

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

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Celina Jagusz
direct line 0300 300 4034
date 18 October 2018

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Tuesday, 30 October 2018 10.00 a.m.

Venue at

Room 14, 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 A L Dodwell, J G Jamieson, D J Lawrence, K C Matthews, B J Spurr,
N Warren, S Watkins, R D Wenham and A Zerny

[Named Substitutes:

Cllrs Mrs C F Chapman MBE, F Firth, E Ghent, I Shingler, A M Turner 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 23 August 2018.

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 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 Part 4G of the Constitution.

Reports

Item Subject

7. **Proposed Changes to the Constitution on the Monitoring Officer Function**

To consider proposed changes to the Constitution in relation to the Monitoring Officer.

8. **Report on the Arrangements for Ethical Standards (Standards Complaints)**

To consider a summary of the Council's ethical governance arrangements since March 2018.

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

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).

10. **Election of Parent Governor Co-opted representatives for the Children's Services Overview and Scrutiny Committee**

To consider a proposal to amend the Constitution to allow the appointment of parent governor representatives from academies in Central Bedfordshire to the Children's Services Overview and Scrutiny Committee from May 2019 onwards.

11. **Review of Urgent and Minor Updates to the Constitution**

To note changes made to the Constitution during the period July 2018 to September 2018.

12. **Work Programme**

To consider the General Purposes Committee's work programme.

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Chamber, Priory House, Monks Walk, Shefford on Thursday, 23 August 2018

PRESENT

Cllr G Perham (Vice-Chairman in the Chair)

Cllrs Mrs A L Dodwell
K C Matthews

Cllrs S Watkins
A Zerny

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

Substitutes: Cllrs Mrs C F Chapman MBE (In place of Mrs J G Lawrence)
F Firth (In place of D J Lawrence)
E Ghent (In place of J G Jamieson)
A M Turner (In place of R D Wenham)

Members in Attendance: Cllrs A D Brown
K Ferguson
J N Young

Officers in Attendance: Mr B Dunleavy – Democratic Services Manager
Mrs C Jagusz – Committee Services Officer
Mr L Manning – Committee Services Officer
Ms K McFarlane – Business Investment Group Manager
Mr J Partridge – Head of Governance
Mr S Rix – Interim Monitoring Officer
Mrs C Shohet – Assistant Director of Public Health

GPC/18/11. **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 21 June 2018 be confirmed and signed by the Chairman as a correct record.

GPC/18/12. **Members' Interests**

Item 7 Consultation on the Community Governance Review

It was noted that a number of the Members of the Committee were also a member of a town or parish council.

GPC/18/13. **Chairman's Announcements and Communications**

The Chairman announced a variation to the order of business. Items 1 to 5 would be taken in order but items 8 and 9 (Central Area Growth Board Terms of Reference and Health and Wellbeing Board Membership) would be taken prior to Item 6 (Questions, Statements or Deputations) with Item 7 (Consultation on the Community Governance Review) following.

GPC/18/14. **Petitions**

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

GPC/18/15. **Central Area Growth Board Terms of Reference**

The Executive Member for Regeneration brought to the attention of the Committee a recent article posted on social media which referred to various bodies including the Central Area Growth Board and its terms of reference. He felt the article had been misleading as it suggested that membership of the Growth Board would mean major infrastructure decisions would be made undemocratically. The Executive Member reminded the Committee that the Central Area Growth Board would be composed of elected members from a number of district, unitary and county councils. He also pointed out that a number of other factual errors were contained within the article.

The Committee considered the report and Members noted the recommendation to include the Central Area Growth Board and its Terms of Reference in the Council's Constitution had been considered and supported by the Executive at its meeting on 7 August 2018. The Committee also noted that the National Infrastructure Commission (NIC) was encouraging all local authorities within the growth corridor to strengthen structures for collaborative governance and collective decision making.

Points and comments were as follows:

- that the Growth Board would function as a Joint Committee but that no decision making powers would be ceded to it. All decisions would be made at and by the individual local authorities as part of their standard decision making process.

- the Committee was advised that the Council's representative would be the Executive Member for Regeneration and the agenda and minutes of the meetings would be within the public domain except for that relating to any exempt information as defined under the relevant legislation.
- concern was expressed that the proposed Central Area Growth Board arrangements would be undemocratic in nature and membership, and would result in Central Bedfordshire merely ratifying the decisions approved by the other constituent councils.
- it was emphasised that if Central Bedfordshire did not participate in the Growth Board other councils would be in the position to make decisions on its behalf.

The Committee noted that Central Bedfordshire Council was already engaging with the local councils on other matters and it was important to be involved in the Central Area Growth Board in order to be part of the decision-making process.

RECOMMENDED to Council

that the proposed additions to the Constitution with regards to the Central Area Growth Board and its Terms of Reference be approved as set out at Appendices A and B to the minutes and the Constitution be amended accordingly.

GPC/18/16. **Health and Wellbeing Board Membership**

The Committee considered a report presented by the Assistant Director, Public Health proposing changes to the membership for the Health and Wellbeing Board.

The Committee were advised that the current membership had been in place since 2013 and had not undergone a review since that time. The proposed changes would expand the membership to include members from other provider organisations to better deliver the outcomes from the emerging Joint Health and Wellbeing Strategy.

The Committee noted that the recommended removal of a representative from the Commissioning Board from Herts and Midlands was necessary as this organisation no longer existed. Further, a representative from the successor body, NHS England, was unable to attend the Board on a regular basis and had not attended meetings for approximately 3-4 years. The Assistant Director, Public Health advised that other more effective routes existed for NHS England for the purposes of information and engagement.

RECOMMENDED to Council

that the proposed changes to the membership of the Health and Wellbeing Board, as set out in the report, be approved and the Constitution be amended accordingly.

GPC/18/17. **Questions, Statements or Deputations**

The Chairman invited the public speakers to make their statements in accordance with the Public Participation Scheme.

Consultation on the Community Governance Review

Clive Palmer, Town Councillor for Leighton-Linslade Town Council raised concerns over the boundary recommendation and the reduction of town councillors. He has spoken to many residents and it was felt that reducing the number of councillors would have no regard to the community.

Mark Soccaccio, Town Clerk for Leighton-Linslade Town Council stated that the Town Council seeks to address the consequences of these changes. He noted the difficulties which had arisen when trying to address the urban extension with Eggington Parish Council and, despite best efforts, no solutions have been agreed upon.

Ewan Wallace, Leader of Leighton-Linslade Town Council summarised that the Town Council had had a good election in 2015 and only needed a by-election recently when a councillor moved out of the area. He stated that building communities is important but community cohesion becomes difficult when neighbours pay different council tax.

Roger Clarke, Chairman for Totternhoe Parish Council, noted that the Parish Council had formed five sub-committees to manage increased workloads and that all councillors would be needed for this work. He also noted that with regards to boundaries, there are no financial implications to authorities as there are no properties currently on the land.

The Chairman thanked the speakers for their comments.

GPC/18/18. **Consultation on the Community Governance Review**

The Committee considered a report that set out the outcomes of the consultation on the Community Governance Review.

The Committee had previously resolved to undertake a Community Governance Review of the whole of Central Bedfordshire at its meeting on 26 October 2017. The review had commenced on 1 November 2017 and the Committee approved the stage 3 draft recommendations for publication on 29 March 2018.

The Committee was asked to consider the outcome of the Stage 3 draft recommendations consultation and to make final recommendations to Council accordingly.

As representatives from Leighton-Linslade Town Council and Totternhoe Parish Council were present for this item it was agreed by Committee to consider the outcomes relating to these Councils first.

RECOMMENDED to Council

1. that the final recommendations for each town and parish council within Central Bedfordshire, as set out in the final recommendations (revised) at Appendix C to the minutes, be approved and adopted; and
2. that delegated authority be granted to the Monitoring Officer to create any orders necessary for the implementation of those proposals which receive the support of Council (and any consequential matters thereby required).

GPC/18/19. **Work Programme**

The General Purposes Committee considered the Work Programme.

RESOLVED

that the General Purposes Committee Work Programme be amended as follows for the meeting on 25 October 2018:-

- proposed change to the Constitution on the Monitoring Officer function; and
- proposed change to the Director of Children's Services delegated power regarding the closure of schools.

(Note: The meeting commenced at 10.00 a.m. and concluded at 1.20 p.m.)

Chairman

Dated

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

30 October 2018

Proposed changes to the Constitution - Monitoring Officer

Report of: Cllr. Richard Wenham. Deputy Leader and Executive Member for Corporate Resources (richard.wenham@centralbedfordshire.gov.uk)

Responsible Director: Stephen Rix (interim Monitoring Officer)
(stephen.rix@centralbedfordshire.gov.uk)

Purpose of this report

1. This report invites the Committee to consider proposed changes to the Constitution in relation to the Monitoring Officer.

RECOMMENDATIONS

The Committee is asked to:

1. Consider the proposed amendments to the Constitution in relation to the Monitoring Officer as set out at Appendix A - D.
2. Recommend to Council that it approves the proposed amendments.

Background

2. The Council's current constitution assumes that the Monitoring Officer (MO) is a Council employee and not as at present an officer appointed by the Council on the basis of their contractual relationship with LGSS Law Limited. This exposes a gap between the MOs position as an officer of the Council (which is legally distinct) and the MOs position as an employee or contractor of LGSS Law Limited.
3. The proposed amendments were drafted by an independent external firm of solicitors (External Legal Advisers) instructed by the Council (not by LGSS Law Ltd). In drafting the constitutional amendments it must be noted that the dismissal of a MO must be done in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (the Standing Order Regulations) – particularly as amended in 2015 which require Independent Persons to be involved in the dismissal of a MO. The regulations do not contain mandatory requirements in relation to the suspension of a MO.

4. This means that for dismissal there is a gap because if LGSS Law Ltd successfully dismissed its employee/contractor who was also the Council's MO (and that individual refused to resign as the Council's MO) the Council would be required to undertake the process set out in paragraph 3 of Part 4K (Officer Employment Procedure Rules). Further this may also leave a scenario where LGSS Law Ltd had valid grounds to dismiss its employee/contractor but those grounds (at least in theory) might not be appropriate grounds to dismiss that LGSS employee as the Council's MO.

