the period under consideration. This number was in contrast to the four submitted for the same period in 2016. She had explained that the increase was due to multiple complaints received in connection with one parish council. This indicated the presence of other issues within that council requiring examination.
- That Appendix B, which set out the cumulative summary of the complaints received since 2012, would in future only contain a summary relating to the last two years so that it was easier for Members to read.

NOTED

how the Council has complied with its obligations in respect of ethical standards under the Localism Act 2011 for the period 1 March - 30 September 2017.

GPC/17/21. **Review of Urgent and Minor Updates to the Constitution**

The Committee considered the report of the Executive Member for Corporate Resources which set out the changes made under the Monitoring Officer's delegated powers to the Council's Constitution between 1 March and 30 September 2017.

NOTED

the changes made under the Monitoring Officer's delegated powers to maintain the Council's Constitution, as set out in Appendix A to the report.

GPC/17/22. **Executive Contract Approval Limits**

The Committee considered a report which set out proposed amendments to the procurement threshold authorisation limits contained in Part 2 Article 12 of the Constitution.

Points and comments included:

- That, at present, revenue contracts with an annual value in excess of £200K and capital contracts in excess of £500K required approval by the Executive. Members further noted that the thresholds for approval had not been updated since the Council was formed in 2009 over which period inflation had eroded the real value of money.
- That there were 55 contracts which would require approval by the Executive between 2017/18 and 2021/22, as they were in excess of the current thresholds of £200K per annum for revenue and £500k whole life cost per annum for capital.
- The aim of the proposed amendments was, therefore, to streamline the process for contract approvals, thereby enabling the Council's business to operate more efficiently with fewer reports being taken to Executive.
- Assurance from the Director of Resources that high value contracts would still be submitted for tender and lay within the public domain. He also pointed out that when the budget was approved it was projects rather than the specific contracts. Revenue in particular was considered by the Council in great detail.
- Comment from a Member that a figure £300K per annum for revenue contracts was significant because a number were 5 year contracts.
- Provided that the contract spend was within the budget agreed by full Council for that capital scheme it was proposed that the threshold above which capital contracts required Executive approval be increased to £750K financial commitment from £500K whole life cost. This proposal would result in a decrease in the forecast number of capital contracts requiring Executive approval in 2017/18 and 2018/19, from 14 contracts to 10.
- In relation to revenue contracts it was proposed that Executive approval for contracts would be required where the total contract value exceeded £1M and the contract exceeded 5 years in duration (including contract extension periods) and the contract value per annum was in excess of £200K. If approved the forecast number of revenue contracts requiring Executive approval, over the 5 year period 2017/18 to 2021/22, would decrease from 39 to 19.

RECOMMENDED TO COUNCIL

- 1 that an amendment to Part 2 Article 12 of the Constitution to increase the Executive contract approval threshold for capital to £750K financial commitment from £500K whole life cost be approved as set out in Appendix B to these minutes;**

- 2 that an amendment to Part 2 Article 12 of the Constitution to increase the Executive contract approval threshold for revenue to contracts where the total contract value exceeds £1M and the contract exceeds 5 years in duration (including contract extension periods) and the contract value per annum is in excess of £300K from £200K per annum be approved as set out in Appendix B to these minutes.**

GPC/17/23. **Work Programme**

Members considered a report which set out the Committee's work programme.

The Committee was aware that an update on the provision of webcasting would be submitted to its meeting in December (minute GPC/17/16 refers).

RESOLVED

that the Committee's work programme be approved subject to adding a report on the provision of webcasting for consideration at its meeting on 7 December 2017.

(Note: The meeting commenced at 10.05 a.m. and concluded at 11.14 a.m.)

Chairman

Dated

Appendix A

Extracts from the Terms of Reference for the Wixams Joint Development Management Committee

Proposal to amend the Wixams Joint Development Management Committee Terms of Reference to reduce the membership from 18 Councillors to 12 Councillors; 6 from Bedford Borough Council and 6 from Central Bedfordshire Council.

Point 6. Membership:

- ~~18~~ 96 Central Bedfordshire councillors
- ~~6~~ 96 Bedford Borough councillors
- See Standing Orders 2 and 12 below in respect of composition of the joint committee and substitutes

Standing Order 2 – Size of Joint Committee

The Joint Committee will comprise ~~18~~12 Councillors, that is ~~6~~96 representing Bedford Borough Council and ~~6~~96 representing Central Bedfordshire Council. 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. 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.

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Appendix B

PART 2 ARTICLE 12 - DECISION MAKING

1. Key Decisions

1.1 A Key Decision means an executive decision which is likely:-

1.1.1 To result in the Council incurring expenditure which is, or the making of savings, which are significant as defined in 1.2 below, having regard to the Council's budget for the service or function to which the decision relates; or

1.1.2 To be significant in terms of its effect on communities living or working in an area comprising one or more wards in the area of the Council.

1.2 For the purposes of 1.1.1 above,

1.2.1 savings are significant if they exceed £200,000 per annum (revenue) or £500,000 whole life cost (capital),

1.2.2 expenditure is significant if it exceeds:

1.2.2.1 in respect of revenue contracts:

(i) £300,000 per annum; and

(ii) £1m total cost; and

(iii) 5 years duration (including contract extension periods); or

1.2.2.2 £750,000 financial commitment (capital).

1.3 Savings and expenditure in 1.2 above, does not include:-

1.3.1 The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Policy Statement approved separately by the Council.

1.3.2 Expenditure which is identified in the approved Revenue Budget or Service Plan for the service concerned;

1.3.3 Implementation of a capital project identified in the approved Capital Programme and in respect of which the detailed business case (or equivalent) has been approved;

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- 1.3.4 Implementation of an explicit policy within the approved Budget and Policy Framework or fulfilment of the policy intention of a key decision previously approved by the Executive;
 - 1.3.5 The invitation of tenders or awarding of contracts where necessary to provide for the continuation of an established policy or service standard.
 - 1.3.6 The procurement of placements for children and of care packages, including residential care, for children and adults with disabilities or other conditions warranting the provision of such placements or packages subject to such decisions being reported to the Executive Member for Corporate Resources and the Executive Member for the relevant service area.
- 1.4 For the purpose of 1.1.2 above, a decision will be regarded as “significant” if the outcome of the decision will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a substantial number of people living or working in the wards affected.
- 1.5 A decision maker may only take a Key Decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4F of the constitution.