

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

**This meeting may
be filmed.***



**Central
Bedfordshire**

please ask for Leslie Manning
direct line 0300 300 5132
date 12 October 2017

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Thursday, 26 October 2017 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the GENERAL PURPOSES COMMITTEE:

Cllrs Mrs J G Lawrence (Chairman), G Perham (Vice-Chairman),
Mrs C F Chapman MBE, Mrs A L Dodwell, P Hollick, J G Jamieson,
K C Matthews, B J Spurr, N Warren, S Watkins, R D Wenham and A Zerny

[Named Substitutes:

Cllrs R D Berry, D Bowater, N B Costin, E Ghent, Ms A M W Graham,
D J Lawrence and M A G Versallion]

All other Members of the Council - on request

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

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AGENDA

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the General Purposes Committee held on 22 June 2017 (copy attached).

3. **Members' Interests**

To receive from Members any declarations of interest.

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

To receive any announcements from the Chairman and any matters of communication.

5. **Petitions**

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part 4G of the Constitution.

6. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part 4G of the Constitution.

Reports

Item	Subject	Page Nos.
7.	Community Governance Review To consider undertaking a proposed Community Governance Review for Central Bedfordshire and approve the associated terms of reference.	* 11 - 42
8.	Wixams Joint Development Control Committee – Membership To consider a proposed amendment to the Wixams Joint Development Control Committee's terms of reference to reduce the number of Councillors appointed to the Committee.	* 43 - 48

9. **Review of Policy and Procedure under the Regulation of Investigatory Powers Act 2000** * 49 - 78
- To consider the annual update of the Council's use of its powers and compliance under and with the Regulation of Investigatory Powers Act 2000 (RIPA) and the review of the policy and procedures under RIPA following an inspection by the Office of Surveillance Commissioners in August 2017.
10. **Report on the Arrangements for Ethical Standards** * 79 - 92
- To consider a summary of the Council's ethical governance and arrangements since March 2017.
- (Note: Appendix C to the report is to follow).
11. **Review of Urgent and Minor Updates to the Constitution** * 93 - 96
- To consider changes made to the Constitution during the period 1 March to 30 September 2017.
12. **Executive Contract Approval Limits** + To Follow
- To consider proposed amendments to the procurement threshold authorisation limits contained in Part 4J (Code of Procurement Governance) of the Constitution.
13. **Work Programme** * 97 - 100
- To consider the Committee's work programme.

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 14, Priory House, Chicksands, Shefford on Thursday, 22 June 2017

PRESENT

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

Cllrs Mrs C F Chapman MBE
Mrs A L Dodwell
K C Matthews

Cllrs S Watkins
A Zerny

Apologies for Absence: Cllrs J G Jamieson
B J Spurr
N Warren
R D Wenham

Substitutes: Cllrs R D Berry (In place of B J Spurr)
D Bowater (In place of R D Wenham)
E Ghent (In place of J G Jamieson)
D J Lawrence (In place of N Warren)

Officers in Attendance: Mr Q Baker – AD Legal Services (Monitoring Officer)
Ms M Damigos – Corporate Lawyer
Mrs C Jones – Chief People Officer
Mr L Manning – Committee Services Officer
Mr J Partridge – Head of Governance

GPC/17/2. **Minutes**

RESOLVED

that the minutes of the meetings of the General Purposes Committee held on 30 March 2017 and 18 May 2017 be confirmed and signed by the Chairman as a correct record.

GPC/17/3. **Members' Interests**

None.

GPC/17/4. **Chairman's Announcements and Communications**

The Chairman informed the Committee that the agenda item running order had changed. Because the Council's Monitoring Officer was required to attend another meeting at 11.00 a.m. his report entitled 'Reordered Constitution'

(agenda item 9) had been brought forward and would now be the first to be considered.

GPC/17/5. **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/17/6. **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/17/7. **Reordered Constitution**

The Committee considered a report which provided an update on the final re-ordered and indexed draft Constitution and sought authority to proceed with its formal adoption. An electronic copy of the re-ordered draft Constitution had been made available on the Council's website for examination.

Points and comments included:

- an introduction by the Corporate Lawyer who explained that any minor outstanding amendments had now been made out and that the new Constitution was now ready for adoption. She explained that discussion was taking place with the Head of Governance on the introductory process which would include articles within the Members' Information Bulletin and Staff Central.
- the Assistant Director Legal Services (Monitoring Officer) suggested that the re-ordered Constitution become effective once it was published on the Council's website. He stated the Committee would be advised by email once a publication date had been agreed. The Committee welcomed this suggestion.

RESOLVED

- 1 that the final draft version of the re-ordered Constitution be formally adopted and become effective once it is published on the Council's website on a date to be agreed;**
- 2 that an introductory process for the re-ordered Constitution be implemented within the Council.**

GPC/17/8. Market Rate Supplement Payments - Annual Update

The Committee considered a report of the Director of Resources which provided an update on the current application of Market Rate Supplements (MRS) to posts across Central Bedfordshire Council. Members noted that the application of an MRS was an attempt to bridge the gap between the Council's salary levels and the current 'market' rate of pay for professionals who were key to the delivery of Council services.

Points and comments included:

- reference to the initiative to differentiate the level of MRS payments made to different teams of social workers within Children's Services. Under the initiative the teams that had the most demanding roles received a higher level of MRS and the MRS paid to newly qualified social workers had been reduced. This approach had been successful in attracting and retaining experienced social workers in a highly competitive market whilst allowing the Council to manage its staffing costs.
- despite the introduction of MRS for qualified practitioners three years ago Adult Social Care continued to face recruitment and retention difficulties. Recent legislation had resulted in an increase in demand for adult social workers whilst benchmarking data revealed that Central Bedfordshire was paying less than neighbouring local authorities for some qualified and experienced Adult Social Care staff.
- the MRS payments for Planning and Building Control were under review. However, in view of current market conditions and the related difficulty in recruiting experienced staff it was envisaged that the payments would continue albeit following a possible reassessment of their value.
- following a Member's query on the use of 'golden hello's' by another local authority to attract staff the Assistant Director People stated that adopting such a policy at Central Bedfordshire could prove divisive as it further singled out a small number of employees from the majority. She commented that there were other factors which attracted and retained staff. The payment by the Council of professional training fees for staff and their repayment by staff if they left the Council within a specified timescale was discussed.
- the Assistant Director People explained that MRS remained in place for a three year period and were then reviewed. MRS had been reduced or removed in the past if it was possible to do so.

NOTED

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

GPC/17/9. Corporate Style of Minutes

Consideration was given to a report on the corporate style of minuting following comments by a Member at Council on 20 April 2017. The Committee was reminded that the Member had expressed concern regarding the level of detail contained in the minutes of the previous Council meeting and queried whether the preamble had captured the debate and met statutory requirements.

Points and comments included:

- confirmation by the Head of Governance that the existing minuting style exceeded the current statutory requirements, although there were slight variations in style depending on the type of meeting being minuted. In addition, where the webcasting of a meeting took place, and a verbatim record therefore existed, the minutes produced were as succinct as possible. Where a webcast had not been made however, or there was substantial public interest in an item, then a more detailed written record was made.
- a letter from the Member who had raised the original concerns was read out. The letter set out the Member's concerns in detail together with a suggested way forward.
- the Assistant Director Legal Services (Monitoring Officer) confirmed that only a committee's decision needed to be recorded and there was no legal requirement to record the debate leading to the decision. However, Members were strongly of the opinion that, whilst there was no legal requirement to record a preamble, there was an issue of public perception regarding the extent to which Members utilised the democratic process and the level of detail contained in the minutes needed to be increased in order to provide a full summary of the main points of debate. The recorded webcast of a meeting was regarded as unreliable, difficult to navigate and not always available. The possibility of an audio only recording of debate was suggested.
- in response to comment regarding the accuracy of some minutes the Chairman reminded the Committee that the accuracy of the minutes could be challenged before they were signed. The Head of Governance acknowledged that the six month time span that the recorded webcast was available was insufficient. He also reminded Members that the individual agenda items were 'flagged' during the webcast so it was possible to locate them without watching the whole recording.

RESOLVED

- 1 that the following principle be adopted for all meetings:**

As soon as practicable after any meeting a written statement of the proceedings at that meeting will be published that will provide the following:-

- a) a statement of the matter under consideration;
 - b) a few bullet points that provide a concise summary of the main points made in discussion, incorporating all motions and amendments presented to meetings in the exact form and order as put to the meeting;
 - c) a summation of the item as provided by the Chairman (where applicable); and
 - d) a record of the decision and date it was made including the reasons for the decision, the details of any alternative options considered and rejected, either detailed in the written report or proposed and seconded during the discussion of the report at the meeting; and any conflicts of interest.
- 2 that the number of votes for and against a motion be recorded;
 - 3 that the main points of debate, which would impact on the outcome, be included in the minutes.
 - 4 that should a Member raise a particular point that he or she wishes to have recorded in the minutes he or she should inform the Chairman of the meeting at that point in the debate;
 - 5 that Members who do not attend a meeting but fail to provide their apologies be recorded as 'Absent'.

GPC/17/10. **Work Programme**

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

Points and comments included:

- the Chairman reporting that she had been advised by the Head of Governance that his report on the future provision of webcasting at the Council would be ready to be submitted to the Committee on 26 October. Some concern was expressed that, given the need to follow a strict procurement procedure, considering this matter in October rather than at the Committee's next meeting in August, could lead to a delay in implementing any changes.

RESOLVED

that a report on the future provision of webcasting at Central Bedfordshire Council be added to the Committee's work programme for consideration on 26 October 2017.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.03 a.m.)

Chairman

Dated

Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

26 October 2017

COMMUNITY GOVERNANCE REVIEW

Report of Charles Warboys: Director of Resources.
(charles.warboys@centralbedfordshire.gov.uk)

Lead Officer: Brian Dunleavy, Democratic Services Manager.
(brian.dunleavy@centralbedfordshire.gov.uk)

Purpose of this report

This report recommends that the Council conducts a Community Governance Review for the whole of the Council's area and seeks approval of the Terms of Reference to be used in the Review. A review must conclude within 12 months of its commencement.

RECOMMENDATIONS

The Committee is asked to:

1. Agree that a Community Governance Review be undertaken across the whole of the Council's area under the terms of Chapter 3 of Part 4 of the Local Government and Public Involvement and Health (LGPIH) Act 2007;
2. Approve the timetable for the review outlined in Appendix A;
3. Approve the Terms of Reference set out in Appendix B.

Background

1. The LGPIH Act devolved the power to take decisions relating to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes from the Secretary of State and the Electoral Commission to principal councils. With effect from February 2008, principal councils have had the responsibility for undertaking community governance reviews (formerly known as a parish reviews) and have been able to decide whether to give effect to recommendations made in those reviews. The principal council must consult the local government electors for the area under

review and any other person or body (including a local authority) who appears to have an interest in the review.

2. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission. Guidance suggests that it is good practice for a principal council to consider conducting a review every 10-15 years. It is now over eight years since the Council was formed and it is considered timely to conduct a review of the whole of the Council's area and that any decisions to make changes to parish arrangements would be implemented at the next full parish elections in 2019.

Criteria for undertaking a review

3. Section 93 of the Act requires principal councils to ensure that community governance within the area under review will be:
 - reflective of the identities and interests of the community in that area; and
 - effective and convenient
4. When considering the criteria identified in the Act, principal councils should take into account a number of influential factors, including:
 - the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of a local community or parish.
5. In considering the criteria, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

Review Requirements

6. There are a number of requirements relating to the conduct of the review which must be observed. These are
 - Terms of Reference must be drawn up for the review. These must identify the focus for the review and the area under review;
 - Consultation must take place with local people, representative groups active in the area and any people/groups that could be reasonably expected to have an interest in the review;

- The Council must take account of the representations received;
- The review must be completed within 12 months of the Council publishing the Terms of Reference.

Consultation

7. To ensure that interested persons or groups have the opportunity to input and respond to the review the following actions will be undertaken:
 - Display notice at a number of council customer service centres, libraries, post offices, doctor surgeries etc
 - Information on the Council website
 - Press adverts and local news releases
 - Articles in Members' Information Bulletin
 - Article in Members' monthly briefing note for Town & Parish Councils.
 - Article in quarterly electronic newsletter to be sent to stakeholders
 - Letter to all parish councils/meetings within Central Bedfordshire including information that they may use to publicise the review within their parishes (This information could then be publicised through parish magazines/newsletters/intranet, notice boards or website)
 - Letter to other known community groups within Central Bedfordshire (using the Council's stakeholder database)
 - Letter to all Central Bedfordshire councillors, MPs representing constituencies within Central Bedfordshire and local constituency offices of registered political parties
 - Social network sites
 - Town & Parish Conference
8. Outside the scope of the review are the 4 Joint Committees in Central Bedfordshire: Biggleswade, Leighton-Linslade, Dunstable & Houghton Regis

Timetable and Terms of Reference

9. The review is concluded when the Council publishes its recommendations and this must be within 12 months of the Council publishing the Terms of Reference. The proposed timetable is set out in Appendix A and the suggested Terms of Reference is set out in Appendix B.

Council Priorities

10. This report contributes to the Council's requirement to bring about improved community engagement. Government guidance states that 'Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.'

Corporate Implications

Risk Management

11. Councils are expected to carry out community governance reviews every 10-15 years. There are no scheduled elections in 2018 for CBC and therefore staff resources are available to complete the review by September 2018.
12. The Council will be mindful of Government guidelines and policy and take this into consideration throughout the review
13. To mitigate against the potential for judicial review, the Council will ensure that all decisions are evidence based.

Staffing (including Trade Unions)

14. None resulting from this report.

Legal Implications

15. Community Governance Reviews operate under the following legislative framework:
 - Local Government & Public Involvement in Health Act 2007 (Section 81 of the Act requires the Council to publish its Terms of Reference);
 - Guidance on community governance reviews, issued in accordance with Section 100 of the Local Government & Public Involvement in Health Act 2007 jointly by Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010;
 - Local Government Act 1972 (as amended);
 - Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008/625); and
 - Local Government Finance (New Parishes) Regulations 2008 (SI 2008 626).

16. The manner in which this framework applies to this review is explained in the text of the report.

Financial Implications

17. The anticipated costs for the review relate to the cost of the external support required by LGSS and the statutory obligation to communicate with local government electors about the review.
18. The costs are not expected to exceed £5000 and will need to be borne by the budget for Electoral Registration.

Equalities Implications

19. There are no direct equalities implications that have been identified as relevant to this report. However, achieving a more even distribution of electoral representation in every parish will provide an opportunity for fairer representation.