Proposed Specific Changes to the Council's constitution

5. Part 4k – Officer Employment Procedure rules. The amended section is paragraph 5. The External Legal Advisers have suggested amendments which:
 - Automatically suspend the MO if that person is suspended by their third party employer (e.g. LGSS Law Ltd or any other entity supplying legal services to the Council);
 - Permits a suspension in these circumstances to continue beyond 2 months ending when that persons employment suspension is resolved (meaning that they cease to be suspended as an employee or they are dismissed/resign from their employment); and
 - In these circumstances that person is (during their suspension) relieved of all of their responsibilities under the Constitution except they still have the obligation to appoint a deputy.
6. Part 5E Monitoring Officer Protocol. Paragraph 2.2.16 has been amended and a new paragraph 2.2.17 has been added. What these amendments do is:
 - To strengthen the obligation to appoint a deputy by obliging the MO to ensure that at all times a deputy is appointed;
 - To stipulate that the MO's responsibility to appoint a deputy (if the Council would otherwise have none) continues during any period the MO is suspended under Part 4K (see above).
7. Part 2 Article 11. A new paragraph 4.3 has been added and paragraph 4.2 tweaked. This is to deal with a situation where a suspended MO refuses to appoint a deputy (despite the constitutional requirement that they must). An individual might do this for a number of reasons as the Council would legally only be able to dismiss them using the procedure in paragraph 3.2 of Part 4K (which might take time). Specifically what these amendments do is:

- If the MO is unable to act (or suspended) and refuses to appoint a deputy then if no deputy is in place (meaning that the Council is without a person to discharge monitoring officer responsibilities) then the Chief Executive may appoint an 'Acting Monitoring Officer';
 - As to the appointment of an Acting Monitoring Officer (AMO) – the term of the AMO lasts until any of the following occur – the original MO resumes their duties; or the General Purpose Committee arranges for the appointment of an AMO or (if there is a vacancy) a new MO.
8. Part 3B Delegations to Regulatory and Other Committees. An amendment to the General Purposes committee remit to include arrangements to appoint an Acting Monitoring Officer – in paragraph 5.1.1.

Risk Management

9. If the proposed amendments are not made then the risks highlighted in this report will remain.

Legal Implications

10. The Local Government and Housing Act 1989, section 5 requires that the MO must be appointed as an officer of the authority and designated as MO. An external MO may be appointed as an officer but without a contract of employment.
11. The proposed amendments will remove the risks highlighted in this report and have been recommended and drafted by the Council's External Legal Advisers. The Council's interim Monitoring Officer agrees that the proposed amendments are necessary and appropriate in order to protect the Council.

Financial Implications

12. None.

Equalities Implications

13. The 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 partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

14. There are no direct equalities implications that have been identified as relevant to this report.

Conclusion

15. The proposed amendments once considered by General Purposes committee will be submitted to full Council for approval.

Appendices:

Appendix A – D: Proposed amended versions of the Constitution.

Background Papers:

Location of Background Papers: N/A

Appendix A

PART 4K - OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and Appointment

1.1 Declarations

1.1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partners, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

1.1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or Assistant Chief Executive or an officer nominated by him/her.

1.2 Seeking support for appointment

1.2.1 Subject to paragraph 1.2.3, the Council will disqualify any applicant who directly or indirectly canvasses the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2 Subject to paragraph 1.2.3, no councillor or officer will canvass support for any person for any appointment with the Council.

1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a councillor or officer from giving a written reference for a candidate for submission with an application for appointment except where the councillor or officer is a member of the appointment panel in that case.

2. Recruitment of Head of Paid Service, Directors and Assistant Chief Executives

2.1 Where the Council proposes to appoint the Head of Paid Service or a Director or Assistant Chief Executive and it is not proposed that the appointment be made exclusively from among their existing officers, the Appointments Sub-Committee will:

2.1.1 Draw up a statement specifying:-

2.1.1.1 the duties of the officer concerned; and

2.1.1.2 any qualifications or qualities to be sought in the person to be appointed

- 2.1.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- 2.1.3 Make arrangements for a copy of the statement mentioned in paragraph 2.1.1 to be sent to any person on request;
- 2.1.4 Either interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those on the short list; and
- 2.1.5 Where no qualified person has applied, make further arrangements for advertisement in accordance with paragraph 2.1.2 above.

3. Appointment or Dismissal of Head of Paid Service, Directors, Assistant Chief Executives, Chief Finance Officer and Monitoring Officer

3.1 Appointments

- 3.1.1 Only the full Council shall approve (or otherwise) the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Sub-Committee. The Appointments Sub-Committee must include at least one member of the Executive.
- 3.1.2 The Appointments Sub-Committee will appoint Directors, Assistant Chief Executives, the Chief Finance Officer and the Monitoring Officer as designated in Part 2 Article 11 of the Constitution.
- 3.1.3 Before the Sub-Committee makes an offer of an appointment, the Monitoring Officer shall notify every member of the Executive of:-
 - 3.1.3.1 the name of the proposed appointee;
 - 3.1.3.2 the particulars relevant to the appointment; and
 - 3.1.3.3 the period within which objections to the appointment can be made.
- 3.1.4 The Sub-Committee may make an offer provided that:-
 - 3.1.4.1 the Leader, on behalf of the Executive and within the period, raises no objection, or indicates that the Executive has no objection; or
 - 3.1.4.2 the Sub-Committee decides that any objection received from the Leader within the period is not material or is not well founded.

3.2 *Dismissals*

- 3.2.1 The full Council shall approve (or otherwise) the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such dismissal by the Appointments Sub-Committee and subject to compliance with the provisions of paragraph 5.
- 3.2.2 The responsibility for dismissal of Directors, Assistant Chief Executives and Assistant Directors rests with the Head of the Paid Service or his/her nominee.
- 3.2.3 Before full Council (in the case of the Head of Paid Service, Chief Finance Officer and Monitoring Officer) or the Head of the Paid Service or his/her nominee (in the case of Directors) determines to issue a notice of dismissal, the Monitoring Officer or his/her deputy shall notify every member of the Executive of:-
 - 3.2.3.1 the name of the person proposed to be dismissed;
 - 3.2.3.2 any other particulars relevant to the proposed dismissal;
and
 - 3.2.3.3 the period within which objections to the dismissal can be made.
- 3.2.4 The Sub-Committee or the Head of Paid Service or his/her nominee may determine to issue a notice of dismissal, provided that:-
 - 3.2.4.1 the Leader, on behalf of the Executive and within the period, indicates that the Executive has no objections, or raises no objection; or
 - 3.2.4.2 the Sub-Committee or the Head of Paid Service or his/her nominee as appropriate decides that any objection received from the Leader within the period is not material or is not well founded.

4. **Other Appointments/Dismissals**

- 4.1 **Officers below Director.** Appointment of officers below Director level (other than Assistant Chief Executive, the Chief Finance Officer and Monitoring Officer and assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee (and may not be made by Councillors) subject to compliance with the provisions of paragraph 3.1.3 and 3.1.4 in the case of Assistant Directors.

- 4.2 Dismissal of officers below Director level other than Assistant Chief Executives is the responsibility of the Head of Paid Service, subject to compliance with the provisions of paragraphs 3.2.3 and 3.2.4 above in respect of Assistant Directors.
- 4.3 **Assistants to political groups.** Where the Council has approved the establishment of posts of assistant to political groups, their appointment shall be made in accordance with the wishes of the respective political group.

5. Disciplinary Action

- 5.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months except in relation to the Monitoring Officer if his/her suspension is due to the circumstances set out in paragraph 5.2.
- 5.2 If the Monitoring Officer is employed in relation to the provision of legal services to the Council by a third party and s/he is suspended as an employee by that same third party then s/he shall be automatically suspended as Monitoring Officer until such time as his/her employment suspension is resolved even if such suspension exceeds two months.
- 5.3 If the Monitoring Officer is suspended under paragraph 5.2 s/he will be relieved of his/her responsibilities under this Constitution during such period of suspension except she/he shall not be relieved of the obligation to appoint a deputy monitoring officer as required under the Monitoring Officer Protocol (Part 5E).
- 5.4 Councillors will not be involved in any disciplinary action against any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

6. Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

- 6.1 In the following paragraphs:
- 6.1.1 "the 2011 Act" means the Localism Act 2011 (1)
- 6.1.2 the terms "Chief Finance Officer", "disciplinary action", "Head of the authority's Paid Service", and "Monitoring Officer" have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(2)
- 6.1.3 "Independent Person" means a person appointed under section 28(7) of the 2011 Act
- 6.2 An officer holding a relevant post may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

- 6.2.1 The Authority must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two such Persons to the Panel.
- 6.2.2 In paragraph 6.2.1 above “relevant Independent Person” means any Independent Person who has been appointed by the authority or, where there are fewer than two such Persons, such Independent Persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 6.2.3 Subject to paragraph 6.3, the authority must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.2.1 in accordance with the following priority order:
 - 6.2.3.1 a relevant Independent Person who has been appointed by the authority and who is a local government elector
 - 6.2.3.2 any other relevant independent person who has been appointed by the authority
 - 6.2.3.3 a relevant independent person who has been appointed by another authority or authorities.
- 6.3 An authority is not required to appoint more than two relevant Independent persons in accordance with paragraph 6.2.3 above but may do so.
- 6.4 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 6.5 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account in particular:
 - 6.5.1 any advice, views or recommendations of the Panel;
 - 6.5.2 the conclusions of the investigations of the proposed dismissal; and
 - 6.5.3 any representations from the relevant officer.
- 6.6 Any remuneration, allowances or fees paid by the authority to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person’s role as Independent Person under the 2011 Act.

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Appendix B

PART 5E - MONITORING OFFICER PROTOCOL

1. General Introduction to Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in Central Bedfordshire Council.
- 1.2 The Monitoring Officer owes a personal duty to the Council as a whole in carrying out his/her statutory functions, which cannot be discharged through intervening officers.
- 1.3 The Monitoring Officer undertakes to discharge statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, he/she will provide appropriate cautionary advice to members so as to protect and safeguard, so far as is possible, Members and officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.4 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:-
 - 1.4.1 Complying with the law of the land (including any relevant Codes of Conduct);
 - 1.4.2 Complying with any General Guidance issued, from time to time, by the General Purposes Committee and/or advice of the Monitoring Officer;
 - 1.4.3 Making lawful and proportionate decisions; and
 - 1.4.4 Generally, not taking action that would bring the Council, their offices or professions into disrepute.
- 1.5 The Monitoring Officer is available for Members and officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Procedure Rules, policy framework, terms of reference, scheme of delegations etc.)