Conclusion

20. The Council is under a duty to carry out a Community Governance Review; there is an opportunity to carry out the review before the scheduled parish elections in May 2019.

Appendices:

Appendix A – Proposed Timetable
Appendix B – Proposed Terms of Reference

Background Papers: Local Government and Public Involvement in Health Act 2007

Local Government Act 1972

Guidance on community governance reviews published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission – March 2010

Location of Background Papers: N/A

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Appendix A

REVIEW TIMETABLE

Dates	Review Stage	Activity
26 October 2017		GP Committee – approves Terms of Reference
1 November 2017	Commencement	Terms of Reference published, Council notifies stakeholders
1 November 2017 – 31 January 2018	Stage One - Submissions	Initial submissions invited in response to consultation document
1 February 2018 – 29 March 2018	Stage Two – Consideration of Initial submissions	Consider submissions received and prepare draft recommendations
30 March 2018 – 30 June 2018	Stage Three – Publish Draft Recommendations for Consultation	Publish draft recommendations for further consultation with stakeholders and residents
1 July 2018 – 22 August 2018	Stage Four – Consider final recommendations	Consider submissions received and prepare final recommendations
August 2018*	Conclusion	Final recommendations are approved by GP Committee and recommended to Council
September 2018*	Resolution	Council resolves to make a Reorganisation Order
October/November 2018	Implementation	Effective date of Order Effective date of any changes to parish/town boundaries and electoral arrangements
2 May 2019		Parish Elections

* Date of meeting to be confirmed

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Appendix B

CENTRAL BEDFORDSHIRE COUNCIL

**COMMUNITY GOVERNANCE REVIEW OF WHOLE OF COUNCIL'S AREA
conducted under the Local Government and Public Involvement in
Health Act 2007**

TERMS OF REFERENCE

Published on 1 November 2017
Submissions and comments required by 31 January 2018

Introduction

Central Bedfordshire Council has resolved to conduct a Community Governance Review of the whole of its area in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 and statutory guidance on Community Governance Reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission 1 March 2010).

Why is the Council undertaking the review?

A Community Governance review provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and reflects the identities and interests of the community. Recently there has been significant population growth across the Council area particularly in Biggleswade, Leighton Buzzard and Silsoe. In the near future substantial growth is forecast for Houghton Regis, whilst further growth options are currently the subject of consultation as part of the draft Local Plan.

The government has emphasised that recommendations made in Community Governance Reviews ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services. Government guidance further states that it is good practice to conduct a full Community Governance Review at least every 10 to 15 years and to keep the area under review in the interim. Since it was established in 2009 the Council has yet to undertake a review and it is now considered timely to carry out a full review of the whole of the Council's area.

What is community governance?

In the context of Community Governance Reviews, the provisions of the 2007 Act are intended to improve the development and co-ordination of support for citizens and community groups so that they can make the best

use of empowerment opportunities. The government (through the 2007 Act and the Localism Act) and the Council recognise the important role that parish councils play in their local area both in terms of community empowerment and engagement and the delivery of local services. When carrying out the community governance review the Council must consider parish arrangements. A parish is a distinct geographical area with its own local government arrangements operating alongside other tiers of local government.

Parish councils are the most local tier of government in England. They are elected bodies with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them, including a right to raise money by precept. Under the Local Government Act 1972 (“the 1972 Act”) and by passing a resolution, a parish council may be renamed a “town council”. Furthermore, under the provisions of the 2007 Act, a parish council may be known alternatively as a “community”, “village” or “neighbourhood” council. There are certain obligations which, by law, a parish council must fulfil including a requirement to hold an annual meeting (known as the ‘parish meeting’) and at least three other meetings a year.

A parish council is elected by the local government electors in the parish. Parish councillors are elected for 4 year terms. There must be at least 5 seats on the parish council. Larger parish councils may also be divided into wards for the purpose of elections. A parish with a small electorate may share a council with one or more neighbouring parishes, such an arrangement being variously known as a joint parish council, grouped parish council, common parish council or combined parish council.

To carry out its work a parish council has a number of powers at its disposal. These powers would not go beyond those available to Central Bedfordshire Council and as a whole would be more limited, but a parish council need only consider the concerns of the parish rather than the wider area when exercising them.

Parish council powers can include:

- Providing public facilities such as parks, community centres and burial grounds
- Functions relating to highways, including the repair of public footpaths and the provision of street lighting and bus shelters
- Contributing to the financing of traffic calming measures
- Introducing crime prevention measures, such as CCTV
- The right to be consulted on planning applications affecting the parish.

Where a parish has no parish council, certain functions of the parish council may be carried out by the parish meeting instead. The parish meeting discusses parish affairs.

The trustees of a parish meeting hold property and act on its behalf. The determination of whether a parish should have a parish council or not is

dependent on the number of local government electors in the parish. There are currently 8 parish meetings across the Council's area.

The main source of funding for parish councils (or parish meetings exercising parish council functions) is through levying a precept. This is a sum of money collected through the council tax bills (as an additional and distinct amount) of those residing in the parish. Where a precept is raised, its level will depend upon the financial demands upon the parish council including the level of services it provides.

There are currently 71 parish councils across the Council's area and 8 other parishes without a parish council where parish meetings are held. Further details on parish councils can be found on the website of the National Association of Local Councils at <http://www.nalc.gov.uk/>

Other (non parish) forms of community governance – In conducting a community governance review, principal councils must consider other forms of community governance as alternatives to or stages towards establishing parish councils. These include arrangements such as area committees, neighbourhood management, tenant management organisations, area/community forums, residents and tenants associations and community associations.

What is a Community Governance Review?

The review will consider:

- the creation, merger, alteration or abolition of parishes;
- parishing previously un-parished areas
- the naming of parishes and the style of any new or revised parish;
- electoral arrangements for existing parishes including council size, the number of councillors to be elected to the council, parish warding), and
- grouping parishes under a new common parish council with any of their surrounding areas.

Scope of this Community Governance Review

The whole of the Council's area is to be included in this review.

The Community Governance Review will **not** consider:

- the boundaries of UK parliamentary constituencies; and
- the boundaries and names of Central Bedfordshire Council wards.

- The Joint Committees of Biggleswade, Leighton-Linslade, Dunstable and Houghton Regis.

Parish Governance in Central Bedfordshire

The Council believes that parish councils play an important role in terms of community empowerment at the local level and wants to ensure that parish governance in our area continues to be robust, representative and enabled to meet the challenges that lie before it. Furthermore, it wants to ensure that there is clarity and transparency to the area that parish councils represent and that the electoral arrangements of parishes – the warding arrangements and the allocations of councillors – are appropriate, equitable and readily understood by their electorate.

The Council will particularly focus on

- the need to re-draw parish boundaries that have become anomalous where new housing developments straddle existing boundaries;
- the case for rationalising the level of representation on councils where the number of councillors is disproportionate to the electorate but bearing in mind that each parish council must have at least 5 councillors (there is no maximum number);
- the level of representation on councils where historically many parish councils, particularly smaller ones, have not been able to attract sufficient candidates to stand for election thereby leading to uncontested elections and/or a need to co-opt members to fill vacancies;
- the potential for grouping smaller parishes subject to the need for them to reflect closely the identity of their communities;
- requests to change the status or style of a parish to community, neighbourhood, village etc.
- whether to make consequential recommendations to the LGBCE for any related alterations to the boundaries of any CBC ward to ensure coterminosity between the new parish boundary and the related ward boundary.

The Government also made a commitment to parish councils in 'Strong and Prosperous Communities' (Local Government White Paper, October 2006) in which it emphasised: "Ultimately, the recommendations made in a community governance Review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services"

One of the overriding aims of this Terms of Reference is that it endeavours to lay out clear policies (for example, with regard to councillor numbers), which will ensure that the electors across Central Bedfordshire will be treated equitably and fairly.

Who will undertake this Review?

The Council is responsible for conducting the review. The Council's General Purposes Committee has delegated authority to make recommendations to the Council on the outcomes of Community Governance Reviews. Council will be required to approve the final recommendations before any Community Governance Order is made.

Consultation

In considering and making recommendations within these Terms of Reference, a full consultation process will form part of the Review to take account of the views of local people. The 2007 Act requires that the Council consults the local government electors for the area under review and any other person or body who appears to have an interest in the review. The Council must take representations into account by judging them against criteria laid out in the Act.

The Council intends to write to all parish councils, both when inviting initial submissions and when seeking views on the draft proposals. The Council will use information from the Local Land and Property Gazetteer and the Central Bedfordshire Housing Trajectory as at July 2017 as the primary sources of current and forecast properties in the area.

The Council will also identify any other person or body who it feels may have an interest in the Review and will be pleased to receive comments from any other person or body who wishes to make representations. Any such person that makes representation during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.

The timetable for the Review below provides for a number of periods for comment and submissions by the public. Specifically these are:

- Three months after the publication of the Terms of Reference; and
- Two months after the publication of the Draft Recommendations.

The Council, through the General Purposes Committee, will conduct the review transparently with decisions being made in public and reasons given for those decisions. This is in line with Government guidance on conducting Community Governance Reviews. Meetings of the General Purposes Committee will take place in public and information will be available on the Council's website. The Council is keen to conduct meaningful consultation that leads to effective proposals.

The Council proposes to use the following mechanisms to keep consultees informed:

- General press releases
- Council website
- Key documents on deposit at relevant Council offices

- Briefings/public meetings with relevant stakeholders
- Direct personal communication

The Council will be mindful of the cost of consultation and will endeavour to ensure that consultation processes are cost effective.

The General Purposes Committee has agreed the following timeframe for the conduct of this review. The Committee will endeavour to keep to these dates and will not reduce the length of any consultation periods. However, if changes to dates are required, these will be published on the Council's website. A Community Governance Review is a lengthy process but the regulations require that they are concluded within a 12 month period following publication of the terms of reference.

Dates	Review Stage	Activity
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* Date of meeting to be confirmed

A range of organisations operate within parishes and may be interested in the Review. The existing parish councils will have a clear interest along with any

group specific to the area. A list has been compiled of interested organisations and individuals who it is proposed will be consulted at the various stages of the Review. These are listed at the last page.

Consultation Strategy

The schedule below sets out our strategy for consulting on the Review to ensure that those affected are aware of the proposals and their potential impact.

Date	Action	Follow up
1 November 2017	Publish Terms of Reference and invite submissions by 31 January 2018	<ol style="list-style-type: none"> 1. Article on Council website 2. Press releases to local press 3. Inform all CBC Ward Councillors 4. Briefings/attend public meetings with key interested parties 5. Write to organisations as indicated in this ToR document 6. ToR available on deposit at Council offices, libraries, etc. 7. Email alerts to the Town & Parish Councils 8. Town & Parish Council Conference
30 March 2018	Publish Draft Recommendations and invite comments by 30 June 2018	<ol style="list-style-type: none"> 1. Update Council website 2. Press releases to local press 3. Inform all CBC Ward Councillors 4. Write to organisations with Draft Recommendations document or summary information as indicated, offer drop in sessions for public where appropriate 5. Information leaflets about Draft Recommendations to all residents in areas affected 6. Publicise with remaining residents in unaffected areas 7. Draft Recommendations on deposit at Council offices, libraries, etc. 8. Town & Parish Council Conference
August 2018	Present final recommendations to GP Committee	<ol style="list-style-type: none"> 1. GP recommendation to Council
October/November 2018	Council makes Reorganisation Order and agrees implementation dates	<ol style="list-style-type: none"> 1. Press releases, website updates and formal correspondence with key parties affected.

PARISH AREAS AND STRUCTURE OF PARISHES

The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in each area and
- is effective and convenient, and
- takes into account any other arrangements for community representation or engagement in that area.

Parish areas

- the Council is anxious to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride;
- the Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. The feeling of local community and the wishes of local inhabitants are primary consideration in the Review;
- the Council is anxious to balance carefully the considerations of changes which have happened over time, through population shifts or additional development for example, and which have led to a different community identity with historic traditions in its area.
- the Council will take into account the government's guidance that community cohesion should be taken into account in the Review.
- the Council will also have consideration to the government's strongly stated guidance that it "expects to see a trend in the creation, rather than the abolition, of parishes" and that "the abolition of parishes should not be undertaken unless clearly justified". The Council also notes that the government also considers that, where existing parishes are abolished, "it would be undesirable to see the area becoming unparished with no community governance arrangements in place.
- the Council considers that the boundaries between parishes will normally reflect the land between communities represented by areas of low population or pronounced physical barriers. These barriers will be either natural or man-made: they might include rivers, canals, roads, parks etc i.e. those barriers that oblige the residents of an affected area to have little in common with the remainder of the parish to which they may have been allotted.

- the Council will endeavour to determine boundaries that are and are likely to remain easily identifiable.

Viability of parishes

- The council encourages parishes in their aim to better represent the community's interests and deliver better services. It is important, however, that parishes are viable and possess a precept which enables them to actively and effectively promote the well-being of residents, as well as contributing to the real provision of services in an economic and efficient manner.
- In some rural areas parishes may have limited resources capacity to deliver effective local government but even so, arrangements in these parishes, when they accord with the wishes of the inhabitants of the parish, will at least represent convenient local government.
- The council will ensure that the review leads to parishes that are based on community identity and interest that effectively promote the well-being of residents and which are viable as an administrative unit.

Grouping parishes

- The Local Government Act 1972 states that parishes with less than 150 electors may not establish their own parish council. A grouping order is, however, permitted under Section 11 of the Act allowing consideration of an alliance of grouped parishes coming together under one parish council, with electors of the grouped parishes electing a designated number of councillors to the council. This has been found to be an effective way of ensuring parish government for small parishes that may otherwise be unviable, and may also be worth considering in order to avoid substantive changes to boundaries.
- The Council does, however, acknowledge the need for 'compatible grouping' and will take into account government guidance that "it would be inappropriate for it to be used to build artificially large units under single parish councils".
- There are no grouped parishes currently in the Central Bedfordshire area but there are 8 small parishes where parish meetings are held where there are fewer than 150 electors. These are Astwick (24 electors), Battlesden (27), Edworth (53), Eyeworth (70), Millbrook (106), Milton Bryan (138), Potsgrove (33) and Tingrith (123).

Naming parishes

- The council will aim to reflect existing local or historic place-names, and will give significant consideration to names suggested by local interested parties. Composite (or combined) names of parishes, however, rarely contribute to effective local government and the council wishes to avoid this, other than in exceptional circumstances where the demands of history or the preservation of local ties makes a pressing case for the retention of distinctive names.