2. Working Arrangements

- 2.1 Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities on the Monitoring Officer and safeguard the statutory interests of the Council. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, co-operate with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members, Directors and Assistant Chief Executives are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-
- 2.2.1 Be alerted by Members and officers to any issue(s) that may become of concern to the Council, including, in particular, issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - 2.2.2 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, committee meetings and/or Corporate Management Team;
 - 2.2.3 Have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Executive, committee meetings and Corporate Management Team;
 - 2.2.4 In carrying out any investigation(s) have unqualified access to any information held by the Council and to any officer/Member who can assist in the discharge of his functions;
 - 2.2.5 Ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - 2.2.6 Meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

- 2.2.7 Report from time to time to the General Purposes Committee which will make recommendations to Council, on any necessary or desirable changes to the Constitution following consultation, in particular, with the Head of Paid Service and Chief Finance Officer;
- 2.2.8 As per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources he/she requires to discharge his/her statutory functions;
- 2.2.9 Develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, after consultation with the Chairman of the General Purposes Committee, if appropriate, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- 2.2.10 Maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality;
- 2.2.11 Give informal and, if necessary, cautionary advice to Members and officers – but not so as to issue any formal warning notices - and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Standards Sub-Committee;
- 2.2.12 In consultation, as necessary, with the Chairmen of the Council and the Executive, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- 2.2.13 Make arrangements to ensure effective communication between his/her office and the Clerks of Town and Parish Councils on Monitoring Officer and Code of Conduct issues;
- 2.2.14 Have sufficient resources to enable his/her to address any matters concerning his/her Monitoring Officer functions;
- 2.2.15 Be responsible for preparing any training for Members on ethical standards and Code of Conduct issues;
- 2.2.16 Appoint one or two deputies and keep them briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer and s/he shall ensure that at all times at least one deputy has been appointed and is able to serve the Council; and
- 2.2.17 If the Monitoring Officer is suspended under Part 4K of this Constitution s/he shall not be relieved of her/his obligation to appoint a deputy under paragraph 2.2.16 if otherwise there would be no deputy monitoring officer appointed.

2.2.18 Deal with any formal complaints about any Member's conduct

2.3 To ensure the effective and efficient discharge of the arrangements set out in 2.2 above, Members and officers will report any breaches of statutory duty or Council policies or procedures and ultra vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

2.4 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the Monitoring Officer role.

3. Sanctions for Breach of The Code Of Conduct for Members and this Protocol

Complaints alleging any breach of the Code of Conduct for Members must be referred to the Monitoring Officer. Complaints against any breach of this Protocol by a Member will be referred to the relevant Group Leader. Complaints against any breach of this Protocol by an officer may be referred to the relevant Director or Assistant Chief Executive and/or the Head of Paid Service.

SUMMARY OF MONITORING OFFICER FUNCTIONS

	Description	Source
1.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2.	Advice on ultra vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	
3.	Report on any maladministration or injustice where the Local Government Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
4.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
5.	Report on resources	Section 5 Local Government and Housing Act 1989
6.	Receive copies of Confidential Reporting Code allegations of misconduct	Confidential Reporting Code
7.	Investigate and report on any misconduct in compliance with legislation.	Chapter 7 Localism Act 2011
8.	Establish and maintain registers of Members' interests and gifts and hospitality	Section 81 LGA 2000, Chapter 7 Localism Act 2011 and Code of Conduct for Members (and Employees, once introduced)
9.	Advice to Members on interpretation of Code	
10.	Key role in promoting and maintaining high standards of conduct through support to the General Purposes Committee	
11.	Liaison with the "Independent person"	Chapter 7 Localism Act 2011
12.	Ethical framework functions in relation to parish councils	Chapter 7 Localism Act 2011
13.	Refer relevant matters to Standards Sub-Committee for determination	Chapter 7 Localism Act 2011

	Description	Source
14.	Advise on any indemnities and insurance issues for members/officers	Regulations under LGA 2000
15.	Deal with any local filtering arrangements introduced by legislation.	Local Government Act 2007

Appendix C

PART 2 ARTICLE 11 - OFFICERS

1. General

- 1.1 The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

2. Chief Officers

- 2.1 The Council will engage persons for the following posts, who will be designated chief officers:-

2.1.1 Chief Executive, who is also the Council's Head of Paid Service

2.1.2 Director of Social Care, Health and Housing, who is the Council's statutory Director of Adult Social Services

2.1.3 Director of Children's Services, who is also the Council's statutory Chief Education Officer and Director of Children's Services.

2.1.4 Director of Community Services

2.1.5 Director of Resources

2.1.6 Director of Regeneration

2.1.7 Director of Public Health

- 2.2 The functions and areas of responsibility of each of the Council's chief officers and delegations to other officers are set out in full in the Scheme of Functions Delegated to Officers in Part 3E of the Constitution.

3. Statutory Officer Appointments

- 3.1 Certain legislation requires local authorities to make specific statutory appointments which carry specific responsibilities. These are outlined in the table overleaf.

	LEGISLATION	STATUTORY OFFICER	ALLOCATED TO
1.	S.6 Local Authority Social Services Act 1970 (as amended by the Children Act 2004)	Director of Adult Social Services (Adult Services Only)	Director of Social Care, Health and Housing
2.	S.151 Local Government Act 1972	Chief Finance Officer	Chief Finance Officer
3.	S.3 and S.25 of the Local Government Act 2003	Chief Finance Officer	Chief Finance Officer
4.	S.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
5.	S.28 Representation of the People Act 1983	Acting Returning Officer	Chief Executive
6.	S.35 Representation of the People Act 1983	Returning Officer	Chief Executive
7.	S.72 Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Head of Public Protection
8.	S.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
9.	S.5 Local Government and Housing Act 1989	Monitoring Officer	Monitoring Officer
10.	S.532 Education Act 1996	Chief Education Officer	Director of Children's Services
11.	S.18 Children Act 2004	Director of Children's Services	Director of Children's Services
12.	S.212A Local Government Act 2000	Scrutiny Officer	Head of Governance
13.	Section 73A National Health Service Act 2006		

3.2 Further information about the functions of some of these statutory roles is given below.

3.3 **Functions of the Head of Paid Service**

3.3.1 **Structure:** The Head of Paid Service will determine and publicise a description of the overall detailed structure of the Council showing the management structure and deployment of officers.

3.3.2 **Discharge of functions by the Council:** The Head of Paid Service will report to full Council, where he/she considers it appropriate, any proposals relating to the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

3.4 **Functions of the Monitoring Officer**

3.4.1 **Maintaining the Constitution:** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

3.4.2 **Ensuring lawfulness and fairness of decision making:** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to a meeting of Council (or to the Executive in relation to an executive function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- 3.4.3 **Ethical Standards:** The Monitoring Officer will advise and support the Council in the exercise of its responsibilities for Standards under chapter 7 of the Localism Act including:
- contributing to the promotion and maintenance of high standards of conduct by Members and officers of the Council
 - commissioning and conducting investigations into allegations submitted under section 29 of the Localism Act 2011
 - establishing and maintaining a register of interests of members and co-opted members of the Council
 - exercising such responsibilities for Standards in relation to Parish Councils as are prescribed by the Localism Act 2011.
- 3.4.4 **Proper officer for access to information:** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 3.4.5 **Advising whether Executive decisions are within the budget and policy framework:** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- 3.4.6 **Providing advice:** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- 3.4.7 **Procurement of external legal advice:** The Monitoring Officer will advise on the procurement of external legal advice.

3.5 **Functions of the Chief Finance Officer**

- 3.5.1 **Ensuring lawfulness and financial prudence of decision making:** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to a meeting of Council (or to the Executive in relation to an executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- 3.5.2 **Sustainable financial position:** Sections 3 and 25 of the Local Government Act 2003 require the Chief Finance Officer to report to the Council at the time that the budget is considered and the Council Tax set on the robustness of the budget estimates and the adequacy of financial reserves. He/she must ensure that the guidelines and ratios set down for the purposes of the Prudential Capital regime are adhered to, once fixed, and report to the Council if they are going to be infringed.
- 3.5.3 **Administration of financial affairs:** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 3.5.4 **Contributing to corporate management:** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 3.5.5 **Providing advice:** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- 3.5.6 **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

3.6 **Restrictions on functions**

The Head of Paid Service may not also be the Monitoring Officer but may hold the post of Chief Finance Officer, if a qualified accountant. The Monitoring Officer may not be the Chief Finance Officer or the Head of Paid Service. The Scrutiny Officer may not also be the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

3.7 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

3.8 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Parts 5C and 5D of this Constitution.

3.9 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4K of this Constitution.

4. **Proper Officer Appointments**

4.1 The Local Government Act 1972 makes provision for certain officers of a local authority to be designated as the "Proper Officer" to carry out particular functions under various Acts of Parliament. These are outlined in the table below.

4.2 Subject to paragraph 4.3 in the event of any officers mentioned above being for any reason unable to act or of any of their posts being vacant, the Chief Executive will appoint an officer to act in their place.

4.3 If the Monitoring Officer is unable to act (including due to suspension under Part 4K of this Constitution) and no deputy Monitoring Officer is appointed then the Chief Executive may appoint a solicitor or barrister or legal executive (respectively admitted to or called to practice or qualified in England and Wales) to act as the Council's Monitoring Officer (**Acting Monitoring Officer**) and such appointment shall continue until either:

4.3.1 the Monitoring Officer resumes her/his duties; or

4.3.2 the Council's General Purposes Committee arranges for the appointment of either an Acting Monitoring Officer or (if there is a vacancy) a new Monitoring Officer.

4.4 The Chief Executive is appointed as the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has yet been made by the Council and is reflected in the Constitution.

4.5 Statutory provisions and regulations are from time to time amended, replaced or re-enacted. Every appointment outlined in the table below that is amended, replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
1.	Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
2.	Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
3.	Any reference in any public or local statutory provision to the Proper Officer of the Council, except as provided in this table.			Chief Executive
4.	Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer which, by virtue of any provision to the said Act, is to be construed as a reference to the Chief Financial Officer of the Council.			Chief Finance Officer
5.	Building Act 1984	Section 61	Receive notification of, and having free access to, repairs of drains.	Assistant Director Planning
6.	The Flood and Water Management Act 2010	Section 21	To maintain a register of structures and features which are likely to have a significant effect on flood risk in the area	Assistant Director Planning
7.	Environmental Protection Act 1990	Section 149	Seizure of stray dogs	Head of Public Protection
8.	Highways Act 1980	Section 37(5)	Receive and make available for inspection certificates approving dedication of highways to be maintainable at public expense	Head of Highways
9.		Section 205(3) and (5)	Preparation of specification estimate and provisional appointment for private street works, and receipt and making available for inspection those documents	Assistant Director Highways & Transport

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
10.		Section 210(2)	Certification of document giving details of estimate and consequential amendment or provisional appointment for private street works	Assistant Director Highways & Transport
11.		Section 211(1)	Making final apportionment of expenses for private street works	Assistant Director Highways & Transport
12.		Section 216(2) and (3)	Settlement of proportion of amount where certain railway or canal undertakers are exempt	Assistant Director Highways & Transport
13.	Housing Act 1985	Section 606	Submitting reports on, or conducting inspections of, houses unfit for human habitation or in clearance areas	Assistant Director Housing Services
14.	Housing Act 2004	Section 4	Receipt and inspection of complaints of category 1 or 2 hazards on residential premises	Assistant Director Housing Services
15.	Local Authorities Cemeteries Order 1977 and Cremation Regulations	All	Officer of the burial authority and Registrar for various matters relating to cremation and to nominate a Medical Referee and Deputy Referee under the regulations	Head of Community Services
16.	Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1	Giving notice of appointments and dismissals at Director or Assistant Director level	Monitoring Officer
17.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Regs 3 and 4	Recording of collective executive decisions	Monitoring Officer