Alternative styles for parishes

- The 2007 Act has introduced ‘alternative styles’ for parishes. If adopted, the ‘alternative style’ would replace the style “parish”. However, only one of three prescribed styles can be adopted: “community”, “neighbourhood” or “village”. In addition, it should be noted that the style of “town” is still available to a parish. However, for as long as the parish has an ‘alternative style’, it will not also be able to have the status of town and vice versa.
- Where a new parish is being created, the Council will make recommendations as to the geographical name of the new parish and as to whether or not it should have one of the alternative styles.
- Where an existing parish is under Review, the Council will make recommendations as to whether the geographical name of the parish should be changed, but it will be for the parish council or parish meeting to resolve whether the parish should have one of the alternative styles.

ELECTORAL ARRANGEMENTS

What does ‘electoral arrangements’ mean?

An important part of our review will comprise giving consideration to ‘electoral arrangements’ – the way in which a council is constituted for a parish and covers:

- the ordinary year in which elections are held,
- forming a parish council,
- the number of councillors to be elected to the council,
- the division of the parish into wards for the purposes of electing councillors,
- the number and boundaries of any such wards,
- the number of councillors to be elected to any such ward,
- the name of any such ward.

These terms are explained in more detail below.

Ordinary year of election

The Local Government Act 1972 states that ordinary election of parish councillors should take place in 1976, 1979 and every fourth year thereafter. The government has indicated, however, that it would want the parish electoral cycle to coincide with the cycle for this Council so that costs can be shared.

Forming a parish council

There are strict rules governing when a parish council may be formed – legislation states:

- where the number of electors is 1,000 or more, a parish council must be created,
- where the number of electors is 151-999, a parish council may be created with the parish council being the alternative form of governance,
- where the number of electors is 150 or fewer, a parish council is not created.

At this point it may be appropriate to consider whether other forms of community governance are in place, which might make a parish council unnecessary in this area.

Number of parish councillors

Under legislation, the following factors must be considered when deciding the number of councillors to be elected:

- the number of local government electors for the parish,
- any change in that number which is likely to occur in the period of five years beginning with the day the review starts,
- the number of councillors should not be fewer than 5,
- there is no maximum number.

As stated above the minimum legal number of parish councillors is five and there is no maximum number. There is no legislative guidance regarding the ideal number of parish councillors and there is no legal sliding scale. In 1998 the National Association of Local Councils published its Circular 1126/1998 setting out guidance on the suggested number of parish councillors to be allocated depending on the size of the population represented. These allocations are below.

Electors	Councillors		Electors	Councillors
Up to 900	7		10,400	17
1,400	8		11,900	18
2,000	9		13,500	19

2,700	10		15,200	20
3,500	11		17,000	21
4,400	12		18,900	22
5,400	13		20,900	23
6,500	14		23,000	24
7,700	15		23,000+	25
9,000	16			

However, in rural authorities with sparsity of population, even this table may not be appropriate.

The Aston Business School also conducted research that was published in 1992 which recommended the following levels of representation:

Electors	Councillors
Up to 500	5 – 8
501 - 2,500	6 – 12
2,501 -10,000	9 – 16
10,001 – 20,000	13 – 21
Greater than 20,000	13 - 27

In considering the issue of council size, the Local Government Boundary Commission for England (LGBCE) is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, consideration should be given to the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.

The council will follow government guidance which states that “each person’s vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors”.

In parishes where there has been a history of uncontested elections the council will give very careful consideration to whether the levels of representation are appropriate – consideration may be given to the allocation of parish councillors across the Council’s area, investigating discrepancies that may exist in levels of representation and to address any inequalities.

There may be exceptions to the above, such as where there are high levels of service provision or particularly sparsely populated parishes – the council will take a view, considering any such exceptional factors.

The table below shows the number of seats which required co-option at the ordinary election held 2015 as well as those seats which were contested. The

number of seats requiring co-option (104) represents 15% of the overall number of parish seats across Central Bedfordshire (710).

Also shown is the elector ratio per seat for each parish/town council.

TOWN/PARISH COUNCIL	PARISH WARD	PARISH SEATS	2015 Elections (2011 in brackets)		PARISH/WARD ELEC'RATE (Sep 2017)	RATIO ELECTORS TO SEATS
			Contested?	Co-opted Seats		
AMPTHILL TOWN	N/A	12	Y(N)	0(1)	6,250	521
ARLESEY TOWN	N/A	15	Y(N)	0(1)	4,424	295
ASPLEY GUISE	N/A	12	N(N)	8(0)	1,818	152
ASPLEY HEATH	N/A	9	N(N)	0(3)	521	58
ASTWICK(MEETING)	N/A	N/A	-	-	24	N/A
BARTON-LE-CLAY	N/A	13	N(N)	3(3)	4,081	314
BATTLEDEN (MEETING)	N/A	N/A	-	-	28	N/A
BIGGLESWADE TOWN	Holme	3	N(Y)	0(0)	1,834	611
	Ivel	7	Y(Y)	0(0)	6,769	967
	Stratton	5	N(Y)	0(0)	6,801	1,360
	Overall	15			15,404	1,027
BLUNHAM	N/A	10	N(N)	1(6)	827	83
BROGBOROUGH	N/A	7	N(N)	4(2)	276	39
CADDINGTON	N/A	10	N(Y)	3(0)	3,209	320
CAMPTON & CHICKSANDS	N/A	7	N(N)	4(3)	1,204	172
CHALGRAVE	N/A	7	N(N)	1(1)	397	57
CHALTON	N/A	7	N(N)	1(4)	464	66
CLIFTON	N/A	12	N(N)	1(1)	2,595	216
CLOPHILL	N/A	10	Y(N)	0(0)	1,420	142
CRANFIELD	Wharley End	2	N(N)	2(0)	145	73
	Cranfield	13	N(N)	3(3)	3,673	283
	Overall	15			3,818	255
DUNSTABLE TOWN	Central	3	Y(Y)	0(0)	3,775	1,258
	Icknield	5	Y(Y)	0(0)	6,344	1,268
	Manshead	3	Y(Y)	0(0)	3,883	1,294
	Northfields	5	Y(Y)	0(0)	7,451	1,490
	Watling	5	Y(Y)	0(0)	7,739	1,548
	Overall	21			29,192	1,390
DUNTON	N/A	7	N(N)	0(3)	560	80
EATON BRAY	N/A	9	N(N)	2(5)	2,129	237
EDWORTH (MEETING)	N/A	N/A	-	-	57	N/A
EGGINGTON	N/A	7	N(N)	0(5)	245	35
EVERSHOLT	N/A	7	N(N)	0(2)	352	50
EVERTON	N/A	7	Y(N)	0(1)	402	57
EYEWORTH (MEETING)	N/A	N/A	-	-	69	N/A
FAIRFIELD	N/A	7	Y(-)	0(-)	1,915	274
FLITTON & GREENFIELD	Flitton	5	N(Y)	0(0)	555	111
	Greenfield	5	N(N)	1(0)	596	119
	Overall	10			1,151	115

FLITWICK TOWN	East	7	Y(N)	0(0)	4,539	648
	West	10	N(Y)	0(0)	5,788	579
	Overall	17			10,327	607
GRAVENHURST	N/A	7	N(N)	0(1)	462	66
GREAT BILLINGTON	N/A	7	N(N)	2(4)	280	40
HARLINGTON	N/A	12	N(N)	4(3)	1,832	153
HAYNES	N/A	10	N(Y)	1(0)	995	100
HEATH AND REACH	N/A	9	N(N)	4(6)	1,168	130
HENLOW	Camp	2	N(N)	1(0)	1,017	509
	Village	10	N(N)	2(1)	1,819	182
	Overall	12			2,836	231
HOCKLIFFE	N/A	7	N(Y)	3(0)	787	112
H'TON CONQUEST	N/A	10	N(N)	1(4)	1,286	129
HOUGHTON REGIS TOWN	Houghton Hall	6	Y(Y)	0(0)	6,291	1,049
	Parkside	4	Y(Y)	0(0)	3,533	883
	Tithe Farm	4	Y(Y)	0(0)	3,294	824
	Overall	14			13,118	937
HULCOTE & SALFORD	N/A	7	Y(N)	0(0)	179	26
HUSBORNE CRAWLEY	N/A	7	N(N)	0(2)	183	26
HYDE	N/A	7	N(N)	1(3)	317	45
KENSWORTH	N/A	9	N(N)	0(0)	1,168	130
LANGFORD	N/A	13	N(N)	6(4)	2,590	199
LEIGHTON-LINSLADE TOWN	Barnabas	3	Y(Y)	0(0)	4,260	1,420
	Brooklands	2	Y(Y)	0(0)	2,751	1,376
	Grovebury	4	Y(Y)	0(0)	6,231	1,558
	Leston	1	Y(Y)	0(0)	1,401	1,401
	Planets	2	Y(Y)	0(0)	3,493	1,747
	Plantation	3	Y(Y)	0(0)	4,573	1,524
	Southcott	4	Y(Y)	0(0)	5,270	1,318
	St George's	2	Y(Y)	0(0)	3,355	1,678
	Overall	21			31,334	1,492
LIDLINGTON	N/A	9	N(N)	1(2)	1,071	119
MARSTON MORETAINE	N/A	12	N(Y)	3(0)	4,442	370
MAULDEN	N/A	12	Y(N)	0(0)	2,498	208
MEPPERSHALL	N/A	10	N(N)	1(2)	1,415	142
MILLBROOK (MEETING)	N/A	N/A	-	-	122	N/A
MILTON BRYAN (MEETING)	N/A	N/A	-	-	141	N/A
MOGGERHANGER	N/A	9	N(N)	0(1)	516	57
NORTHILL	N/A	12	Y(Y)	0(0)	1,882	157
OLD WARDEN	N/A	7	Y(N)	0(1)	233	33
POTSGROVE (MEETING)	N/A	N/A	-	-	37	N/A
POTTON TOWN	N/A	15	Y(N)	0(4)	3,948	263
PULLOXHILL	N/A	7	N(N)	4(0)	835	120
RIDGMONT	N/A	9	N(Y)	4(0)	359	40
SANDY	Beeston	1	N(N)	0(0)	679	679
	Fallowfield	3	N(Y)	0(0)	1,534	511

	Ivel	5	N(Y)	1(0)	2,962	592
	Pinnacle	6	N(N)	3(1)	4,124	687
	Overall	15			9,299	620
SHEFFORD	N/A	15	N(N)	0(2)	5,076	338
SHILLINGTON	N/A	10	Y(N)	0(0)	1,619	162
SILSOE	N/A	10	N(N)	2(1)	2,296	230
SLIP END	N/A	7	N(Y)	0(0)	1,511	216
SOUTHILL	Broom	6	N(N)	3(1)	490	82
	Southill	3	N(N)	1(0)	268	89
	Stanford	3	N(N)	0(1)	212	68
	Overall	12			970	78
STANBRIDGE	N/A	7	N(N)	2(5)	615	88
STEPPINGLEY	N/A	7	N(Y)	1(0)	172	25
STONDON	N/A	10	N(Y)	1(0)	2,125	213
STOTFOLD	N/A	15	N(N)	2(1)	6,787	452
STREATLEY	N/A	7	N(N)	2(1)	1,384	198
STUDHAM	N/A	7	N(N)	0(2)	1,002	143
SUNDON	N/A	7	N(N)	3(1)	371	53
SUTTON	N/A	7	N(Y)	0(0)	234	34
TEMPSFORD	N/A	7	Y(N)	0(1)	486	69
TILSWORTH	N/A	7	N(N)	4(1)	336	48
TINGRITH (MEETING)	N/A	N/A	-	-	131	N/A
TODDINGTON	N/A	11	N(N)	0(2)	3,648	332
TOTTERNHOE	N/A	9	N(N)	2(3)	983	109
WESTONING	N/A	10	N(N)	2(1)	1,700	170
WHIPSNADDE	N/A	7	N(N)	1(1)	387	55
WOBURN	N/A	9	N(N)	0(1)	781	87
WRESTLINGWORTH & COCKAYNE HATLEY	N/A	7	N(N)	0(1)	642	92
TOTAL					211,748	

The government makes a point “that the conduct of parish council business does not usually require a large body of councillors”. The Council will give careful consideration to whether the present levels of representation are appropriate or whether there is a “democratic surplus” in a parish.

The Council will also

- ensure that the allocation of councillors to parishes is broadly equitable across the Council’s area, while acknowledging that local circumstances may frequently merit variation;
- appreciate that there are different demands and consequently different levels of representation are appropriate between the urban and the rural parishes;

The Council acknowledges that there will be exceptions to the above, where some weight will be given to the following circumstances in forming the proposals:

- where representation may be required to meet the challenges of population sparsity;
- the traditional scale of representation in a particular parish;
- supporting a warding arrangement in a particular parish and achieving a good parity of representation between wards.

Parish warding

Each parish may be divided into wards – under legislation, the Council must consider:

- whether the number or distribution of local government electors would make a single election impracticable or inconvenient;
- whether it is desirable that any areas of the parish should be separately represented on the council.

The Council acknowledges government guidance that “warding of parishes in largely rural areas based on a single, centrally-located village may not be justified. Warding may be appropriate where the parish encompasses a number of villages with separate identities, or where there has been some urban over-spill into the parish”.

With regard to urban parishes, the government has suggested that “there is likely to be a stronger case for the warding of urban parishes. In urban areas community identity tends to focus on a locality, whether this be a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity.” The Council will be mindful of this guidance and will endeavour to ensure that such urban wards focus on localities of distinct identity.

The Council will be mindful of all this guidance, noting further that “each case should be considered on its merits and on the basis of the information and evidence provided during the course of the Review”.

The Council wishes to emphasise that warding arrangements should be clearly and readily understood by and should have relevance for the electorate in a parish; they should reflect clear physical and social differences within a parish: one parish, but comprising different parts. Each case will be considered on its own merits and must meet the two tests laid out in the Act (detailed above).

The number and boundaries of parish wards

In reaching conclusions on boundaries between parish wards, the Council will take into account community identity and consider whether any ties or linkages may be broken by the drawing of particular boundaries. Proposals intended to reflect community linkages and identity must be soundly justified with demonstrable evidence of those identities and linkages.

The Council has noted the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which might be broken by the fixing of any particular boundaries. It is important that ward boundaries should be clearly understood. They should represent the most appropriate grouping of local attachments within a parish that comprises different parts.

The Electoral Commission has suggested that a relevant consideration for the council when undertaking a review is that the district /county electoral divisions should not split an unwarded parish and no parish should be split by a boundary. This is merely a recommendation, but will taken into account when carrying out this review.

The number of councillors to be elected for parish wards

Under legislation, the following factors must be considered when deciding number of councillors to be elected:

- the number of local government electors for the parish;
- any change in the number or distribution of local government electors which is likely to occur in the period beginning five years after the review start date.

The council will follow government guidance which states that “each person’s vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the election of councillors”.

The council is conscious of the risk that, where one or more wards of a parish are overrepresented by councillors, the residents of those parishes could be perceived to have more influence over the parish council. During the review the council is committed to consistently showing the ratios of electors to councillors that would result from its proposals and promoting equality of votes.

Naming of parish wards

The council will aim to reflect existing local or historic place-names and will give significant consideration in favour of ward names proposed by local interested parties.

ELECTORATE FORECASTS

The Council has used the 2017 Register of Electors published in December 2016 to provide existing parish/parish ward electorate figures.

The Review will consider any change in the number or distribution of the electors which is likely to occur in the next five years beginning with the day when the Review starts (Section 95 of the 2007 Act).

The Electorate forecast figures shown in the following table have been calculated by assuming a continued increase as seen over the last five years plus additional increases as a result of additional large planned developments assuming an average of 1.7 electors per dwelling. Where there have been decreases in electorate, the forecast has assumed a 0% increase.

Current and forecast electorate for the review area

TOWN/PARISH COUNCIL	PARISH WARD	ELECTORS	ELECTORS PER PARISH (1 SEP 2017)	PLANNED DEVELOPMENT (ELECTORS)	ELECTORATE FORECAST (31 MAR 23)
AMPTHILL TOWN	N/A	6,250	6,250	371 (631)	6,881
ARLESEY TOWN	N/A	4,424	4,424	152 (258)	4,682
ASPLEY GUISE	N/A	1,818	1,818	9 (15)	1,833
ASPLEY HEATH	N/A	521	521	9 (15)	536
ASTWICK(MEETING)	N/A	24	24	0 (0)	24
BARTON-LE-CLAY	N/A	4,081	4,081	11 (19)	4,100
BATTLEDEN (MEETING)	N/A	28	28	0 (0)	28
BIGGLESWADE TOWN	Holme	1,834	15,404	9 (15)	16,934
	Ivel	6,769		891 (1,515)	
	Stratton	6,801		0(0)	
BLUNHAM	N/A	827	827	123 (209)	1,036
BROGBOROUGH	N/A	276	276	0 (0)	276
CADDINGTON	N/A	3,209	3,209	274 (466)	3,675
CAMPTON & CHICKSANDS	N/A	1,204	1,204	2 (3)	1,207
CHALGRAVE	N/A	397	397	1 (2)	399
CHALTON	N/A	464	464	4 (7)	471
CLIFTON	N/A	2,595	2,595	143 (243)	2,838
CLOPHILL	N/A	1,420	1,420	14 (24)	1,444
CRANFIELD	Cranfield	3,673	3,818	437 (743)	4,561
	Wharley End	145		0 (0)	
DUNSTABLE TOWN	Central	3,775	29192	26 (44)	30,065
	Icknield	6,344		296 (503)	
	Manshead	3,883		0 (0)	
	Northfields	7,451		192(326)	
	Watling	7,739		0 (0)	
DUNTON	N/A	560	560	1 (2)	562
EATON BRAY	N/A	2,129	2,129	9 (15)	2,144
EDWORTH (MEETING)	N/A	57	57	0 (0)	57
EGGINGTON	N/A	245	245	200 (340)	585
EVERSHOLT	N/A	352	352	3 (5)	357
EVERTON	N/A	402	402	7 (10)	412
EYEWORTH (MEETING)	N/A	69	69	0 (0)	69
FAIRFIELD	N/A	1,915	1,915	272 (462)	2,377

FLITTON & GREENFIELD	Greenfield	555	1,151	4 (7)	1,180
	Flitton	596		13 (22)	
FLITWICK TOWN	East	4539	10,327	50 (85)	11,033
	West	5788		365 (621)	
GRAVENHURST	N/A	462	462	24 (41)	503
GREAT BILLINGTON	N/A	280	280	3 (5)	285
HARLINGTON	N/A	1832	1,832	15 (25)	1,857
HAYNES	N/A	995	995	1 (2)	997
HEATH AND REACH	N/A	1168	1,168	9 (15)	1,183
HENLOW	Camp	1017	2,836	0 (0)	2,858
	Village	1819		13 (22)	
HOCKLIFFE	N/A	787	787	19 (32)	819
HOUGHTON CONQUEST	N/A	1286	1,286	886 (1,506)	2,792
HOUGHTON REGIS TOWN	Houghton Hall	6291	13,118	853 (1,450)	14,619
	Parkside	3533		30 (51)	
	Tithe Farm	3294		0 (0)	
HULCOTE AND SALFORD	N/A	179	179	3 (5)	184
HUSBORNE CRAWLEY	N/A	183	183	5 (8)	191
HYDE	N/A	317	317	0 (0)	317
KENSWORTH	N/A	1168	1,168	5 (8)	1,176
LANGFORD	N/A	2590	2,590	212 (360)	2,950
LEIGHTON-LINSLADE TOWN	Barnabas	4260	31,334	44 (75)	33,547
	Southcott	5270		0 (0)	
	Planets	3493		217 (369)	
	Plantation	4573		455 (774)	
	St Georges	3355		0 (0)	
	Brooklands	2751		0 (0)	
	Grovebury	6231		585 (995)	
	Leston	1401		0 (0)	
LIDLINGTON	N/A	1071	1,071	31 (53)	1,124
MARSTON MORETAINE	N/A	4442	4,442	484 (823)	5,265
MAULDEN	N/A	2498	2,498	4(7)	2,505
MEPPERSHALL	N/A	1415	1,415	78 (133)	1,548
MILLBROOK (MEETING)	N/A	122	122	2 (3)	125
MILTON BRYAN (MEETING)	N/A	141	141	0 (0)	141
MOGGERHANGER	N/A	516	516	18 (31)	547
NORTHILL	N/A	1882	1,882	40 (68)	1,950
OLD WARDEN	N/A	233	233	0 (0)	233
POTSGROVE (MEETING)	N/A	37	37	0 (0)	37
POTTON TOWN	N/A	3948	3,948	379 (644)	4,592
PULLOXHILL	N/A	835	835	1 (2)	837
RIDGMONT	N/A	359	359	2 (3)	362
SANDY	Beeston	679	9,299	0 (0)	9,299
	Fallowfield	1534		0 (0)	
	Ivel	2962		0 (0)	
	Pinnacle	4124		0(0)	

SHEFFORD	N/A	5,076	5,076	172 (292)	5,368
SHILLINGTON	N/A	1,619	1,619	16 (27)	1,646
SILSOE	N/A	2,296	2,296	28 (48)	2,344
SLIP END	N/A	1,497	1,511	0 (0)	1,511
SOUTHILL	Broom	490	970	3 (5)	979
	Southill	268		1 (2)	
	Stanford	212		1 (2)	
STANBRIDGE	N/A	615	615	5 (8)	623
STEPPINGLEY	N/A	172	172	0 (0)	172
STONDON	N/A	2,125	2,125	104(177)	2,302
STOTFOLD	N/A	6,787	6,787	118 (201)	6,988
STREATLEY	N/A	1,384	1,384	0 (0)	1,384
STUDHAM	N/A	1,002	1,002	18 (31)	1,033
SUNDON	N/A	371	371	1 (2)	373
SUTTON	N/A	234	234	2 (3)	237
TEMPSFORD	N/A	486	486	3 (5)	491
TILSWORTH	N/A	336	336	1 (2)	338
TINGRITH (MEETING)	N/A	131	131	0 (0)	131
TODDINGTON	N/A	3,648	3,648	0 (0)	3,648
TOTTERNHOE	N/A	983	983	0 (0)	983
WESTONING	N/A	1,700	1,700	2 (3)	1,703
WHIPSNADDE	N/A	387	387	1 (2)	389
WOBURN	N/A	781	781	5 (8)	789
WRESTLINGWORTH & COCKAYNE HATLEY	N/A	642	642	7 (12)	654
TOTAL			211748	8786 (14936)	226695

PROGRESSING THE REVIEW

The Council would like to hear the views of anyone who has a clear interest in this review or is impacted by its outcome as a resident. We are particularly interested in thoughts as to whether any changes to the current parish arrangements are needed.

An initial consultation form for phase one of the review has been devised to capture views through submissions in any format (e.g. submission form, letter or email) are welcome.

Consultation responses must be in writing, whether by submission form, letter or email, and must contain the name and residential address of the person submitting their views. All responses will be acknowledged.

COMPLETION OF REVIEW

This review will be deemed completed when the outcome is published on the website, at the main Council offices, Council Customer Service Centres and at libraries within Central Bedfordshire.

Reorganisation of Community Governance Order

If the outcome of the review requires that the council adopts a 'Reorganisation of Community Governance Order' the review will not be deemed complete until copies of the Order, maps that show the effects in detail, and the documents which set out the reasons for the decisions that the council has taken, are available at the council's offices, on the website, libraries and local contact points. The maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's office at Chicksands. An indication of when the provisions in the Order will take effect will be given – for financial and administrative purposes this will be on 1 April in the designated year.

Electoral arrangements for new or existing parish councils

The electoral arrangements for a new or existing parish council will come into force at the date of the next ordinary elections to the parish council in 2019.

Consequential matters

The Reorganisation Order may cover consequential matters that could include:

- the transfer and management of property,
- the setting of precepts for new parishes,
- provision with respect to the transfer of any functions, property, rights and liabilities,
- provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters the council will be guided by regulations that have been issued following the 2007 Act.

District ward boundaries

It may be necessary to recommend changes to boundaries to reflect the changes made at parish level. It will be for the Local Government Boundary Commission for England to decide if related alterations should be made, and the Commission may find it appropriate to conduct an electoral review of affected areas. The council will endeavour to include any such draft recommendations for alterations at the earliest opportunity for consultation that will arise after they become apparent.

How to contact us

Any queries regarding this Review should be directed to:

Democratic Services Manager
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Bedfordshire
SG17 5TQ
Tel: 0300 300 4049

Alternatively, your submission may be emailed to:

cgr@centralbedfordshire.gov.uk

These terms of reference will be published on the Central Bedfordshire Council website (www.centralbedfordshire.gov.uk/communitygovernance) and will be available for inspection at the address above.

Date of Publication: 1 November 2017

LIST OF STAKEHOLDERS/CONSULTEES

All CBC councillors
All Parish Councils
Bedfordshire Assn Town/Parish Councils
4 MPs
Political Associations/Organisations
Residents'/Tenants' Associations
Businesses/Business Forums/Small Business Federations/Area Forums

- Bedfordshire Green Business Network
- Bedfordshire & Luton Chamber of Business
- Leighton Buzzard Business Club

Chambers of Trade/Commerce
BRCC (Beds Rural Communities Charities)
CVS (Community Voluntary Services)
VCA (Voluntary Community Action)
Citizens Advice Bureau – local offices
CPRE Beds
Race Equality Council
Age Concern/Golden Years/Over 60s Groups/Senior Citizens
Police (Chief Constable)
Police (Police & Crime Commissioner)
Returning Officer, Bedford Borough Council
Returning Officer, Luton Borough Council

Public Consultation Meetings

Town/Parish Council Conference – 21 November 2017

Website

- Reminders of the Review consultation at regular stages during the consultation period on Council's homepage
- A dedicated webpage to be created for the Community Governance Review where the consultation document will be available for downloading
- Website also to host background information on the governance review, a link to the Terms of Reference, the consultation dates and contact details including an email address to be created specifically to receive and respond to consultation responses

Publicity

- Public Notice on Community Notice Boards
- Promotion through external digital channels
- Articles for Members' Information Bulletin, Staff Central
- References to the Review in Town and Parish Council newsletters
- Through invitation to respond, to be displayed at
 - Council Customer Service Centres (public facing offices)
 - Libraries

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

Thursday, 26 October 2017

Wixams Joint Development Control Committee - Membership

Responsible Director(s): Charles Warboys, Director of Resources,
charles.warboys@centralbedfordshire.gov.uk

Purpose of this report

1. To recommend to Council an amendment to the Terms of Reference of the Wixams Joint Development Control Committee to reduce the number of Councillors appointed to the Committee from 9 to 6.

RECOMMENDATIONS

The Committee is asked to recommend to Council:

1. an amendment to the terms of reference of the Wixams Joint Development Control Committee to reduce the number of Councillors appointed to the Committee from 9 to 6 Councillors from Central Bedfordshire Council;
2. to appoint 6 Councillors to the Wixams Joint Development Control Committee and up to 3 substitutes in line with political proportionality. Nominations for the places on the Wixams Joint Development Control Committee will need to be sought at Council on 16 November 2017;
3. to authorise the amendment of the Constitution as detailed in Appendix A; and
4. that the above resolutions are subject to similar amendments by Bedford Borough Council becoming effective after their full Council meeting on 6 December 2017.

Background

2. The current Terms of Reference for the Wixams Joint Development Control Committee requires that 18 Councillors be appointed to the Committee. This being 9 Councillors from Central Bedfordshire Council and 9 Councillors from Bedford Borough Council.
3. Up to 4 named substitutes may also be appointed by each authority, although the number of which shall not exceed 50% of the total seats held by a political group on the joint committee with a minimum of 1 substitute per group.

4. Appointments to the Committee should, as far as practicable, reflect political balance within each Council.
5. The Chairman of each Council's Development Management Committee or Planning Committee shall normally be included in the membership.
6. 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.

Amendments to the Terms of Reference

7. On 27 June 2017 the Wixams Joint Development Control Committee agreed that the membership of the Committee should be reduced to 12 Councillors; 6 Councillors from each Authority and their terms of reference amended accordingly. It is therefore necessary for the General Purposes Committee to consider whether or not to recommend approval of the revised terms of reference to Full Council.
8. The remainder of the terms of reference will remain the same.

Allocation and Appointments of Seats

9. At Annual Council on 18 May 2017 the allocation of seats and substitutes to the Wixams Joint Development Control Committee were approved in accordance with the political balance rules. The table below sets out the current and revised allocation of seats.

A2. Joint Committee (proportionate but not part of the overall seat allocation)					
	Total seats	Cons	Ind	Lab	LD
Current	9 (4)	8 (3)	1 (1)	0 (0)	0 (0)
Revised	6 (4)	6 (3)	0 (0)	0 (0)	0 (0)

10. If the revised terms of reference are approved at Council on 19 November 2017 and by Bedford Borough Council on 6 December 2017, Council will be required to appoint 6 Councillors to sit on the Committee and up to 3 substitutes.