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
18.		Regs 5, 6, 9 and 11	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions	Monitoring Officer
19.		Regs 12 and 15	Publicity in connection with the forward plan and giving notice etc. in cases of urgency	Monitoring Officer
20.		Reg 17	Rights of access to documents for councillors	Monitoring Officer
21.	Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000	Various Regulations	Verification etc. of Mayoral petitions	Monitoring Officer
22.	Local Elections (Principal Areas) Rules 2006	Rules 52-55	Inspection, production, retention and destruction of electoral documents	Chief Executive
23.	Local Elections (Parishes and Communities) Rules 2006	Rules 52-55	Inspection, production, retention and destruction of electoral documents	Chief Executive
24.	Local Government Act 1972	Section 13 (3)	Parish Trustee, where parish has no separate parish council	Chief Executive
25.		Section 83(1) to (4)	Witnessing and receiving declarations of acceptance of office	Chief Executive
26.		Section 84(1)	Receiving a councillor's resignation	Chief Executive
27.		Section 88(2)	Calling a full Council meeting to elect a chairman if there is a casual vacancy	Chief Executive
28.		Section 89(1)(b)	Giving notice of a casual vacancy	Chief Executive
29.		Section 96(2)	Receipt and recording of disclosure of Members' interests under Section 94 and 96(1)	Monitoring Officer

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
30.		Section 100 and 100A to 100K	Access to meetings and documents	Monitoring Officer
31.		Section 115(2)	Receiving money due from officers	Chief Finance Officer
32.		Section 146(1)(a) & (b)	Making declarations and certificates about transferring securities	Monitoring Officer
33.		Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Monitoring Officer
34.		Section 204(3)	Receipt of application for licence under Licensing Act 1964 and Justices licence.	Head of Public Protection
35.		Section 210(6) and (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities – or if there is no such office, to the Proper Officer	Monitoring Officer
36.		Section 225	Depositing documents	Monitoring Officer
37.		Section 228(3)	Making accounts available for councillors to look at	Chief Finance Officer
38.		Section 229(5)	Certifying photocopies of documents	Monitoring Officer
39.		Section 234(1)	Authenticating documents	Monitoring Officer
40.		Section 234(2)	Statutory Notices under various Public Health and associated legislation	Head of Public Protection and Assistant Director Housing Services

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
41.		Section 234(2)	Notices in respect of Council dwellings relating to the right to buy, or proceedings for the termination of a secure tenancy	Assistant Director Housing Services
42.		Section 236(9) & (10)	Sending copies of byelaws to parish councils, parish meetings and the county council	Monitoring Officer
43.		Section 238	Certifying byelaws	Monitoring Officer
44.		Schedule 12, Para 4(2)(b)	Signing the summons to Full Council	Chief Executive
45.		Schedule 12 Para 4(3)	Being told where to send summonses to Full Council meetings	Monitoring Officer
46.		Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Monitoring Officer
47.		Schedule 16 Para 28	Keeping lists of buildings of special architectural or historic interest	Assistant Director Planning
48.	Local Government Act 1974	Section 30(5)	Giving notice that copies of an ombudsman's report are available	Chief Executive
49.	Local Government (Miscellaneous Provisions) Act 1976	Section 41(1)	Certifying copies of resolutions and minutes	Monitoring Officer
50.	Local Government (Finance) Act 1988	Section 116(1)	Notifying the external auditor of arrangements for a meeting to consider a report of the Chief Finance Officer	Chief Executive
51.	Local Government and Housing Act 1989	Section 2(4)	Receipt of list of politically restricted posts	Monitoring Officer
52.		Section 15	Receipt of Notice relating to political groups	Monitoring Officer
53.		Section 19	Receipt of general notice of members personal interests	Monitoring Officer

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
54.	Local Government (Committees and Political Groups) Regulations 1990		Dealing with political balance on committees	Monitoring Officer
55.	Local Government Act 2000		Acting as proper officer for all the responsibilities in the Local Government Act 2000	Monitoring Officer
56.	Milk and Dairies (General) Regulations 1959	Part VII (Regs 18-20)	Provisions with regard to infection of milk	Head of Public Protection
57.	Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Chief Finance Officer
58.	Proceeds of Crime Act 2002	Part 7	Nominated officer to receive disclosures on suspected money laundering	Chief Finance Officer
59.	Terrorism Act 2009	Part 3	Nominated officer to receive disclosures on suspected terrorist property	Chief Finance Officer
60.	National Assistance Act 1948	All	Public Health (misc.)	Head of Public Protection
61.	National Assistance (Amendment) Act 1951	All	Public Health (misc.)	Head of Public Protection in consultation with Director of Social Care, Health and Housing and Director of Public Health where appropriate
62.	Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Head of Public Protection in consultation with Assistant Director Housing
63.	Public Health Act 1961	Section 37	Controlling the sale of verminous things	Head of Public Protection

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
64.	Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Head of Public Protection
65.		Section 18	Getting information about cases of notifiable disease or food poisoning	Head of Public Protection
66.		Section 20	Stopping of work to prevent disease spreading	Head of Public Protection
67.		Section 21	Excluding children from school if they are likely to carry a notifiable disease	Head of Public Protection
68.		Section 22	Asking for the names and addresses of pupils at a school or department of a school	Head of Public Protection
69.		Section 24	Approving satisfactory disinfection or washing of articles known to have been exposed to infection from a notifiable disease.	Head of Public Protection
70.		Section 29	Approval of proper disinfection before allowing letting of house or room after recent case of notifiable disease	Head of Public Protection
71.		Section 30	Approval of proper disinfection of house upon ceasing occupation	Head of Public Protection
72.		Section 31	Certifying the need to disinfect premises	Head of Public Protection
73.		Section 32	Certifying the need to remove someone from an infected house	Head of Public Protection
74.		Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Head of Public Protection
75.		Section 40	Getting a warrant to examine residents of a common lodging house	Head of Public Protection

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
76.		Section 42	Certifying a common lodging house to be free from infection	Head of Public Protection
77.		Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Head of Public Protection
78.		Section 48	Certifying that it would be a health risk to keep a body in a building	Head of Public Protection
79.		Section 59	Authenticating documents about things they are responsible for under the Act.	Head of Public Protection
80.	Public Health (Infectious Diseases) Regulations 1988	All	Infectious diseases, food poisoning and food borne infections.	Head of Public Protection
81.	Rates Act 1984	Section 7	Certification of compliance with maximum rates under the Local Government Finance Act 1987	Chief Finance Officer
82.	Rent Act 1977	Section 63	Appointment of rent officers under a scheme	Director of Social Care, Health and Housing
83.		Schedule 15 Part IV	Certificates of provision of suitable alternative accommodation	Director of Social Care, Health and Housing
84.	Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Chief Executive
85.	Registration Services Act 1953	Sections 9(1) and (2)	Appointment of interim superintendent registrar(s)	Head of Governance
86.		Sections 13(2)(h) and 13(3)(b)	Exercise of powers under the local scheme of organisation	Head of Governance

	LEGISLATION	SECTION	PROVISION	PROPER OFFICER
87.		Section 20	The proper officer to be subject to regulations made by the Registrar General	Head of Governance
88.	Registration of Births, Deaths and Marriages Regulations 1968 – 1994		Registration of Births, Deaths and Marriages	Head of Governance

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Appendix D

PART 3B – DELEGATIONS TO REGULATORY AND OTHER COMMITTEES (COMMITTEE TERMS OF REFERENCE)

Committee Terms of Reference

1. The Development Management Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
Number of Members:	13 (with effect from 1 May 2014)
Chairman and Vice-Chairman appointed by:	The Council
Quorum:	At least 50% of the membership of the Committee
Frequency:	Four weekly or as otherwise determined by the Monitoring Officer in consultation with the Chairman
Venue:	Priory House or as otherwise determined by the Monitoring Officer in consultation with the Chairman
Co-opted Members:	None
Code:	The Planning Code of Good Practice

1.1 Terms of Reference

To exercise the following functions of the Council (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex A below), which are not delegated to officers in Part 3E of the Constitution:-

1.1.1 Planning and Conservation

To exercise all powers relating to town and country planning and development control functions.

1.1.2 Commons Registration

The registration of common land or town and village greens and of the variation of rights of common and powers of enforcement, protecting unclaimed registered common land, and to institute proceedings for offences in respect of unclaimed common land.

1.1.3 Highways Use and Regulation and Public Rights of Way

The exercise of powers relating to the regulation of the use of highways and relating to public rights of way.

1.1.4 Trees and Hedgerows and other miscellaneous functions

The exercise of powers relating to the preservation of trees and the protection of important hedgerows and other miscellaneous functions.

1.2 Limitation of Powers

1.2.1 The Committee has full delegated powers on behalf of the Council.

2. The Licensing Committee

Appointed by:	The Council under Section 6 of the Licensing Act 1972 and Section 101 of the Local Government Act 1972
No of Members:	12
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Quarterly
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	Licensing Code of Good Practice.

2.1 Terms of Reference

- 2.1.1 To exercise all licensing functions of the Council under the Licensing Act 2003 (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex B and C below) which are not delegated to a sub-committee or officers;

- 2.1.2 To exercise all functions of the Council, under Part 8 of the Gambling Act 2005, as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto and detailed in Annex B below) and in relation to the Health and Safety at Work Act 1974, except where those functions are discharged in the Authority's capacity as an employer, which are not delegated to a sub-committee or officers.

2.2 Limitation of Powers

The Committee has full delegated powers subject to the following exclusions which shall be recommended for approval by the Council:-

- 2.2.1 approving the Authority's Licensing Statement under Section 5 of the Licensing Act 2003;
- 2.2.2 approving the Authority's Gambling Licensing Policy under Section 349 of the Gambling Act 2005;
- 2.2.3 deciding not to issue casino licences under Section 166 of the Gambling Act 2005; and
- 2.2.4 the making of Designation Orders in accordance with the provisions of Section 13 of the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001.

3. The Licensing Sub-Committee

Appointed by:	The Licensing Committee under Section 9 of the Licensing Act 2003
No of Members:	3 Councillors appointed by the Monitoring Officer as and when necessary from a panel comprising all members of the Licensing Committee
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum	2
Frequency	As and when required
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted Members	None
Code:	The Licensing Code of Good Practice. Licensing Hearings Procedure .

3.1 Terms of Reference

To undertake hearings under the Licensing Act 2003 in respect of the functions set out in Annex C below.

3.2 Limitation of Powers

None.

4. The Audit Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	7. No Member of the Executive, no Deputy Executive Member and no member of the Corporate Resources Overview and Scrutiny Committee may sit on the Audit Committee
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Quarterly
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted members	None

4.1 Terms of Reference

Statement of Purpose

The purpose of the Audit Committee is to provide independent assurance on the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process. Where the Authority risk is extended into partnerships with other Authorities and contracts with suppliers, then the Committee will be empowered to request the attendance of the third parties to provide an entire picture of both audit and risk.