Bedford Borough Council

11. As this is a joint committee with Bedford Borough Council, the terms of reference in both Council's Constitution should be the same. Therefore this proposal is being considered by Bedford Borough Council's General Purposes Committee on 31 October 2017 followed by their Full Council meeting on 6 December 2017.

12. It is proposed that any resolution of the Council is subject to similar amendments by Bedford Borough Council becoming effective. If Bedford Borough Council rejects the recommendation to change the membership and update the terms of reference for the Joint Development Control Committee, the current arrangements will remain or will be subject to a further report that will come back to the General Purposes Committee.

Council Priorities

13. The proposed action will enable the Joint Development Control Committee to support the following Council priorities:
 - Enhancing Central Bedfordshire
 - Creating stronger communities.

Corporate Implications

Legal Implications

14. The Council's Constitution sets out the terms of reference of committees and joint committees, which should be fit for purpose. The Constitutions of both Councils should contain identical terms of reference for the joint committee to ensure clarity and consistency.

Financial and Risk Implications

15. There are no financial implications.

Equalities Implications

16. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.

Conclusion and next Steps

17. The Committee is asked to make recommendations to Council, as set out above, to enable the Wixams Joint Development Control Committee terms of reference to be updated and reflect identical provision in the Constitution of each participating Council.

Appendices

Appendix A: Proposed amendment to the terms of reference.

Background Papers

None

Report author:

Sandra Hobbs, Senior Committee Services Officer,
sandra.hobbs@centralbedfordshire.gov.uk

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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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

26 October 2017

Review of Policy and Procedure under the Regulation of Investigatory Powers Act 2000

Advising Officer: Quentin Baker, Senior Responsible Officer and Director of LGSS Law Ltd

Quentin.Baker@centralbedfordshire.gov.uk

Contact Officer: Maria Damigos, Corporate Lawyer LGSS Law Ltd

maria.damigos@centralbedfordshire.gov.uk

Purpose of this report

To provide an annual update of the Council's use of its powers and compliance under and with the Regulation of Investigatory Powers Act 2000 (RIPA) and the review of the Policy and procedures under RIPA following an inspection by the Office of Surveillance Commissioners in August 2017.

RECOMMENDATIONS

The Committee is asked to:

1. Note the results of the Assistant Surveillance Commissioner's Inspection of 8 August 2017.
2. Note and endorse the changes made to the Policy and Procedure Guide on the use of covert surveillance and covert human intelligence sources made in line with the Inspection Recommendations
3. Consider and note the Summary of RIPA applications detailing the Council's use of its powers and compliance with RIPA since the last report.

Introduction

1. As part of its statutory functions it is sometimes necessary for the Council to carry out covert surveillance. This is normally in the area of enforcement such as trading standards or in relation to other suspected criminal activity such as benefit fraud.

2. As surveillance may infringe the rights of individuals, it must be carried out in accordance with RIPA and the procedure within the Council's Policy and Procedure Guide in order to ensure it is reasonable and proportionate and does not breach other legislation such as the Data Protection Act 1998 or the Human Rights Act 1998.
3. Independent oversight and inspection of the use of RIPA by public bodies was carried out by the Office of Surveillance Commissioners (OSC). As from 1 September 2017 this function was transferred to the Investigatory Powers Commissioner's Office (ICPO).
4. On 27 October 2016 this Committee received a report which detailed the background to the RIPA process and the updated Policy and Procedure Guide. The report also highlighted the recommendations made during a 2016 OSC inspection, compliance and implementation of those recommendations and that a further inspection was due to take place within 12 months.

Inspection

5. On 8 August 2017 Sir David Clarke, Assistant Surveillance Commissioner, carried out an inspection of the Council's use of and compliance with RIPA as scheduled. The inspection included a review of the relevant documentation, systems and procedures and discussions with the Senior Responsible Officer, a senior trading standards officer, a senior social worker (childcare), an Authorising Officer from Trading Standards, Children's Services, and the Chief Executive. The actions taken and improvements made since the last inspection as detailed in the last report to this Committee were also considered.
6. The Inspection Report dated 15 August 2017 was sent to the Chief Executive under cover of a letter dated 5 September 2017.
7. The Inspection Report reiterated the recommendations from the 2016 Report and confirmed that they were all discharged.
8. The Report concluded that that:

"CBC's RIPA structure is now in good health, well managed and fit for its purpose."
9. Without implying any criticism two formal recommendations were also made:
 - I. *That CBC's RIPA Policy and Procedure Guide be further revised in accordance with [the] report (paragraphs 11);*
 - II. *That the issue of conducting juvenile test purchase operations without RIPA directed surveillance authorisation be kept under review (paragraph 15)*

10. The Surveillance Commissioner confirmed that the next inspection will be scheduled for 3 years in 2020. It is anticipated that the ICPO will honour this date.
11. Other points made during the inspection included being careful about the use of social media within investigations and considering the introduction of a process for surveillance authorisation in non-RIPA cases. These were not the subject of formal recommendations but will be considered during the coming year.

Current Position

12. The Guide has been amended as recommended by the Assistant Commissioner and a tracked copy of the Guide is attached as Appendix A. This also includes updates to the version control and minor amendments on page 22 of the Guide to take account of the re-ordering of the Council's Constitution.
13. As the Policy and Procedure Guide was reviewed by the Assistant Commissioner it was not considered that any further review of the Guide was needed at this time.
14. The comments regarding the process for juvenile test purchase operations within Trading Standards has been referred to the AD for Public Protection and Transport (who is also an Authorising Officer) for consideration.

Annual Report on the use of RIPA

15. Where it is proposed to carry out covert surveillance relating to preventing or detecting serious criminal behaviour which would carry a custodial sentence of at least 6 months or relates to offences for the sale of alcohol and tobacco to children RIPA will apply.
16. Where RIPA applies an Investigation Officer must provide a report to an Authorising Officer (AO) who must then approve the surveillance. The surveillance must be proportionate and necessary under RIPA and there may be other considerations under legislation to take account of to ensure it is also reasonable and in the public interest. The AO will complete the relevant paperwork and send it to the Monitoring Officer who will arrange for it to be checked and approved. An application is then made to the Magistrates Court who will either allow the surveillance or will reject the application.
17. One application for covert surveillance under RIPA was made in September 2016. Although this predates the report to this Committee on 27 October 2016 it was not detailed in that report and is therefore now reported for completeness. The summary is detailed in Appendix B attached.

18. As detailed above the Inspection of 8 August 2017 did consider the application paperwork and concluded that the application was correctly made. It was however identified that the formal cancellation of the surveillance should have been more timely and processes are now in place to ensure this occurs in the future.

Council Priorities

19. The Policy and effective and compliant use of RIPA supports all of the Council's priorities through reducing fraud or other criminal activity either as part of the Council's regulatory activities or to ensure proper use of resources and services.

Corporate Implications

Risk Management

20. It is important that the Council has in place an effective legal procedure for carrying out surveillance within the framework of RIPA. The risk to the Council of a failure in this area is the failure to obtain a conviction with attendant costs and reputational damage and/or the incorrect and potentially illegal expenditure of resources on or with services users who are not entitled to such services.

Staffing (including Trades Unions)

21. There are no specific staffing issues arising from this report apart from those already mentioned.

Legal Implications

22. All organisations have a duty to comply with RIPA. Failure to do so may render any surveillance information inadmissible in Court or leave any decisions made open to legal challenge. Non-compliance with RIPA may also mean that there is a breach of the Human Rights Act 1998 or the Data Protection Act 1998.
23. Regular review of the Guide will ensure the Council's processes and procedures remain fit for purpose and should ensure the Council continues to comply with RIPA and minimise any risks associated with covert surveillance.

Financial Implications

24. There are no direct financial implications arising from this report save as already detailed.

Equalities Implications

25. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These requirements will form part of the tests carried out within the RIPA procedures.

Conclusion and next Steps

26. The committee is asked to note the amendments to the Policy & Procedure Guide, the results of the inspection and the RIPA surveillance applications summary.

Appendices

Appendix A - RIPA Policy and Procedure Guide (tracked)
Appendix B – Summary of RIPA Surveillance Applications

Background Papers

There were no background papers taken into account save as already mentioned. The Home Office Codes are available via the following link:
<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

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Appendix A



The Regulation of Investigatory Powers Act 2000 (RIPA)

A POLICY & PROCEDURE GUIDE On the use of covert surveillance and covert human intelligence sources

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PART I

THE GUIDE TO RIPA

1. Introduction

- 1.1. This Guide sets out the Council's obligations under the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA requires the Council to have in place procedures which ensure that where required, surveillance is necessary, proportionate and properly authorised.
- 1.2. The Council takes its statutory responsibilities seriously and will, at all times, act in accordance with RIPA and the Codes of Practice and take necessary and proportionate actions in these matters.

2. CENTRAL BEDFORDSHIRE COUNCIL'S POLICY

- 2.1. Having regard to the above, the Council's Policy for the conduct of covert surveillance is :-
 - 2.1.1. Central Bedfordshire Council shall only undertake covert surveillance of a private individual in accordance with the provisions of RIPA.
 - 2.1.2. The Council and its Officers shall only carry out surveillance where it is reasonably believed that the authorisation is necessary for the purposes of preventing and detecting crime or preventing disorder. The Council shall ensure that the surveillance is proportionate to what it seeks to achieve.
 - 2.1.3. It is a requirement of this Policy that all officers involved in RIPA processes receive full and appropriate training.

3. Background – What does RIPA do?

- 3.1. RIPA sets out the statutory mechanism for authorising covert surveillance, the use of a Covert Human Intelligence Source (CHIS) and the acquisition of communications data. It seeks to ensure that any interference with a citizen's rights under Article 8 of the European Convention and the Human Rights Act 1998 is necessary and proportionate and therefore there is a

A PROCEDURE GUIDE

On the use of covert surveillance and covert human intelligence sources

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proper balance between the public interest and the human rights of individuals.

- 3.2. Some Council activities may necessarily require covert surveillance to be used in the course of its statutory enforcement functions, for example, benefit fraud, fly-tipping, schools, planning or licensing enforcement.
- 3.3. Surveillance is a last resort that an investigator will utilise to prove or disprove an allegation. Covert surveillance must only be undertaken where there is no reasonable and effective alternative means of achieving the desired objective. No activity shall be undertaken within the definition of intrusive surveillance

4. The Rules

- 4.1. All employees of the Council and external agencies working for the Council are covered by RIPA and Human Rights Act 1998 whilst they are working for the Council.
- 4.2. **It is crucial that all directed surveillance is properly authorised and prior approval has been obtained from the Magistrates' Court.**
- 4.3. Any evidence gathered by surveillance subject to RIPA but not properly authorised may be inadmissible in court. Surveillance without proper authorisation could also lead to complaints, challenges and/or claims for compensation. Therefore, it is essential that all involved with RIPA comply with this Guide and procedure.
- 4.4. The Council **can only** authorise use of directed surveillance under RIPA to prevent or detect serious criminal offences that are either punishable by at least 6 months' imprisonment or more **or** are related to the underage sale of alcohol and tobacco.
- 4.5. The Council **cannot** authorise directed surveillance for the purpose of preventing disorder (unless this involves a criminal offence(s) punishable with of at least 6 months' or more imprisonment e.g. criminal damage, dangerous waste dumping);
- 4.6. The Council **can only** authorise the use of directed surveillance provided that the tests of necessity and proportionality are met. In other words if you can carry out an investigation by means which do not involve directed surveillance, then you cannot demonstrate surveillance is necessary and you must use those alternative means over surveillance.
- 4.7. The Council **cannot** carry out intrusive surveillance.

A PROCEDURE GUIDE

On the use of covert surveillance and covert human intelligence sources

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4.8. The Council is subject to audit and inspection by the Office of the Surveillance Commissioner, which oversees the conduct of covert surveillance and covert human intelligence sources by public authorities in accordance with legislation. It is important that the Council demonstrates compliance with RIPA and with this Policy.

4.9. *What is not covered*

4.9.1. Most surveillance carried out by the Council will be overt and not covert. Officers in doing their normal jobs, for example, inspection of food premises, where the subject knows about the inspection will be carrying out overt surveillance. Overt surveillance does not require authorisation under RIPA.

4.9.2. Other examples would be an officer may be on duty at public events and will monitor the crowd to maintain public safety and prevent disorder; Environmental Health Officers might covertly observe and then visit a shop as part of their enforcement function. Such observation may involve the use of equipment merely to reinforce normal sensory perception, such as binoculars, or the use of cameras, where this does not involve systematic surveillance of an individual. It forms a part of the everyday functions of law enforcement or other public bodies.

4.9.3. The provisions of the Act do not cover the use of overt CCTV surveillance systems or Automatic Number Plate Recognition Cameras (ANPR). Members of the public are aware that such systems are in use, for their own protection, and to prevent crime. Their operation is covered by the Data Protection Act 1998 and the CCTV Code of Practice 2008, issued by the Information Commissioner's Office. Similarly, the overt use of ANPR systems to monitor traffic flows or detect motoring offences does not require an authorisation under RIPA. For information about this, contact Rob Lawrence, CCTV Team Leader, or the Council's Senior Responsible Officer (SRO) or the RIPA Co-Ordinator (whose contact details are in Part II of this document.)

4.9.4. However, where overt CCTV or ANPR cameras are used in a covert and pre-planned manner as part of a specific investigation or operation, for the surveillance of a specific person or group of people, a directed surveillance authorisation must be considered. Such covert surveillance is likely to result in the obtaining of private information about a person (namely, a record of their movements and activities) and therefore falls properly within the definition of directed surveillance.

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On the use of covert surveillance and covert human intelligence sources

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4.10. *What is covered*

4.10.1. The Act is designed to regulate the use of “covert” surveillance which is directed surveillance, Intrusive Surveillance and the use of a CHIS. These are dealt with individually below. It also permits the Council to compel disclosure of communications data from telecom and postal companies or obtain communications records from communications companies.

5. Types Of Surveillance

5.1. “Covert Surveillance”

5.1.1. This is defined as “surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place” It should be noted that surveillance may also intrude on the privacy of others who are not the subject of surveillance but who are unintentionally observed.

5.2. “Directed Surveillance” is surveillance which is

5.2.1.1. covert; and

5.2.1.2. not intrusive (as defined below); and

5.2.1.3. not carried out as an immediate response to events which would otherwise be unreasonable to seek authorisation e.g. seeing something suspicious and continuing to observe it; and

5.2.1.4. undertaken for the purpose of a specific investigation or operation; and

5.2.1.5. in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for the purposes of an investigation).