The Audit Committee has the following specific responsibilities:-

Audit Activity

- 4.1.1 To consider and approve the internal Audit strategy and receive periodic reports on its operation;
- 4.1.2 To approve, amend and monitor progress against the internal Audit Strategy and Plan;
- 4.1.3 To consider the Internal Audit annual report, including a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's control environment;
- 4.1.4 To consider summaries of specific internal audit reports, as requested;
- 4.1.5 To consider whether internal audit services provided are effective, monitoring any areas identified for improvement;
- 4.1.6 To consider periodic reports on internal audit, including whether agreed internal audit recommendations have been suitably addressed within a reasonable timescale;
- 4.1.7 To consider and note the external auditor's annual management letter and opinion and progress reports in accordance with their annual work programme;
- 4.1.8 To consider specific reports from the external auditor and determine whether suitable responses/actions have been taken;
- 4.1.9 To comment on the scope and depth of external audit's work and to help ensure it provides value for money;
- 4.1.10 To liaise with the Audit Commission over the appointment of the Council's external auditor;
- 4.1.11 To commission work from both internal and external audit.

Regulatory Framework

- 4.1.12 To review any issue referred to it by the Chief Executive or a Director or Assistant Chief Executive or any Council body;
- 4.1.13 To approve the Risk Management Policy Statement and monitor the operation thereof;
- 4.1.14 To approve the Anti-Fraud and Corruption Policy and monitor the operation thereof;
- 4.1.15 To maintain an overview of the Council's Confidential Reporting Code and to recommend the Council on any amendments required thereto;
- 4.1.16 To approve the Local Code of Governance and monitor the operation thereof;
- 4.1.17 To oversee the production of the Annual Governance Statement and to approve its adoption when satisfied it properly reflects the governance arrangements and the management of risk and any significant actions required to improve it.

Accounts

- 4.1.19 To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial settlements or from the audit that need to be brought to the attention of the Council.
- 4.1.20 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

4.2 Limitation of Powers

- 4.2.1 The Committee has full delegated powers, except in so far as the limitations provided in 4.1.17 above;
- 4.2.2 The Council will receive a report from the Chairman of the Audit Committee on the Committee's activities once each year.

5. The General Purposes Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	12 including at least 3 members of the Executive
Chairman and Vice-Chairman appointed by:	The Council
Quorum	At least 50% of the membership of the Committee
Frequency	Provision to be made for a meeting in each committee cycle, if needed
Venue	As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution.
Co-opted members	None

5.1 Terms of Reference

- 5.1.1 To make arrangements for the appointment of the Head of Paid Service, Directors, Chief Finance Officer and Monitoring Officer (or if required Acting Monitoring Officer) and the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, via the Appointments Sub- Committee;
- 5.1.2 To determine strategic employee policies;
- 5.1.3 To determine terms and conditions of employment for employees;

- 5.1.4 To consider and determine any matter relating to HR policies or terms or conditions of employment referred from the Education Employee Relations Steering Group in circumstances where it has not been possible to reach agreement between staff and management sides on such matters;

Note: The Education Employee Relations Steering Group is an informal group comprising the Director of Children's Services or their nominee and representatives of 7 professional associations for primary and secondary education.

- 5.1.5 To exercise the Council's functions under Chapter 7 (sections 26 to 37) of the Localism Act relating to Ethical Standards either itself or through a Standards Sub-Committee;
- 5.1.6 To carry out all functions relating to elections, electoral registration, changing governance arrangements and community governance reviews (specified in column 1 of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as may be amended from time to time);
- 5.1.7 To deal with matters relating to the civic and ceremonial activities of the Council;
- 5.1.8 To consider all matters relating to the name and status of the area and individuals;
- 5.1.9 Oversight of the Council's constitution, including approving any changes that may be required on the advice of the Monitoring Officer;
- 5.1.10 To receive for information reports advising of compensation payments or other benefits provided arising from complaints under the Corporate Complaints Procedure;
- 5.1.11 To receive for information reports advising of the making of payments in respect of the settlement of any Ombudsman complaint;
- 5.1.12 To deal with all other non-Executive functions which are not reserved to the full Council or are not otherwise delegated.

5.2 Limitation of Powers

The Committee will have full delegated powers subject to the following exceptions which shall be recommended for full Council approval:-

- 5.2.1 The approval of any proposal to change the name of the Council or a Parish;
- 5.2.2 The approval of any recommendations arising from the conduct of a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007;
- 5.2.3 The power to petition for a charter to confer borough status;
- 5.2.4 Proposals for submission to the Boundary Committee for England in respect of:-
 - 5.2.4.1 Electoral arrangements for the District and those Parishes within Central Bedfordshire; and
 - 5.2.4.2 Parliamentary Constituencies within Bedfordshire.

6. The Standards Sub-Committee

Appointed by:	The General Purposes Committee
No of Members:	3 - 5 Councillors appointed by the Monitoring Officer as required from the membership of the General Purposes Committee including substitutes.
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum:	3
Frequency:	As and when required
Venue:	To be determined by the Monitoring Officer
Co-opted members:	None

6.1 Terms of Reference

To consider any matters relating to ethical standards referred to it by the Monitoring Officer, including the conduct of hearings set out at Part 5B of the constitution.

7. The Appointments Sub-Committee

Appointed by:	The General Purposes Committee under Section 101 of the Local Government Act 1972
No of Members:	3 - 5 Councillors appointed by the Monitoring Officer as and when necessary, (from a panel of Members appointed by the General Purposes Committee for this purpose) including at least one member of the Executive
Chairman and Vice-Chairman appointed by:	The Sub-Committee at each meeting
Quorum	3
Frequency	As and when required
Venue	To be determined by the Monitoring Officer
Co-opted members	None

7.1 Terms of Reference

- 7.1.1 To appoint or recommend the appointment of officers to whom the Officer Employment Procedure Rules apply, including the Head of Paid Service, Directors, the Chief Finance Officer and the Monitoring Officer;
- 7.1.2 To recommend the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, as provided in the Officer Employment Procedure Rules in Part H4 of the Constitution.

7.2 Limitations of Power

The Committee has full delegated power, other than the appointment and dismissal of the Head of Paid Service and as otherwise provided in the Officer Employment Procedure Rules in Part 4K of the Constitution.

8. The Appeals Committee

Appointed by:	The Council under Section 101 of the Local Government Act 1972
No of Members:	3 – 5 Councillors appointed by the Monitoring Officer as and when necessary, (from a panel of Members appointed by the Council for this purpose)
Chairman and Vice-Chairman appointed by:	The Committee at each meeting.
Quorum	3
Frequency	As and when required
Venue	To be determined by the Monitoring Officer
Co-opted members	None

8.1 Terms of Reference

To exercise the powers and duties of the Council where there is a right to make representations about, or appeal against, decisions made by or on behalf of the Council in relation to any of its functions, not delegated elsewhere within this constitution, including but not limited to:

- 8.1.1 Appeals by employees under their conditions of service or otherwise;
- 8.1.2 Appeals by people pursuant to any statutory provision;
- 8.1.3 appeals in connection with the provision of school or college transport;
- 8.1.4 representations made in connection with a decision to remove a governor from a governing body to which he/she was appointed by the Council.

9. The Health and Wellbeing Board

Appointed by:	The Council under Section 194 of the Health and Social Care Act 2012
No of Members:	At least 1 member of the Council and others prescribed in Section 194 of the Act.
Chairman and Vice-Chairman appointed by:	The Council
Quorum:	At least 50% of the membership of the Board
Frequency	Quarterly or as determined necessary by the Board
Venue	Prory House or as otherwise agreed by the Board
Co-opted Members:	The Board may co-opt additional persons to be members of the Board as it thinks appropriate.
Code:	Health and Social Care Act 2012

9.1 Terms of Reference

Statement of Purpose

- 9.1.1 The Health and Wellbeing Board exists to provide strategic leadership and to promote integration across health, adult social care, children's services, safeguarding and the wider local authority to secure high quality and equitable health and wellbeing outcomes for the population of Central Bedfordshire.

The Board has the following functions:

- 9.1.2 The Board must provide such advice, assistance or other support as it thinks appropriate for the business of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006;

- 9.1.3 The Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Board;
- 9.1.4 The Board may encourage persons who arrange for the provision of any health or social services in its area and persons who arrange for the provision of any health-related services in its area to work together;
- 9.1.5 The Board shall exercise the functions of the Council and its partner commissioning groups under sections 116 (the preparation of a joint strategic needs assessment of relevant needs) and 116A (the preparation of a joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007;
- 9.1.6 The Board shall ensure a joint strategic approach to commissioning and that commissioning decisions reflect local priorities and targets and deliver national and locally agreed outcomes;
- 9.1.7 The Board will seek to improve democratic accountability for the delivery of health care and health improvement outcomes for Central Bedfordshire residents;
- 9.1.8 The Board will seek to secure a strengthened patient voice through greater patient involvement and will ensure that health and social services are responsive to the needs of the local population;
- 9.1.9 The Board will maintain an overview of major service redesign impacting on Central Bedfordshire residents and make recommendations to enable improved and integrated care delivery;
- 9.1.10 The Board will have oversight of the health and care economy in Central Bedfordshire.

9.2 Membership

Core Statutory membership

- 9.2.1 The Health and Social Care Act 2012 prescribes the core statutory membership of the Board as follows:
- The Leader of the Council/and or at least one member of the Council nominated by the Leader;
 - The Council's Director of Adult Social Services;

- The Council's Director of Children's Services;
- The Council's Director of Public Health;
- A representative of the Local Healthwatch organisation for the area;
- A representative of each relevant clinical commissioning group.

Other Members

- 9.2.2 The Council and the Health and Wellbeing Board may each appoint such additional persons to be members of the Board as they think appropriate.
- 9.2.3 On the advice of the Health and Wellbeing Board the Council has made the following arrangements
- 3 representatives to be appointed from the Bedfordshire Clinical Commissioning Group (voting members)
 - 1 representative from the Commissioning Board Area for Hertfordshire and South Midlands (voting member)
 - The Community Services Director, Central Bedfordshire Council (non-voting observer).

Offices of the Chairman and Vice-Chairman

- 9.2.4 The Chairman shall be a member of Central Bedfordshire Council.
- 9.2.5 The Vice-Chairman shall be from the health sector.

Limitation of Powers

- 9.3 Save as provided by statute or in respect of functions specifically reserved to the Council, the Board has full delegated power to exercise the functions listed in sections 9.1 and 9.2 above on behalf of the Council.