5.2.2. The key issue in “Directed Surveillance” is the targeting of an individual with the likelihood of gaining private information. Private information in relation to a person includes any information relating to his/her private or family life to produce a detailed picture of a person’s life, activities and associations.

5.2.3. In practice, the sort of directed surveillance which the Council might undertake would include the use of concealed cameras as part of an investigation into antisocial behaviour, it might include covert surveillance

A PROCEDURE GUIDE

On the use of covert surveillance and covert human intelligence sources

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connected with the enforcement of environmental health regulations or in connection with investigating benefit fraud.

- 5.2.4. You must treat anything involving the use of concealed cameras or anything involving keeping covert observation on premises or people as potentially amounting to directed surveillance. If you are unsure, please take advice either from your manager or supervisor, or from the RIPA Co-Ordinator within LGSS.
- 5.2.5. Directed surveillance **must** be properly authorised in accordance with the procedure set out from paragraph 7 onwards.
- 5.2.6. You must treat any covert surveillance which is likely to intrude upon anyone's privacy to more than a marginal extent as directed surveillance, even if it does not fall within the strict terms of the definition – for instance where surveillance is not part of a specific investigation or operation.

5.3. Directed Surveillance and Social Media

~~5.3.1. Viewing of open source material on the internet does not require authorisation unless and until it is repeated or systematic, at which stage directed surveillance authorisation should be considered. The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. If your proposed use of the internet or social media (whether as part of a formal investigation or otherwise) amounts to covert directed surveillance within the scope of RIPA by electronic means, an authorisation is needed in accordance with the procedure set out from paragraph 7 onwards.~~

~~5.3.1. Whenever you intend to use the internet as part of an investigation, you must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. and~~

~~Any activity likely to interfere with an individual's Article 8 rights must only be used when necessary and proportionate to meet the objectives of a specific case. If your proposed use of social media in connection with an investigation amounts to covert directed surveillance within the scope of RIPA by electronic means, an authorisation is needed in accordance with the procedure set out from paragraph 7 onwards.~~

~~Passing an access control so as to look deeper into an internet site or social media, for example by making a "friend request", requires at least directed surveillance authorisation. If the investigation is to go further and pursue enquiries within the site, thereby establishing a relationship with the site host in the guise of a member of the public, this requires Where an~~

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~~investigator may need to establish a relationship covertly online, for example contacting individuals using social media websites (particularly if you are sending a friend request over Facebook or direct messaging over Twitter), a CHIS authorisation is likely to be needed and the SRO or RIPA Co-Ordinator must be consulted.~~

- 5.3.2. Where individuals publish information freely (e.g. twitter accounts, LinkedIn profiles), this may not amount to an interference with Article 8 rights. However, care should be taken with other social media, such as Facebook. Even if the user has not used privacy settings to restrict access, this does not necessarily mean that they have made a decision to publish personal information to the world. ~~It is likely to be proportionate, in connection with an investigation (e.g. benefit fraud) to make a single visit to an unsecured Facebook profile. Further visits could amount to surveillance.~~ Therefore if you are considering monitoring social media such as Facebook in connection with an investigation, you must first seek advice on whether RIPA authorisation is needed.

5.4. “Intrusive Surveillance”

WARNING:
THE COUNCIL CANNOT CARRY OUT INTRUSIVE SURVEILLANCE.

Intrusive surveillance is defined as:

- 5.4.1.1. Covert surveillance; and
 - 5.4.1.2. is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
 - 5.4.1.3. involves the presence of a person on the premises or in a vehicle or is carried out by a surveillance device in the premises or vehicle.
- 5.4.2. In essence, intrusive surveillance amounts to intrusion into people's homes or vehicles either physically or by means of a surveillance device.
- 5.4.3. Surveillance equipment mounted outside the premises or vehicle will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises or vehicle. High quality video or CCTV cameras may run the risk of providing high quality data which may be considered intrusive. Similarly some recording devices used to record noise may provide evidence of the same quality as if the device was actually in the premises. Care must be taken to properly assess whether the information will be intrusive. If officers are in any doubt they must seek advice from the RIPA Co-Ordinators.

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5.4.4. Intrusive surveillance can only be carried out by the police and other specific law enforcement agencies like Customs and Excise. **The Council cannot authorise intrusive surveillance and cannot carry out intrusive surveillance.** If you are asked by another agency to co-operate with intrusive surveillance, you must seek advice from SRO or the RIPA Co-Ordinator immediately. Where other authorities say that they are authorised to undertake intrusive surveillance but need our co-operation, we need to check their authorisation.

5.5. A "Covert Human Intelligence Source" (CHIS) is defined as:

5.5.1.1. a person who establishes or maintains a relationship with another person for the covert purpose of EITHER:

5.5.1.2. covertly using such a relationship to obtain information or to provide access to any information to another person;

OR

5.5.1.3. they covertly disclose information obtained by the use of such a relationship or as a result of the existence of such a relationship;

5.5.2. The key issue is the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of its purpose or (in the case of disclosure of information) it is disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the disclosure in question.

5.5.3. Persons who complain about Anti-Social Behaviour and are asked to keep a diary will not normally be CHIS as they are not required to establish or maintain a relationship for a covert purpose. However, if we are relying on, say, a neighbour to ask questions with a view to gathering evidence, then this may amount to use of a covert human intelligence source and authorisation must be sought.

5.5.4. A young person carrying out a single test purchase at a shop would not normally be considered to be a CHIS, however if the young person revisits the same shop so as to encourage familiarity, they could be considered a CHIS and authorisation must be sought.

5.5.5. The use by the Council of CHIS is expected to be extremely rare and, for that reason, this guide does not deal with the issues to which they give rise. If you are contemplating use of a covert human intelligence source, please take specific advice from the RIPA Co-Ordinator before putting your plan into action. There are a number of arrangements that need to

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be in place before a CHIS can be used, such as the appointment of an officer who is responsible for welfare and security of the CHIS.

5.6. Communications Data

5.6.1. The provisions of RIPA permit local authorities to access communications data where it is necessary for the purpose of preventing or detecting crime.

5.6.2. There are stringent controls placed on access by the Council to “communications data”. The Council is not entitled to obtain access to the content of communications between third parties but can, in some circumstances, obtain information relating to the use of a communications service. “Communications services” include telecom providers, postal services and internet service providers.

5.6.3. This is a complex area, procedurally and legally. Access to communications data can only be obtained through the Council’s designated “single point of contact” (“SPOC”) for communications data

The Council does not currently have an appointed Single Point of Contact and therefore uses the National Anti Fraud Network (NAFN) for this purpose.

5.6.4. Communication data means any traffic or any information that is or has been sent by or over a telecommunications system or postal system, together with information about the use of the system made by any person.

5.6.5. These powers must be used in accordance with the Code of Practice on Accessing Communications.

If you wish to use access communications data, only the SRO, Jo Borthwick and Julie Luckman are Designated Persons for the purpose of Communication Data. You must speak to them or the RIPA Co-Ordinator to access communications data.

The designated person shall consider the application and record his considerations at the time in writing or electronically. If the application is necessary and proportionate in the circumstances, an authorisation is granted. The designated person must have current working knowledge of human rights principles, specifically those of necessity and proportionality, and how they apply to the acquisition of communications data.

Designated persons must ensure that they grant authorisations or give notices only for purposes and only in respect of types of communications data that a designated person of their position in the Council may grant or

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give. The designated person shall take account of any advice provided by the SPoC.

Designated persons should not be responsible for granting authorisations or giving notices in relation to investigations or operations in which they are directly involved.

5.7. Legally Privileged, Religious Material and Confidential Information

5.7.1. Particular care must be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy, or where confidential information is involved. Confidential information consists of communications subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information, or confidential journalistic material. It can include medical or financial records.

5.7.2. It is unlikely that the normal surveillance activities of the Council will result in acquisition of this type of information but where the risk analysis identifies a possibility of obtaining such information prior consultation with the RIPA Co-Ordinator must be carried out who will also discuss it with the SRO. If confidential information is or is likely to be obtained the Chief Executive must specifically authorise the surveillance. It will require particularly strong justification and arrangements will need to be put in place to ensure that the information obtained is kept secure and only used for proper purposes.

6. Codes of Practice

6.1. Codes of practice exist for all areas of RIPA including Covert Surveillance, Covert Human Intelligence Sources and Acquisition and Disclosure of Communications Data. There is also guidance for surveillance camera system or CCTV operators. These Codes are not reproduced in this Guide because they are subject to change, updating and amendments. However the Codes together with other information on RIPA can be accessed via <http://surveillancecommissioners.independent.gov.uk> which is the Office of Surveillance Commissioners' website.

6.2. Officers using RIPA must be familiar with the Codes of Practice.

7. Authorising Directed Surveillance

7.1. Detailed guidance on the authorisation procedure and on how to complete the statutory forms is available on the Council's Intranet at [to be inserted]. The individual forms are available at [to be inserted]. You must only use the

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forms that are on the Intranet, you must read the accompanying notes carefully and follow them when completing the form.

7.2. Who can authorise directed surveillance?

- 7.2.1. Regulations made under the Act say that the most junior level at which authorisations can be given is by what it refers to as “assistant chief officers”. For the purposes of this Code, authorisations may only be given by the officers identified in Part II of this Guide referred to as “authorising officers”. They must have received appropriate training.
- 7.2.2. Where practical, the authorising officer must not be directly involved in the case giving rise to the request for authorisation. (However, an authorising officer may authorise a request made by staff who report to them if they are not directly involved in the case.) Where it is not practical for authorisation to be given by an officer who is not directly involved, this must be noted with reasons on the authorisation form.
- 7.2.3. In addition to internal authorisation, directed surveillance cannot be carried out without the approval of a Magistrate. (See paragraph 8 below)

7.3. On what grounds can directed surveillance be authorised?

- 7.3.1. As mentioned in the Rules under paragraph 4, the Council can only authorise directed surveillance if it is **necessary** and **proportionate** and for certain purposes, namely to prevent or detect serious criminal offences that are either punishable by at least 6 months’ imprisonment or more or are related to the underage sale of alcohol and tobacco.

7.4. Is the proposed surveillance proportionate?

- 7.4.1. Authorisation cannot be sought, and authority must not be given unless you are satisfied that the surveillance is proportionate. You have to make sure that any interference with privacy is justified by the end being sought. Unless the benefit to be obtained from surveillance is significant, and unless the problem you are seeking to tackle is serious, the use of surveillance is unlikely to be proportionate.
- 7.4.2. In assessing proportionality, consider whether other less intrusive means could be used to gather information.
- 7.4.3. Take into consideration the risk of intrusion into the privacy of persons (including those not subject to the investigation).

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7.4.4. You should ask is the proposed surveillance discriminatory? The Council is under a legal obligation to avoid either direct or indirect discrimination in carrying out its functions. As surveillance can interfere with rights contained in the European Convention on Human Rights, discrimination can also amount to a breach of the Human Rights Act. You should be sensitive to this issue and ensure that you apply similar standards to seeking or authorising surveillance regardless of ethnic origin, sex or sexual orientation, disability, age etc. You should be alert to any assumptions about people from different backgrounds which may not even be consciously held. Consider the diverse impact on community confidence that may result from the information obtained.

7.5. *Consider the degree of intrusion for those likely to be affected*

7.5.1. In other words, might the surveillance intrude upon the privacy of people other than those who are the subject of the investigation? This is known as collateral intrusion. You must be sensitive of the privacy rights of third parties and consider very carefully whether the intrusion into their privacy is justified by the benefits of undertaking the surveillance. Consider if there are measures that can be put in place to avoid any collateral intrusion.

7.6. The Procedure

7.6.1. Before submitting an application for authorisation, you must supply a copy of your request to the SRO or RIPA Co-Ordinator. The RIPA Co-Ordinator will provide a Unique Reference Number for each RIPA application, upon request by an Investigating Officer. The RIPA Co-Ordinator can provide advice and assistance to the Investigating Officer and the Authorising Officer. You may only submit your application for authorisation if you obtain the approval of the SRO or RIPA Co-Ordinator.

7.6.2. A written application for authorisation for directed surveillance must describe in detail any conduct to be authorised and the purpose of the investigation or operation. The application shall also include:

- 7.6.2.1. A description of the nature of the surveillance;
- 7.6.2.2. the identities, where known, of those to be the subject of the surveillance;
- 7.6.2.3. an explanation of the information which it is desired to obtain as a result of the surveillance;
- 7.6.2.4. the reasons why the authorisation is necessary in the particular case

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- 7.6.2.5. and on the grounds (e.g. for the purpose of preventing or detecting crime) listed in Section 28(3) of the 2000 Act;
 - 7.6.2.6. the reasons why the surveillance is considered proportionate to what it seeks to achieve;
 - 7.6.2.7. the details of any potential collateral intrusion and why the intrusion is justified;
 - 7.6.2.8. the details of any confidential information that is likely to be obtained as a consequence of the surveillance.
- 7.6.3. A subsequent record is needed of whether authority was given or refused, by whom and the time and date.
- 7.6.4. In assessing an application the Authorised Officer must also be mindful of corporate policy and satisfy himself or herself that the RIPA authorisation is in accordance with the law, necessary and proportionate.
- 7.6.5. When authorising the conduct or use of CHIS the Authorised Officer must also be satisfied that the conduct and/or use of the CHIS is proportionate to what is being sought to be achieved. They must also be satisfied that the appropriate arrangements are in place for the management of the CHIS. This must include a risk assessment for health and safety.

WARNING: Ensure that records are available on a need to know basis.

8. Authorisation by the Magistrates' Court

- 8.1. Prior to any directed surveillance being carried out, the Council is required to apply for approval from the Magistrates' Court and until such approval is in place, you must **not** commence your surveillance.
- 8.2. Once the application for authorisation is approved by an Authorising Officer and the SRO or RIPA Co-Ordinator, the Co-Ordinator will make arrangements for application to be made to the Magistrates' Court to obtain the approval of every authorisation or renewal that has been granted. The Co-Ordinator will obtain details of the relevant Authorising Officer when providing a Unique Reference Number and will require the Authorising Officer to provide the original signed authorisation or renewal that has been granted as soon as reasonably practicable, in order that an application may be made to the Magistrates' court in good time.
- 8.3. The Co-Ordinator will advise the relevant Authorising Officer and the relevant Investigating Officer as soon as reasonably practicable of the outcome of the application to the court for approval of the authorisation.
- 8.4. A Magistrate may only approve the application if satisfied that it:

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- 8.4.1. is necessary for the purposes set out in RIPA and is proportionate in human rights terms to what it seeks to achieve;
- 8.4.2. has been authorised by a person in the Council at the level designated in RIPA;
- 8.4.3. meets any other restriction imposed (for example the 'serious crime' threshold that applies to directed surveillance); and
- 8.4.4. sets out, for CHIS's, that the relevant procedures and supporting officers are in place to protect the welfare and safety of the CHIS.