Annex A

Development Management Committee

Delegated Functions

The Development Management Committee is authorised to undertake the following functions on the Council's behalf:

A Functions relating to town and country planning and development control

1. Power to determine applications for planning permission
2. Power to determine applications to develop land without compliance with conditions previously attached
3. Power to grant planning permission for development already carried out
4. Power to decline to determine applications for planning permission
5. Duties relating to the making of determinations of planning applications
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
8. Power to enter into agreements regulating the development or use of land
9. Power to issue a certificate of existing or proposed lawful use or development
10. Power to serve a completion notice
11. Power to grant consent for display of advertisements
12. Power to authorise entry onto land
13. Power to require the discontinuance of the use of land
14. Power to serve a planning contravention notice, breach of condition notice or stop notice

15. Power to issue a temporary stop notice
16. Power to issue an enforcement notice
17. Power to apply for an injunction restraining a breach of planning control
18. Power to determine applications for hazardous substances consent, and related powers
19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject
20. Power to require proper maintenance of land
21. Power to determine applications for listed building consent and related powers
22. Power to determine applications for conservation area consent
23. Duties relating to applications for listed building consent and conservation area consent
24. Power to serve a building preservation notice and related powers
25. Power to issue enforcement notice in relation to demolition of listed building in conservation area
26. Powers to acquire a listed building in need of repair and serve a repairs notice
27. Power to apply for an injunction in relation to a listed building
28. Power to execute urgent works

B Functions in relation to the registration of commons, town and village greens

1. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to
 - (a) an exchange of lands affected by an order under s.19 (3 of, or paragraph 6 (4) of Schedule 3 to the Acquisition of Land Act 1981.

(b) an order under s.147 of the Inclosure Act 1845.

2. Power to register variation of rights of common
3. Power to apply for an enforcement order against unlawful works on registered common land
4. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference
5. Power to institute proceedings for offences in respect of unclaimed land

C Functions in relation to highways and public rights of way

1. Power to create footpath or bridleway by agreement
2. Power to create footpaths and bridleways
3. Duty to keep a register of information with respect to maps, statements and declarations
4. Power to stop up footpaths and bridleways
5. Power to determine applications for public path extinguishment order
6. Power to make a rail crossing extinguishment order
7. Power to make a special extinguishment order
8. Power to divert footpaths and bridleways
9. Power to make a public path diversion order
10. Power to make a rail crossing diversion order
11. Power to make a special diversion order
12. Power to require applicant for order to enter into agreement
13. Power to make a Site of Special Scientific Interest (SSSI) diversion order
14. Duty to keep a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980
15. Power to decline to determine certain applications

16. Duty to assert and protect the rights of the public to use and enjoyment of highways
17. Duty to serve notice of proposed action in relation to obstruction
18. Power to apply for variation of order under section 130B of the Highways Act 1980
19. Power to authorise temporary disturbance of surface of footpath or bridleway
20. Power to temporarily divert footpath or bridleway
21. Functions relating to the making good of damage and the removal of obstructions
22. Powers relating to the removal of things so deposited on highways as to be a nuisance
23. Power to extinguish certain public rights of way
24. Duty to keep definitive map and statement under review
25. Power to include modifications in other orders
26. Duty to keep a register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981
27. Duty to reclassify roads used as public paths
28. Power to prepare map and statement by way of consolidation of definitive map and statement
29. Power to designate footpath as cycle tracks
30. Power to extinguish public right of way over land acquired for clearance
31. Power to authorise stopping up or diversion of highway
32. Power to authorise stopping-up or diversion of footpath or bridleway
33. Power to extinguish public rights of way over land held for planning purposes

34. Power to enter into agreements with respect to means of access
35. Power to provide access in absence of agreement
36. Power to permit deposit of builder's skip on highway
37. Power to license planting, retention and maintenance of trees etc in part of highway
38. Power to authorise erection of stiles etc on footpaths or bridleways
39. Power to license works in relation to buildings etc which obstruct the highway
40. Power to consent to temporary deposits or excavations in streets
41. Power to dispense with obligation to erect hoarding or fence
42. Power to restrict the placing of rails, beams etc over highways
43. Power to consent to construction of cellars etc under street
44. Power to consent to the making of openings into cellars etc under streets and pavement lights and ventilators
45. Power to grant permission for provision, etc of services, amenities, recreation facilities on highway and related powers
46. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980

D Functions in relation to trees and hedgerows and other miscellaneous functions

1. Power to make limestone pavement order
2. Powers relating to the protection of important hedgerows
3. Powers relating to the preservation of trees
4. Powers relating to complaints about high hedges

Annex B

Licensing Committee

Delegated Functions

The Licensing Committee is authorised to undertake the following functions on the Council's behalf:

A Licensing Act 2003

1. Functions relating to licensing under Sections 5 to 8 of the Licensing Act 2003

B Gambling Act 2005

1. Duty to comply with requirement to provide information to Gambling Commission
2. Functions relating to the exchange of information
3. Functions relating to occasional use notices
4. Power to designation officer of the Licensing Authority as an authorised person for a purpose relating to premises
5. Power to make an order disapplying Section 279 or 282 (1) of the 2005 Act in relation to specified premises
6. Power to institute criminal proceedings
7. Power to exchange information
8. To make recommendations to Council on functions relating to the determination of fees for premises licences, within the parameters set out in The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479), as part of the annual budget-setting process
9. Functions relating to the registration and regulation of small society lotteries

C Regulations Matters

1. Power to issue licences authorising the use of land as a caravan site ("site licences")
2. Power to license the use of moveable dwellings and camping sites

3. Power to license hackney carriages and private hire vehicles
4. Power to license drivers of hackney carriages and private hire vehicles
5. Power to license operators of hackney carriages and private hire vehicles
6. Power to license sex shops and sex cinemas
7. Power to license sexual entertainment venues
8. Power to license performances of hypnotism
9. Power to license premises and persons for acupuncture, tattooing, ear piercing and electrolysis
10. Power to license pleasure boats and pleasure vessels
11. Power to license market and street trading
12. Duty to keep list of persons entitled to sell non-medicinal poisons
13. Power to register and license premises for the preparation of food
14. Power to license scrap yards
15. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds
16. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds
17. Power to issue fire certificates
18. Power to license premises for the breeding of dogs
19. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
20. Power to register animal trainers and exhibitors
21. Power to license zoos
22. Power to license keepers of dangerous wild animals

23. Power to licence the employment of children
24. Power to approve premises for the solemnisation of marriages
25. Power to license persons to collect for charitable and other causes
26. Power to grant consent for the operation of a loudspeaker
27. Power to license agencies for the supply of nurses.
28. Power to issue licences for the movement of pigs.
29. Power to license the sale of pigs.
30. Power to license collecting centres for the movement of pigs.
31. Power to issue a licence to move cattle from a market.
32. Power to sanction use of parts of buildings for storage of celluloid
33. Power to approve meat product premises
34. Power to approve premises for the production of minced meat or meat preparations
35. Power to approve dairy establishments
36. Power to approve egg product establishments
37. Power to issue licences to retain butchers' shops carrying out commercial operations in relation to commercial operations in relation to unwrapped raw meat and selling or supplying both raw **meet** and ready-to-eat foods.
38. Power to approve fish products premises.
39. Power to approve dispatch or purification centres.
40. Power to register auction and wholesale markets
41. Duty to keep register of food business premises
42. Power to register food business premises
43. Power to register motor salvage operators
44. Power to enforce offences relating to the display of no-smoking signs.

45. Power to enforce offences relating to smoking in smoke-free places and functions relating to fixed penalty notices.
46. Power to enforce offence of failing to prevent smoking in smoke-free places
47. Power to transfer enforcement functions to another enforcement authority

Annex C

Licensing Sub-Committee

Delegated Functions

The Licensing Sub-Committee is authorised to undertake the following functions on the Council's behalf:

1. Determination of application for personal licence where objection notice submitted by Police
2. Determination of applications for renewal of personal licence where objection notice submitted by Police
3. Revocation of a personal licence
4. Determination of applications for premises licence where relevant representations received
5. Determination of application for provisional statement where relevant representations received
6. Determination of application to vary premises licence where relevant representations received
7. Determination of application to vary premises licence in relation to premises supervisor where relevant representations received
8. Determination of application to transfer premises licence where relevant representations received
9. Cancellation of interim authority notice where objection submitted by Police
10. Determination of application for review of premises licence
11. Determination of review of premises licence following closure order where relevant representations received
12. Determination of application for club premises certificate where relevant representations received
13. Determination of application to vary club premises certificate where relevant representations received
14. Determination of application for review of club premises certificate
15. Withdrawal of club premises certificate

16. Issue of counter notice to temporary events notice where objection notice submitted by Police
17. Decision to object when Licensing Authority is not the relevant Authority considering the application
18. Determination of any application falling within the terms of reference of this Sub-Committee, as set out above, submitted by the Authority itself.

Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

30 October 2018

Report on the Arrangements for Ethical Standards

Advising Officer: Stephen Rix, interim Monitoring Officer

Stephen.rix@centralbedfordshire.gov.uk

Purpose of this report

1. To provide the Committee with a summary of the Council's ethical governance arrangements since March 2018.

RECOMMENDATION

The Committee is asked to 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 2018..

Overview and Scrutiny Comments/Recommendations

2. This Report is an update on ethical standards to the General Purposes Committee. As the General Purposes Committee has responsibility for exercising the Council's functions in relation to ethical standards no comments or recommendations have been sought from OSC.

Introduction

3. 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 includes complaints relating to Town and Parish Council (T&PCs) councillors.
4. 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.

5. 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

6. 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 T&PC 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.
7. In practice, the Code appears 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 Monitoring Officer and 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.
8. The Government's Committee on Standards in Public Life is currently reviewing local government ethical standards with its consultation phase closing in May 2018. The Committee will be publishing its report by the end of 2018. <https://www.gov.uk/government/collections/local-government-ethical-standards>. The March 2019 report to this committee will provide an update on this.

The Register of Interests

9. 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.
10. 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.
11. 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.

12. All Council members have disclosed their pecuniary interests.
13. Since February 2018 there has been an on-line facility for T&PC councillors to update their Register of Member's Interests and this has now been rolled out to include this Council's members. All councillors in Central Bedfordshire can now electronically update their interests on-line without the need for a hardcopy form to be completed.
14. Under the Act, the Monitoring Officer is 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.
15. The up to date figures for notification of Town and Parish Councillors interests is attached as Appendix C. Occasionally hardcopy forms are still received and when this occurs the Monitoring Officer contacts the Clerk of the T&PC and requests they arrange for the councillor to submit their interest via the on-line facility on CBC's website.

Independent Persons

16. 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.
17. 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.
18. 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 provides greater resilience in the event of unavailability, conflict and also for peaks of complaints as well as a greater breadth of experience.

Complaints

19. A copy of the procedure that the Council has adopted for handling complaints is attached at Appendix A.

20. 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 interim Deputy Monitoring Officer who is a lawyer employed by LGSS Law. During the past 6 months no cases have been formally investigated.
21. For the period March 2018 to October 2018 the Monitoring Officer has received 5 new formal complaints and 2 which were re-opened in June following receipt of additional evidence. No complaints were carried over from February 2018.
22. The complaints comprised, 4 complaints in respect of 3 Town or Parish Councils, one complaint in respect of a CBC councillor and two complaints re-opened in respect of one CBC councillor. Of the complaints against CBC Members one was concluded with no further action due to there being no breach of the code; and the two complaints that were re-opened in June are on-going. Appendix B shows the cumulative totals of complaints received for the past two years.