9. Time Limits & Cancellations

- 9.1. The authorisation must be reviewed within the time stated on the application form and cancelled by the authorising officer who authorised it if no longer necessary.
- 9.2. **WARNING: there must be a cancellation form completed for each authorisation once surveillance is completed.** In other words it cannot be left to simply lapse. A copy of the form must be given to the SRO.
- 9.3. The authorisation for directed surveillance will cease to have effect (unless renewed or cancelled) at the end of **3 months** from the date on which the authorisation takes effect (and 12 months for a CHIS).

10. Reviews

- 10.1. Regular reviews of authorisations must be undertaken to assess the need for the surveillance to continue. The maximum period between authorisation and review, and between reviews, is **four weeks**. The more significant the infringement of privacy, the more frequent the reviews. The results of a review must be recorded on the central record of authorisations (see paragraph 115 below). Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion.
- 10.2. In each case authorising officers within the Council shall determine how often a review will take place. This must be as frequently as is considered necessary and practicable.
- 10.3. A link to the form to record a review of an authorisation may be found in **[TBC]**.

11. Renewals

- 11.1. If at any time before an authorisation would cease to have effect, the authorising officer considers it necessary for the authorisation to continue for the purpose for which it was given, s/he may renew it in writing for a

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further period of **three months**. A renewal cannot take effect unless it has been approved by a Magistrate. If you think a renewal might be needed, you need to plan to allow sufficient time for an application to a Magistrate to be made before expiry.

- 11.2. A renewal takes effect at the time at which, or day on which the authorisation would have ceased to have effect but for the renewal. An application for renewal is not to be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.
- 11.3. All applications for the renewal of an authorisation for directed surveillance must be made on the form (link [TBC](#)) and must record:
 - 11.3.1. whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
 - 11.3.2. any significant changes to the information given in the original application for authorisation;
 - 11.3.3. the reasons why it is necessary to continue with the directed surveillance;
 - 11.3.4. the results of regular reviews of the investigation or operation.
- 11.4. Authorisations may be renewed more than once, if necessary, and the renewal must be kept/recorded as part of the central record of authorisations (see paragraph 155).
- 11.5. In addition, the Co-Ordinator will review and comment upon each authorisation/renewal before it is made by the Authorising Officer to ensure that such authorisations/renewals are granted properly, are appropriate and that all forms have been fully completed.

12. Monitoring

- 12.1. Quentin Baker, LGSS Director of LGSS Law, is the Council's appointed Senior Responsible Officer for RIPA. He has responsibility for the integrity of the process to authorise directed surveillance, to ensure compliance with the Act and the Codes of Practice, to engage with the Commissioners and Inspectors when they conduct inspections, to oversee the implementation of any post-inspection action plan recommended or approved by a Commissioner and to ensure all Authorising Officers are of an appropriate standard.
- 12.2. The Senior Responsible Officer will provide an annual report to the General Purposes Committee to enable continual Member oversight of

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this RIPA Policy, to provide a summary of operations, training and central records concerning the Council's use of RIPA powers.

- 12.3. The SRO maintains this Policy and Guide on behalf of the Council, ensuring it is up to date and accurate. The SRO must also maintain a central record of authorisations and maintain a list of authorised officers for the purpose of RIPA.
- 12.4. Regular monitoring of authorisations shall be undertaken by the SRO to ensure compliance with RIPA, the Codes of Practice and Council Policy. In addition, as part of the democratic process, elected Members review the use of RIPA powers by the Council. This process is administered through the Council's Constitution.
- 12.5. In cases where the Council is acting on behalf of another authority or agency (e.g. the Police) the other authority normally obtain or provide the authorisation. In cases where the Council is the lead authority it will obtain the required authorisation and where operational support of other agencies is foreseen, this must be specified in the authorisation.

13. Errors

- 13.1. Any errors must be reported to the SRO and advice sought on what action is needed.

14. Disclosure and Retention Of Material

- 14.1. Material obtained from a source may be used as evidence in criminal proceedings. The proper authorisation of a source will ensure the suitability of such evidence and compliance under the common law, Section 78 of the Police and Criminal Evidence Act 1984, the Data Protection Act 1998 and the Human Rights Act 1998. Furthermore, the product or information obtained by a source is subject to the ordinary rules for retention and disclosure of material under the Data Protection Act 1998 and Criminal Procedure and Investigations Act 1996. There are well established legal procedures that will protect the identity of a source from disclosure in such circumstances.

15. Keeping Of Records

- 15.1. A record of the following information pertaining to all authorisations shall be held centrally and retrievable for a period of three years from the ending of each authorisation. This information must be regularly updated whenever an authorisation is granted, renewed or cancelled.

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- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer
- a record of the period over which the surveillance has taken place
- the frequency of reviews prescribed by the authorising officer
- a record of the result of each review of the authorisation
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested
- the date and time when any instruction to cease surveillance was given
- the date and time when any other instruction was given by the authorising officer.

A copy of all completed forms authorising, renewing or cancelling directed surveillance must be provided to the SRO.

PART II

LIST OF AUTHORISED OFFICERS & OTHER ROLES

Authorising Officers (AO's)

NAME	DESIGNATION	LOCATION
Richard Carr	Chief Executive	Priory House
Charles Warboys	Assistant Director Financial Services	Priory House
Gary Muskett	Head of Revenues	Watling House
Su Childerhouse	Head of Public Protection	Priory House
Jeanette Keyte	Head of Community Safety	Watling House

Authorising officers are persons within the Council who are entitled to grant authorisations under the 2000 Act. The Authorising Officer on receiving the application must ensure the form has a unique reference number (URN), is properly completed, and contains sufficient information to make an informed decision. The Authorising Officer must satisfy themselves that the activities proposed in the application are necessary on the grounds stated and that the surveillance is proportionate to what it seeks to achieve. This involves balancing the intrusiveness of the activity on the person being targeted and any others who may be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could have been obtained by other less intrusive means. If satisfied, an Authorising Officer may sign and authorise the written application and ensure a copy of the signed authorisation must be placed on the case file and the original copy forwarded to the SRO for the central file. The form also requires the Authorising Officer to consider when the authorisation must be reviewed.

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Senior Responsible Officer (SRO)

NAME	DESIGNATION	LOCATION
Quentin Baker	Monitoring Officer and Director of LGSS Law	Priory House

Quentin Baker, Director of LGSS Law, is the Council's appointed Senior Responsible Officer for RIPA. He has responsibility for the integrity of the process to authorise directed surveillance, to ensure compliance with the Act and the Codes of Practice, to engage with the Commissioners and Inspectors when they conduct inspections, to oversee the implementation of any post-inspection action plan recommended or approved by a Commissioner and to ensure all Authorising Officers are of an appropriate standard.

If there is any doubt as to the applicability of this Policy or the advice of the Co-ordinators, the issue can be referred to the Senior Responsible Officer for a final decision.

The Senior Responsible Officer will provide an annual report to the General Purposes Committee to enable continual Member oversight of the RIPA Policy, to provide a summary of operations, training and central records concerning the Council's use of RIPA powers.

Quentin Baker is also the Council's Monitoring Officer and under the Council's Constitution can add to or amend the list of Authorised Officers.

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RIPA Co-Ordinators

NAME	DESIGNATION	LOCATION
Sarah McIntyre	Senior Solicitor – Litigation LGSS	Priory House
Maria Damigos	Corporate Lawyer LGSS	Priory House

The Legal Co-Ordinator will provide a URN for each RIPA application, upon request by an Investigating Officer. The Co-Ordinator will maintain a central record of all RIPA authorisations, renewals and cancellations. In addition, the Co-Ordinator will review and comment upon each authorisation/renewal before it is made by the Authorising Officer to ensure that such authorisations/renewals are granted properly, are appropriate and that all forms have been fully completed. In addition the Co-Ordinator will be able to provide advice on RIPA issues to Investigating and Authorising Officers and will assist with organising training.

The Co-Ordinator will make arrangements for applications to be made to the Magistrates’ Court to obtain the approval of every authorisation or renewal that has been granted. The Co-Ordinator will obtain details of the relevant Authorising Officer when providing a URN and will require the Authorising Officer to provide the original signed authorisation or renewal that has been granted as soon as reasonably practicable, in order that an application may be made to the Magistrates’ court in good time.

The Co-Ordinator will advise the relevant Authorising Officer and the relevant Investigating Officer as soon as reasonably practicable of the outcome of the application to the court for approval of the authorisation.

The Co-Ordinator will take all reasonable steps to support the administration of the RIPA scheme within the Council.

DOCUMENT VERSION CONTROL

Accountable Director	Chief Executive
Policy Author (Title)	–Sarah McIntyre - Senior Solicitor
Approved By (Title)	Senior Responsible Officer
Date Approved	27 .10.16
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Person Responsible for Review (Title)	RIPA Co-Ordinator Policy Author
Include in Publication Scheme (Y/N)	Yes
Publish to Web (Y/N)	Yes
Circulation	All

Pursuant to paragraph 4.2.~~733~~⁴.1 of Part ~~H3E~~ of the Council's Constitution I approve the amendments to the Council's Policies and Procedures regarding the Regulation of Investigatory Powers Act 2000 as contained in this Guide.

Signed:

Quentin Baker
Assistant Director Legal & Democratic Services ~~and Monitoring Officer~~

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Appendix B

Summary of RIPA Surveillance Applications

Date of authorisation/ judicial approval	Department Requesting	Type of Surveillance	Offence	Summary of investigation	Outcome	Date of cancellation of Surveillance
16.09.16/ 19.09.16	Corporate Fraud	Directed	Fraud	Checking whether a claimant for a disabled facilities grant had the disability claimed/stated.	Confirmation received. Claim for grant refused.	10.01.17

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

26 October 2017

REPORT ON THE ARRANGEMENTS FOR ETHICAL STANDARDS

Advising Officer: Quentin Baker, Monitoring Officer and Director LGSS Law Ltd

quentin.baker@centralbedfordshire.gov.uk

Contact Officer: Maria Damigos, Corporate Lawyer, LGSS Law Ltd

maria.damigos@lgsslaw.co.uk

Purpose of this report

1. To provide the Committee with a summary of the Council's ethical governance and arrangements since March 2017.

RECOMMENDATIONS

The Committee is asked to:

1. Note how the Council has complied with its obligations in respect of ethical standards under the Localism Act 2011 for the 6 months since March 2017.

Overview and Scrutiny Comments/Recommendations

2. This Report is an update on ethical standards to General Purposes Committee. No decision by the Executive or Council for the Standards update is required.

Introduction

2. The Localism Act 2011 introduced revised arrangements for local authorities in respect of ethical standards, including the Code of Conduct, Register of Interests and the handling of complaints. This Council's obligations under the Act included certain responsibilities regarding the Register of Interests and the conduct of complaints relating to Town and Parish Councils (T&PCs).
3. The Localism Act 2011 came into force on 1 July 2012 and in accordance with the Act the Council adopted a Code of Conduct, approved the matters that should be included in the Register of Interests and appointed a panel of Independent Persons to provide views on complaints.

4. The General Purposes Committee has responsibility for exercising the Council's functions under Chapter 7 of the Localism Act 2011 relating to ethical standards.

The Code of Conduct

5. The Code of Conduct adopted by the Council has also been adopted by most T&PCs in the area. However, it is open to each Council to adopt its own code and so there is not a single code of conduct that covers all councils in Central Bedfordshire. It is important therefore for Members to be clear which Code they are working to, and for the Code to be easily accessible to members of the public e.g. published on Councils' websites.
6. In practice, the Code seems to provide a sound framework for issues regarding the conduct of Members. However an ongoing issue and area of debate remains the sanctions available to the Standards Sub Committee in the event of a breach of the Code. Where there is a serious breach or persistent breaches of the Code there is no ability to suspend a Member from public office or attendance at public meetings. A list of sanctions are found at paragraph 34 of Appendix A attached.

The Register of Interests

7. The items that must be included in the Register of Interests are those disclosable pecuniary interests that were prescribed by the government in Regulations. The Council also adopted the following general obligation: As an over-riding obligation, Members are required to abide by the law and the Nolan Committee Seven Principles of Public Life in determining whether any additional interests should be disclosed.
8. All councillors are under an obligation to notify the Monitoring Officer of any disclosable pecuniary interests they have within 28 days of their election to the Council. They are also responsible for updating their register within 28 days of any change. Failure to disclose a pecuniary interest is a potential criminal offence.
9. Under the principle of honesty holders of public office have a duty to declare any private interests relating to their public duties and this is an ongoing obligation during a Member's term of office.
10. All Council members have disclosed their pecuniary interests.
11. The on line facility for amending the Register of Member's Interests is being updated by Committee Services based on manual forms submitted by Members.
12. Under the Act, this Council's Monitoring Officer is also responsible for ensuring that the registers of interest for all the T&PCs in Central

Bedfordshire are published on the Council's website and are available for inspection.

13. The up to date figures for notification of Town and Parish Councillors interests is attached as Appendix C. Queries relating to Town and Parish Council forms are continuing to be resolved and both LGSS Law Ltd and Committee Services continue to chase outstanding forms.

Independent Persons

14. The Act provides that each Council must appoint at least one Independent Person whose views are to be sought and taken into account before the Council makes a decision following the investigation of a complaint that a Member of the Council or a Town or Parish Councillor has failed to comply with the Code of Conduct. The Council normally also consults an Independent Person when making a decision on how to progress a complaint which comes under the Code of Conduct. Subject Members also have the right to consult an Independent Person if a complaint is made about them. A nominal fee and reasonable expenses are provided to an Independent Person per case.
15. The Council shares a joint panel of 4 Independent Persons with Luton and Milton Keynes Councils and the Buckinghamshire and Milton Keynes Fire Authority. All Independent Persons were held on the Panel by way of retainer, the cost of which was shared across the Authorities with each Authority paying fees and expenses for their own cases.
16. This arrangement works well providing an effective backstop and reality check for the Monitoring Officer as part of the initial assessment and investigations stages of the procedures and support for Members against whom a complaint has been made. This arrangement also provided greater resilience in the event of unavailability, conflict and also for peaks of complaints as well as a greater breadth of experience.