Training

23. Since August 2014 there has been ongoing liaison with the T&PC 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 formal complaints. The Monitoring Officer is contacted on a frequent basis by members of the public and T&PC councillors for advice and guidance on possible breaches of the Code or on general governance/ethical issues within T&PCs. It is hoped that this informal advice and guidance will continue to reduce the number of formal complaints being received in respect of T&PCs.
24. T&PCs are still encouraged to deal with minor matters at a local level and guidance on ethical matters continues to be provided to both Councillors and Clerks with specific training being provided in January 2018 to Council Members.

Publication of Decisions

25. In accordance with the decision of this committee in March 2018 decision notices are being published on the website. Those decisions that are for no further action are published with the names anonymised. To date three decision notices have been published on the website.

Arrangements for the Future

26. The Monitoring Officer retains statutory responsibility for dealing with Code of Conduct complaints and deals with the day to day work relating to Code of Conduct and ethics issues. There appears to have been no change in the level of contact from T&PC's. However all recent informal complaints/requests for advice in respect of T&PCs have not resulted in formal complaints. This will be monitored for trends as well as preventative measures. Work to encourage best practice for T&PCs continues as and when an issue arises with a T&PC.
27. Monitoring and statistics for Code of Conduct complaints will continue to be provided.

Council Priorities

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

Corporate Implications

Risk Management

29. 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)

30. 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

31. 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

32. There are no specific financial implications.

Equalities Implications

33. 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

34. The next report to Committee will include an update on the Government's Committee on Standards in Public Life review of local government ethical standards.

Appendices

The following Appendices are attached:

Appendix A – Part 5B of Constitution – Arrangements for dealing with Standards Allegations under the Localism Act 2011

Appendix B – Previous 2 years cumulative totals of Councillor Code of Conduct Complaints

Appendix C – Figures for notification of Members Interests

Appendix A

**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.

Appendix B

Councillor Code of Conduct Complaints Cumulative Summary

Month	Cases Opened in Month	Cases closed in Month	Number of active cases at end of Month
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
October 17	1	2	2
November 17	1	2	1
December 17	0	0	1
January 18	2	1	2
February 18	0	2	0
March 18	4	0	4
April 18	0	0	4
May 18	1	2	3
June 18	2 re-opened	2	3
July 18	0	0	3
August 18	0	0	3

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Appendix C

General Purposes Committee 30 October 2018

Figures for notifications of Town and Parish Councillors Interests

As at 11 September 2018:

- There are 710 Town and Parish Councillor positions
- CBC are aware of 2 current vacancies
- 633 completed register of interest forms have been received by the Monitoring Officer
- 625 forms have been published.
- This represents a return of 89% of completed forms.

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

30 October 2018

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

Advising Officer: Stephen Rix, Senior Responsible Officer and interim Monitoring Officer

stephen.rix@centralbedfordshire.gov.uk

Purpose of this report

1. 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).

RECOMMENDATION

The Committee is asked to 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

2. 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.
3. 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 2018, General Data Protection Regulations 2018 or the Human Rights Act 1998.
4. Independent oversight and inspection of the use of RIPA by public bodies is carried out by the Investigatory Powers Commissioner's Office (ICPO).
5. The last inspection by ICPO was carried out on 8 August 2017 and the committee received an update on the inspection at its October 2017 meeting. The Surveillance Commissioner confirmed that the next

inspection will be scheduled for 2020. It is anticipated that the ICPO will honour this date.

Current Position

6. The SRO has made minor updates to the RIPA Policy and Procedure Guide so it is up to date with current post holder's names and job titles and to reflect the new Data Protection Act 2018. The current version of the Guide is attached as Appendix A.
7. The SRO and new RIPA Co-ordinators received training on RIPA in August 2018 from a specialist external training provider.

Annual Report on the use of RIPA

8. 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.
9. 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 SRO who will arrange for it to be checked. An application is then made to the Magistrates Court who will either allow the surveillance or will reject the application.
10. One application for covert surveillance under RIPA was made in July 2018. The summary is detailed in Appendix B attached.

Council Priorities

11. 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

12. 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)

13. There are no specific staffing issues arising from this report.

Legal Implications

14. All public 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 2018.
15. 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

16. There are no direct financial implications arising from this report.

Equalities Implications

17. 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

18. The committee is asked to note the RIPA surveillance applications summary.

Appendices

Appendix A - RIPA Policy and Procedure Guide

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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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

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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.

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4.8. The Council is subject to audit and inspection by the Investigatory Powers Commissioner's Office (IPCO), 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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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

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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. 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.

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 must only be used when necessary and proportionate to meet the objectives of a specific case.

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 a CHIS authorisation 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

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publish personal information to the world. 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.

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:

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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 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

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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 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

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- 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 Investigatory Powers Commissioner's Office 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](#). The [individual forms are available on the intranet](#). You must only use the 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

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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).

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

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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
- 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.

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- 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:
 - 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.

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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 here on the intranet](#).

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 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

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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 [found here on the intranet](#) 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. Stephen Rix, CBC Interim Monitoring Officer, 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 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.

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- 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 2018 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 2018 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.
- 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

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- 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	Director of Resources	Priory House
Gary Muskett	Head of Revenues	Watling House
Su Childerhouse	Assistant Director (Public Protection & Transport)	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.

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The form also requires the Authorising Officer to consider when the authorisation must be reviewed.

Senior Responsible Officer (SRO)

NAME	DESIGNATION	LOCATION
Stephen Rix	Interim Monitoring Officer	Priory House

Stephen Rix, 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.

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

RIPA Co-Ordinators

NAME	DESIGNATION	LOCATION
Richard McAdam	CBC interim Deputy Monitoring Officer / Lawyer LGSS	Priory House
Rochelle White	Lawyer LGSS	Priory House

The RIPA 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.

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DOCUMENT VERSION CONTROL

Accountable Director	Chief Executive
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Approved By (Title)	Senior Responsible Officer
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Issue Date	August 2018
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Person Responsible for Review (Title)	SRO / RIPA Co-Ordinator
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Publish to Web (Y/N)	Yes
Circulation	All

Pursuant to paragraph 4.2.73.1 of Part 3E 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:



Stephen Rix
Interim Monitoring Officer

Appendix B

Summary of RIPA Surveillance Applications since October 2017

Date of authorisation/ judicial approval	Department Requesting	Type of Surveillance	Offence	Summary of investigation	Date of cancellation of Surveillance
11.07.2018/ 12.07.2018	Public Protection & Transport	Directed	Fraud	Surveillance to ascertain whether there was misuse of home to school transport and not running a route in line with the contract.	24.07.2018

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Central Bedfordshire Council

General Purposes Committee

30 October 2018

Election of Parent Governor Co-opted representatives for the Children's Services Overview and Scrutiny Committee

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

Purpose of this report

This report proposes an amendment to the Constitution to allow the appointment of parent governor representatives from academies in Central Bedfordshire to the Children's Services Overview and Scrutiny Committee from May 2019 onwards.

RECOMMENDATIONS

The Committee is asked to approve the proposed amendments to Part 3C of the Constitution.

Background

1. The Parent Governor Representatives (England) Regulations 2001 require all Councils to elect between two and five parent governor representatives of schools maintained by the authority to sit on the relevant Overview and Scrutiny Committee.
2. In Central Bedfordshire the relevant committee is the Children's Services Overview and Scrutiny Committee, which at present has three parent governor representatives who are elected to serve a four-year term of office. The current term of office ends in May 2019.
3. In order to qualify to be a co-opted Member a person must satisfy the following criteria at the point that they are elected: -
 - a. a parent governor at a maintained school which is maintained by the local education authority;
 - b. the parent of a registered pupil who is educated at a maintained school which is maintained by the local education authority, or who is educated by the authority otherwise than at a school;
4. Should a school become an academy during the four-year term of office of a representative that does mean they are disqualified from office immediately but it does mean they could not seek re-election at the start of a new four-year cycle under the current arrangements.

5. Whilst the regulations relate solely to maintained schools they were enacted at a time before the number of academies in England and Wales was on the increase. The number of academies in Central Bedfordshire has now risen to the level where academies make up approximately 40% of the total schools in Central Bedfordshire.

Options for consideration

6. Due to the increasing number of academies in Central Bedfordshire it is proposed that the Constitution be amended to permit the appointment of one additional parent governor representative from the academy schools in Central Bedfordshire. This representative would have equal voting rights with the other co-opted representatives, ie. they would be able to vote on education matters, but not on other matters, although they may stay in the meeting and speak on any matter.
7. So as not to impact on the proportionality of the Committee or to further increase the total number of Members and co-opted Members it is proposed that the number of co-opted representatives of maintained schools be reduced to two.
8. The quorum of the Committee will be unaffected, it will remain as four Councillors and two co-opted representatives (either parent governors or diocesan representatives) whenever considering education matters and three Councillors at all other times.

Reason for decision

9. Due to the increase in the number of academies in Central Bedfordshire these proposals are aimed at enhancing the representation of the spectrum of schools in Central Bedfordshire.

Council Priorities

10. These proposals are aimed at the Council priorities of improving education and skills and supporting a more efficient and responsive Council.

Corporate Implications

Legal Implications

11. Legal comments are included in the report.

Financial and Risk Implications

12. There are no financial implications as a result of these proposals. Parent Governor representatives are paid an allowance as set out in the Members Allowances Scheme. Should Members decide to increase the total of number of parent governor co-opted representatives this will incur an additional cost of up to approximately £1,200 per co-optee.

Equalities Implications

13. These proposals will enhance the representation of academies in Central Bedfordshire. As such it is suggested that this decision will contribute positively to enhancing the engagement from a wider spectrum of the education sector in the area.

Conclusion and next Steps

14. Subject to the approval of General Purposes these proposals would require the agreement of Council. If agreed they would be enacted from May 2019 following the election of representatives to the Committee.

Appendices

Appendix A: Revised Part 3C of the Constitution

Background Papers

None

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Appendix A

PART 3C - OVERVIEW AND SCRUTINY ARRANGEMENTS AND TERMS OF REFERENCE

1. Terms of Reference of Overview and Scrutiny Committees

- 1.1 The committees below will discharge, in respect of the matters shown in their terms of reference below, the functions conferred by Section 21 of the Local Government Act 2000 as amended by Section 7 of the Health and Social Care Act 2001; by Section 19 of the Police and Justice Act 2006; by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007; and by any subsequent legislation.