Complaints

17. A copy of the procedure that the Council has adopted for handling complaints is attached as Appendix A.
18. The procedure provides that where the conduct complained of comes under the Code of Conduct, there will be an initial assessment of the complaint, in consultation with an Independent Person to decide whether there is a potential breach of the Code of Conduct and what, if any, further action to take. This includes formal investigation which could lead to a Standards Sub-Committee hearing to determine the facts and, if appropriate, sanction the Member. At any point the Monitoring Officer can ask for a review of the complaint by the Standards Sub-Committee. Current resources to administer this work

are the Monitoring Officer's time with support from the Corporate Lawyer (currently 1FTE). During the past 6 months no cases have been formally investigated.

19. For the period March 2017 to September 2017 the Monitoring Officer has received 7 complaints (there were 4 in the same period last year) with 1 complaint being carried over from March 2017 making a total of 8 complaints being dealt with in the period.
20. The complaints received were spread across 5 T&PCs. During the period no complaints were received against Council Members. Appendix B shows the cumulative totals of complaints received since June 2012.

Training

21. Since August 2014 there has been ongoing liaison with the Clerks which has seen an increase in the queries related to ethical matters. It is considered this has resulted in matters being dealt with before they become complaints.
22. T&PCs are also still being encouraged to deal with more minor matters at a local level and guidance on ethical matters continues to be provided to both Councillors and Clerks.
23. Guidance on the responsibility of Members under the new data protection legislation will be provided.

Arrangements for the Future

24. The Monitoring Officer retains statutory responsibility for dealing with Code of Conduct complaints. LGSS Law Ltd continues to deal with the day to day work relating to Code of Conduct and ethics issues. There has been no change noted in the level of contact by T&PC's and work to encourage best practice, facilitating training and development opportunities and guidance for all Councillors and Clerks will continue.
25. Monitoring and statistics for Code of Conduct complaints will continue to be provided.
26. Where T&PCs require guidance unrelated to ethical matters this will be dealt with between LGSS Law Ltd and the T&PCs separately.

Council Priorities

27. The effectiveness of the Council's governance arrangements contributes to the achievement of all the Council's priorities.

Corporate Implications

Risk Management

28. It is important that the Council has in place an effective local framework to secure high ethical standards in the conduct of its business. The main risk to the Council of a failure in the area of ethical standards is reputational.

Staffing (including Trades Unions)

29. There are no specific staffing issues arising from this report, however members are reminded that the Councillor Code of Conduct is complemented by the Protocol for Member/Officer Relations.

Legal Implications

30. Under the Localism Act 2011, the Council introduced, as required, revised arrangements governing ethical standards, including a Code of Conduct, arrangements for handling complaints and the establishment of a Register of Members Interests. The Council also has responsibility for overseeing the arrangements that are adopted by T&PCs and for investigating Code of Conduct complaints made against Town and Parish Councillors.

Financial Implications

31. This report raises no specific financial implications at this time. However Members are advised that there are limited resources available for this work. Guidance on, and work related to, ethical matters will be work undertaken by LGSS Law Ltd on behalf of the Council and therefore there is a need to ensure such work is as efficient as possible to minimise costs.

Equalities Implications

32. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These requirements are recognised in the accountability principle of public life which forms part of the Members Code of Conduct.

Conclusion and next Steps

33. The number and types of complaints cannot be predicted and the figures show that the number of complaints being dealt with has risen

slightly and care will be taken to ensure matters are dealt with effectively.

Appendices

The following Appendices are attached:

Appendix A – Section of Constitution – Arrangements for dealing with Standards Allegations under the Localism Act 2011

Appendix B – Cumulative total of Councillor Code of Conduct Complaints

Appendix C – Figures for notification of Members Interests – to follow

**PART 5B - ARRANGEMENTS FOR DEALING WITH STANDARDS
ALLEGATIONS UNDER THE LOCALISM ACT 2011**

Context

1. These "Arrangements" are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted member of this Council or of a parish council within its area has failed to comply with the relevant authority's Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

The Code of Conduct

2. Central Bedfordshire Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council's website or on request from the Monitoring Officer at Priory House, Chicksands.
3. Each town and parish council in the area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council's website or on request from the town or parish clerk.

The Independent Person

4. The Council is required to appoint at least one independent person. The Council must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.
5. The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

Making a complaint

6. A complaint that a member of Central Bedfordshire Council or of a town or parish council in the District has failed to observe the Council's Code of conduct should be submitted to:
7. The Monitoring Officer
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

8. The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the arrangements for complaints about Member misconduct.
9. In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form which also explains the process and the relevant referral criteria at initial assessment. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.
10. Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.
11. The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed by providing a copy of the complaint to them within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

Complaints against Central Bedfordshire Council Members

12. At the conclusion of a complaint against a Central Bedfordshire Council member a notice detailing the decision will be placed on the relevant page on the Council's website.

Initial Assessment

13. The Monitoring Officer will assess every Councillor Code of Conduct complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint but may take longer if additional information is sought.

Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used at the initial assessment to decide whether to accept a complaint for investigation, take no further action or to decide upon some form of local resolution.

Referral Criteria

14. The matters detailed below will be considered.

- Is the subject Member still a serving Member?
- Is the information submitted sufficient on which to make a decision?
- Is the complaint the same as or similar to a previous complaint?
- the complainant's view of the action which is proposed or has been taken
- the steps already taken or proposed to remedy the action complained of
- complaints about a Council member by a member of the same Council will not normally be referred until the Monitoring Officer considers that other processes such as informal, political group or Chairman mediation have taken place
- the time passed since the alleged conduct occurred
- whether the complaint involves conduct too trivial to warrant further action
- whether the complaint appears to be malicious, politically motivated or tit for tat
- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- the public benefit in investigating the alleged complaint
- the availability and cost of resources balanced with the seriousness of the alleged matter
- Any complaint made by an officer about a Council member will normally only be referred for investigation after the protocol for Member/Officer Relations has been pursued.
- any other substantial reason.

15. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.

16. Where the complaint relates to a parish councillor, the Monitoring Officer may also inform the Parish Council about the complaint.

Informal Resolution

17. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve, for example, the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. Where the member or the authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Investigation

18. If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the authority, an officer of another authority or an external investigator.
19. The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.
20. The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.
21. In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.
22. At any point, the Investigating Officer may refer the complaint to the Monitoring Officer to resolve it without a full investigation or to reject it.
23. At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.
24. Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.
25. The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:
 - **No action**
 - **Local Resolution**
 - **Hearing**

No Action

26. If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint. If the Monitoring Officer is not so satisfied, then his/her decision will be final.

Local Resolution

27. If the Investigating Officer concludes that there has been a breach of the Council's Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.
28. A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and or accepting other remedial action by the Council.
29. If the Member and the complainant agree to accept the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee (and the Parish Council) for information, but will take no further action. Neither the Member nor the complainant has the right to reject the Monitoring Officer's suggested resolution and any non-acceptance by either will be reported to the Standards Sub-Committee.

Hearings

30. If the Monitoring Officer considers that 'local resolution' or 'no action' is not appropriate or adequate, then the Monitoring Officer will submit the Investigating Officer's report to the Standards Sub-Committee which will conduct a hearing into the complaint before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the matter.
31. Following the hearing, the Standards Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.
32. If the Standards Sub-Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code.

33. Before reaching a decision, the Standards Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person.

Sanctions

34. The Council has delegated to the Standards Sub-Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Sub-Committee may –

34.1 censure the Member;

34.2 publish its findings in respect of the Member's conduct;

34.3 report its findings to the Council (or to the Parish Council) for information;

34.4 instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

34.5 inform the Member's Group Leader

35. The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw any special responsibility allowances to which the Member may be entitled under the Council's Members' Allowances Scheme.

36. The Independent Person is invited to attend all meetings of the Standards Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

37. The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee. The General Purposes Committee may therefore amend these arrangements. The General Purposes Committee resolved on 17 July 2014 that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with Standards allegations made under the Localism Act 2011.

Councillor Code of Conduct Complaints Cumulative Summary

Month	Cases Opened in Month	Cases closed in Month	Number of active cases at end of Month
June 12	4	-	4
July 12	1	-	5
August 12	3	-	8
September 12	1	-	9
October 12	-	-	9
November 12	2	1	10
December 12	-	-	10
January 13	2	-	12
February 13	-	-	12
March 13	-	-	12
April 13	8	-	20
May 13	3	-	23
June 13	3	-	26
July 13	2	-	28
August 13	-	-	28
September 13	-	-	28
October 13	2	-	30
November 13	1	14	17
December 13	5	-	22
January 14	-	-	22
February 14	-	-	22
March 14	1	1	22
April 14	11	-	33
May 14	6	6	33
June 14	7	1	39
July 14	9	6	42
August 14	3	8	37
September 14	2 (1 new + 1 review)	10	29
October 14	5	7	27
November 14	4	1	30
December 14	2	14	18
January 15	1	4	15
February 15	4	3	16
March 15	3	3	16
April 15	1	9	8
May 15	3	1	10
June 15	-	1	9
July 15	2	3	8
August 15	4	3	9
September 15	1	4	6
October 15	4	4	6
November 15	0 *	5	1
December 15	2	1	2
January 16	0	2	0
February 16	3	3	0
March 16	1	0	1
April 16	0	1	0

May 16	1	0	1
June 16	1	1	1
July 16	0	1	0
August 16	1**	1	0
September 16	1	0	1
October 16	0	1	0
November 16	2	0	2
December 16	0	0	2
January 17	0	1	1
February 17	0	0	1
March 17	0	0	1
April 17	1	1	1
May 17	0	0	1
June 17	1	0	2
July 17	3	1	4
August 17	1	2	3
September 17	1	1	3

*originally "1" however this was actually a general complaint not a Code issue so was removed

** originally detailed as "2" corrected to "1"

Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

Thursday, 26 October 2017

Review of urgent and minor updates to the Constitution

Report of: Cllr Richard D Wenham
(Richard.wenham@centralbedfordshire.gov.uk)

Responsible Director(s): Charles Warboys, Director of Resources
(Charles.warboys@centralbedfordshire.gov.uk)

Purpose of this report

1. This report sets out the changes which have been made to the Constitution during the period 01 March to 30 September 2017

RECOMMENDATION: -

The Committee is asked to note the changes made to the Council's Constitution as appended.

Background

2. The Monitoring Officer has been granted delegated powers to make minor amendments to correct any errors and to ensure that the Constitution is maintained and up to date as set out in Part 2 Article 14 of the Constitution, and is required to report to the Committee on a quarterly basis on any such amendments that have been made.
3. A schedule of the amendments which have been made by the Monitoring Officer under their delegated powers, and by Council, since the last report to the Committee, and these are appended for the Committee to note.

Council Priorities

4. Maintenance of the Constitution contributes to the Council priority 'a more efficient and responsive Council'.

Legal Implications

5. There are no legal implications arising directly from this report.

Financial and Risk Implications

6. There are no financial or risk implications arising from this report.

Equalities Implications

7. There are no equality implications arising from this report.

Conclusion and next Steps

8. Members are requested to note the updates to the Constitution, which have been published on the Council's website.

Appendices

Appendix A: Schedule of minor amendments to the Constitution.

Background Papers

None

Report author(s):

Jonathon Partridge, Head of Governance Services
(jonathon.partridge@centralbedfordshire.gov.uk)

Appendix A

Amendments to the Constitution

For the period: May to September 2017

Section of the Constitution	Proposed Change(s)	Reason	Date approved by Monitoring Officer
Part 3E – Scheme of delegation by the Council and by the Executive to Directors and other Officers	Move the section on Information and Communication Technology from Chief Executive function to Director of Community Services (4.3.112 – 4.3.113).	To ensure the Constitution remains an accurate and up to date reflection of national developments.	4 July 2017
Part 3C – Overview and Scrutiny Arrangements and Terms of Reference	Minor amendments and updated references to the Overview and Scrutiny Co-ordination Panel and replacement of reference to LiNK to Healthwatch.	To ensure the Constitution remains an accurate and up to date reflection of national developments.	26 September 2017

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

26 October 2017

Work Programme

Advising Officer:

Leslie Manning, Committee Services Officer
(leslie.manning@centralbedfordshire.gov.uk)

Purpose of this report

The purpose of this report is to assist the General Purposes Committee in discharging its responsibilities by providing a proposed work programme for consideration.

RECOMMENDATION

That the Committee considers the proposed work programme attached at Appendix A.

Overview and Scrutiny Comments/Recommendations

1. This report is not scheduled to be considered by Overview and Scrutiny because the General Purposes Committee has full delegated powers to deal with all non-Executive functions which are not reserved to the full Council or are not otherwise delegated.

Background

2. To assist the General Purposes Committee a work programme is attached at Appendix A to this report. The work programme contains the known agenda items that the Committee will need to consider.
3. Additional items will be identified as the municipal year progresses. The work programme is therefore subject to change.

Council Priorities

4. The activities of the General Purposes Committee are crucial to the governance arrangements of the organisation.

Corporate Implications

Legal Implications

5. There are no legal implications.

Financial Implications

6. There are no financial implications.

Equalities Implications

7. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
8. Report authors will be encouraged to work with the Corporate Policy Advisor (Equality & Diversity) in order to ensure that relevant equality implications are identified.

Conclusion and next Steps

9. This report will assist the General Purposes Committee in discharging its responsibilities. Any amendments approved by the Committee will be incorporated in the work programme.

Appendices

Appendix A – General Purposes Committee Work Programme

Background Papers

None

Appendix A

General Purposes Committee Work Programme

2017/18 Municipal Year	
22 June 2017	<ul style="list-style-type: none"> • Market Rate Supplement Payments – Annual Update (CJ) • Corporate Style of Minutes (JP) • Reordered Constitution (QB/MD) • Work Programme (LM)
24 August 2017 (Cancelled)	<ul style="list-style-type: none"> • Work Programme (LM)
26 October 2017	<ul style="list-style-type: none"> • Community Governance Review (BD) • Wixams Joint Development Control Committee – Membership (SH) • Review of Policy and Procedure under RIPA 2000 (QB/MD) • Arrangements for Ethical Standards (QB/MD) • Review of Urgent and Minor Updates to the Constitution (JP) • Executive Contract Approval Limits (DG) • Work Programme (LM)
7 December 2017	<ul style="list-style-type: none"> • Pay Policy Statement 2018/19 (CJ) • Review of Updates to the Constitution (JP) • Work Programme (LM)
29 March 2018	<ul style="list-style-type: none"> • Code of Conduct Matters – Update (QB) • Review of Updates to the Constitution (JP) • Work Programme (LM)

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