Name of Committee	Terms of Reference
Corporate Resources Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation; communications; customer service, corporate complaints and community engagement; policy, partnerships and performance, Community Strategy and corporate planning; corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal service; governance services; property and asset management; and any other matters pertaining to the work of the Committee as felt appropriate by the Overview and Scrutiny Coordination Panel.
Children's Services Overview and Scrutiny Committee	Policy development and review and scrutiny of children's services including children's specialist services; learning and school support; development and commissioning; integrated services (Children's Trust, youth support and extended schools); and any other matters pertaining to the work of the Committee as felt appropriate by the Overview and Scrutiny Coordination Panel.
Social Care, Health and Housing Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; public health; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters pertaining to the work of the Committee as felt appropriate by the Overview and Scrutiny Coordination Panel.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>

Sustainable Communities Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of strategic planning, neighbourhood planning, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; leisure, culture and libraries; and adult and community learning; and any other matters pertaining to the work of the Committee as felt appropriate by the Overview and Scrutiny Coordination Panel.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>
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2. General Role

- 2.1 Within their terms of reference the overview and scrutiny committees, which all have equal status, will:-
 - 2.1.1 Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - 2.1.2 Make reports and recommendations to the Executive and/or full Council and/or any committee in connection with the discharge of any functions;
 - 2.1.3 Consider any matter affecting the area of Central Bedfordshire or its inhabitants and make reports and recommendations;
 - 2.1.4 In accordance with the procedures for call-in, exercise the right to call-in for reconsideration decisions falling within their remit which have been made but not yet implemented by the Executive or on behalf of the Executive; and
 - 2.1.5 Undertake reviews aiming to improve the efficient and effective delivery of services to local people.

3. Specific Functions

Policy development and review

- 3.1 Within their terms of reference the overview and scrutiny committees will:-

- 3.1.1 Assist the Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues or proposed projects;
- 3.1.2 Conduct research, community and other consultation in the analysis of policy issues or proposed projects and possible options;
- 3.1.3 Consider and implement mechanisms to encourage and enhance community participation in the development of policy or project options;
- 3.1.4 Question members of the Executive, committees and senior officers of the Council, and representatives of other public, business or voluntary/community sector bodies, about their views on issues and proposals affecting the area; and
- 3.1.5 Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny

- 3.2 Within their terms of reference the overview and scrutiny committees will:-
 - 3.2.1 Review and scrutinise the decisions made by, and the performance of, the Executive, committees, and council officers, both in relation to individual decisions and over time;
 - 3.2.2 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - 3.2.3 Question members of the Executive, committees, chief officers and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - 3.2.4 Make reports and recommendations to the full Council and/or the Executive and/or any committee arising from the outcome of the scrutiny process;
 - 3.2.5 Review and scrutinise the performance of other public bodies in the area, in pursuance of the powers outlined in the Local Government and Public Involvement in Health Act 2007, having regard to any government regulations and guidance that may be issued;
 - 3.2.6 Question, call for and gather evidence from any person or organisation (with their consent); and

- 3.2.7 Review and scrutinise the adequacy of the response of the Council, or Executive, or committee to a petition following a request for such a review by the lead petitioner (under the provisions of the Council's Petition Scheme within Part 4G of the Constitution).

Councillor Call for Action

- 3.3 Within their terms of reference the overview and scrutiny committees will also consider Councillor Calls for Action, in accordance with the relevant best practice guidance jointly issued by the Centre for Public Scrutiny and the Improvement & Development Agency.

4. Membership, Substitutes and Quorum

- 4.1 The membership and quorum of the overview and scrutiny committees shall be:
- 4.1.1 **Corporate Resources:** 9 councillors with 5 substitutes (quorum is 3);
- 4.1.2 **Children's Services:** 10 councillors with 5 substitutes, plus 5 co-opted members composed of 3 parent governors, **one of whom will represent an academy**, and 2 diocesan representatives (1 from the Church of England and 1 from the Roman Catholic church).
- 4.1.3 The quorum shall be 4 councillors and 2 co-opted members (either parent governors or diocesan representatives) whenever considering education matters, and 3 councillors at all other times.
- 4.1.4 The co-opted members shall have a vote on education matters but not on other matters, although they may stay in the meeting and speak on any matter.
- 4.1.5 A parent governor co-opted member shall:
- serve a 4-year term of office starting from June 2011 and thereafter from May 2015 (unless he/she ceases to be a parent governor in which case a replacement shall be elected to serve out the remainder of the term of office)
 - be able to serve on the Committee for more than one consecutive 4-year period subject to re-election
 - cease to be qualified to hold office as a parent governor co-opted member if he/she fails to attend meetings of the Committee for a continuous period of 6 months, starting with the date of a meeting.
- 4.1.6 **Social Care, Health and Housing:** 9 councillors with 5 substitutes (quorum is 3);

4.1.7 Representatives of the Local Healthwatch will be invited to attend meetings of the Committee as observers.

4.1.8 **Sustainable Communities:** 9 councillors with 5 substitutes (quorum is 3).

4.2 Subject to paragraph 4.3 below, all councillors except members of the Executive may be members of an overview and scrutiny committee. However no Member may be involved in scrutinising a decision in which he/she has been directly involved (see also the Council's Code of Conduct for Members in Part 5A of the constitution).

4.3 Any Member who is appointed to assist an Executive Member in the management of their portfolio (known as "Deputy Executive Member") may not be a member of an overview and scrutiny committee if its terms of reference cover any portfolio(s) which the Deputy Executive Member supports.

4.4 An overview and scrutiny committee may at any time recommend to Council the appointment of non-voting co-optees. The decision to appoint will rest with Council.

4.5 The chairmen and vice-chairmen of the overview and scrutiny committees shall be appointed at the annual Council meeting.

5. Joint Health Overview and Scrutiny Committees

5.1 Members of the Social Care, Health and Housing Overview and Scrutiny Committee may be appointed from time to time to serve on any joint overview and scrutiny committee that may be established with neighbouring authorities to scrutinise health matters under the provisions of Sections 7 and 8 of the Health and Social Care Act 2001 and subsequent regulations.

5.2 Such appointments will normally be made by the Monitoring Officer, in consultation with the Social Care, Health and Housing Overview and Scrutiny Committee Chairman and Vice-Chairman, subject to the proportionality rules.

5.3 The Member(s) so appointed shall report on the joint committee's proceedings at suitable intervals to the Social Care, Health and Housing Overview and Scrutiny Committee.

6. Overview and Scrutiny Co-ordination Panel

6.1 The Overview and Scrutiny Co-ordination Panel will comprise the chairman and vice-chairman of each of the overview and scrutiny committees. It is not a formal committee and will not exercise any of the functions described in paragraphs 2 and 3 above, but will:

- 6.1.1 Coordinate the work of the overview and scrutiny committees, particularly where topics for scrutiny or review cut across the terms of reference of two or more committees, including health matters that affect adults and children;
- 6.1.2 Report annually to full Council on the workings of the overview and scrutiny function and make recommendations for future work programmes and amended working methods if appropriate;
- 6.1.3 Exercise overall responsibility for the work programme of the officers who are employed to support the work of the overview and scrutiny function.

7. Task Forces and Other Informal Working

- 7.1 An overview and scrutiny committee may at any time appoint a task force (either a standing task force or a time-limited task and finish group) to conduct an in-depth investigation into any matter within its terms of reference. It may also appoint members at any time to a joint task force with other committees of the council, other local authorities or other public bodies.
- 7.2 Task forces need not be proportionate and their membership shall be appointed from any non-executive councillors who express a general interest in the matter to be reviewed.
- 7.3 As task forces operate on an informal basis and are not formal committees, they will have no powers other than to investigate and report on their findings to the parent committee.
- 7.4 An overview and scrutiny committee may appoint any of its members to work informally with other bodies or authorities, particularly in relation to external or cross-authority scrutiny matters, where this will contribute to the committee's functions.

8. Proceedings of Overview and Scrutiny Committees

- 8.1 Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4D of the Constitution.

Central Bedfordshire Council

General Purposes Committee

30 October 2018

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

This report sets out the changes which have been made to the Constitution during the period July to September 2018.

RECOMMENDATION

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

Overview and Scrutiny Comments/Recommendations

Background

1. 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.
2. A schedule of the amendments which have been made by the Monitoring Officer under their delegated powers, since the last report to the Committee, is appended for the Committee to note.

Council Priorities

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

Legal Implications

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

Financial and Risk Implications

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

Equalities Implications

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

Conclusion and next Steps

7. 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

jonathon.partridge@centralbedfordshire.gov.uk

**Amendments to the Constitution
For the period: July 2018 – Sept 2018**

Section of the Constitution	Proposed Change	Reason	Date approved by Monitoring Officer
Part 4A – Full Council Procedure Rules	Changes to sections: 4.2.1.14, 14.4 & 18.1.6	Changing the wording from 'Bedfordshire Police Authority' to 'Bedfordshire Police and Crime Panel'.	6/7/18
Part 3E – Scheme of Delegations to Directors and other Officers	Paragraph 4.4.37.6 of Part 3E (page 46 of Part 3E) states: "Stop Notice under Section 172 of the Town and Country Planning Act 1990." This is the wrong section number.	Amend to: "Stop Notice under Section 183 of the Town and Country Planning Act 1990	14/8/18
Part 4J – Code of Procurement Governance	Removal of footnote – page 3:- Delete - "Footnote: As at 1 January 2014 the EU thresholds are £172,514 for goods/services and £4,332,012 for works."	Delete footnote as now out of date	14/8/18

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

30 October 2018

Work Programme

Advising Officer: Celina Jagusz, Committee Services Officer
(celina.jagusz@centralbedfordshire.gov.uk)

Purpose of this report

1. 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 General Purposes Committee considers the proposed work programme attached at Appendix A.

Overview and Scrutiny Comments/Recommendations

2. 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

3. 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.
4. Additional items will be identified as the municipal year progresses. The work programme is therefore subject to change.

Council Priorities

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

Corporate Implications

Legal Implications

6. There are no legal implications.

Financial and Risk Implications

7. There are no financial and risk implications.

Equalities Implications

8. 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.
9. 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

10. 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

General Purposes Committee Work Programme

2018/19 Municipal Year	
30 October 2018 (rescheduled from 25 October)	<ul style="list-style-type: none"> • Report on the Arrangements for Ethical Standards (Standards Complaints) (SR) • Proposed changes to the Constitution - Monitoring Officer function (SR) • Review of Urgent and Minor Updates to the Constitution (JP/SR) • Review of Policy and Procedure under the Regulation of Investigatory Powers Act 2000 (SR) • Election of Parent Governor Co-opted representatives for the Children's Services Overview and Scrutiny Committee (JP) • Work Programme (CJ)
13 December 2018	<ul style="list-style-type: none"> • Pay Policy Statement 2019/20 (VC) • Review of the Council's Outside Body Policy (Sarah Hughes) • Work Programme (CJ)
28 March 2019	<ul style="list-style-type: none"> • Gender Pay Gap Statement – 31 March 2019 (VC) • Report on the Arrangements for Ethical Standards (SR) • Work Programme (CJ)

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