

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 14 March 2019

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Thursday, 28 March 2019 10.00 a.m.

Venue at

Room 15, 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 13 December 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. **NJC Pay Spine Review Update**

This report provides an update on Central Bedfordshire Council's implementation of the National Joint Council (NJC) pay bargaining agreement for the pay deal effective 1 April 2019.

8. **Outside Bodies**

The purpose of this report is to present the updated Outside Bodies policy for approval and the list of Outside Bodies requiring appointment. Also presented is a list of Outside Bodies no longer requiring an appointment.

9. **Central Bedfordshire Council - Electoral Review**

The report proposes the establishment of a Member Working Group to consider and make recommendations to this Committee on the Electoral Review of Central Bedfordshire Council that is being conducted by the Local Government Boundary Committee for England.

10. **Protocol for Member/Officer Communication**

This report sets out the Council's proposed response to a recent survey of Members on their experience of raising queries with officers, requested at a previous meeting.

11. **Proposed changes to the Director of Children's Services Delegated Powers relating to Education and Maintained Schools**

This report proposes changes to the Director of Children's Services delegated powers in carrying out the functions of the Council relating to education and making prescribed alterations to schools, and the establishment and discontinuance of maintained schools.

12. **Report on the Arrangements for Ethical Standards**

To provide the Committee with a summary of the Council's ethical governance arrangements since October 2018 and to comment and give direction on those areas of best practice contained in the Government's Committee on Standards in Public Life.

13. **Work Programme**

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

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Thursday, 13 December 2018

PRESENT

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

Cllrs Mrs A L Dodwell
J G Jamieson
D J Lawrence
K C Matthews

Cllrs B J Spurr
R D Wenham
A Zerny

Apologies for Absence: Cllrs N Warren
S Watkins

Officers in Attendance: Mrs V Chapman – Assistant Director People
Mrs C Jagusz – Committee Services Officer
Mr S Rix – Interim Monitoring Officer

GPC/18/31. **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 30 October 2018 be confirmed and signed by the Chairman as a correct record.

GPC/18/32. **Members' Interests**

None.

GPC/18/33. **Chairman's Announcements and Communications**

There were no announcements or communications from the Chairman.

GPC/18/34. **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/18/35. **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

GPC/18/36. **Pay Policy Statement 2019/20**

The Committee considered a report which set out the details of the Pay Policy Statement 2019/20 for adoption by Council by 31 March 2019.

The Committee were asked to approve the Statement and recommend to full Council that the Pay Policy be adopted and published on the Council's website with effect from 1 April 2019.

Points and comments included:

- The Committee noted that there had been no significant changes or direct financial implications from this Pay Policy Statement.
- It was confirmed that the figures were retrospective and were based on April 2018 data for publication in April 2019.
- The figures for the Pay Multiples were correct with regards to the calculation used which takes into account pay and related earnings. All figures were verified.

RECOMMENDED to Council

1. **that the draft Pay Policy Statement 2019/20, as set out in Appendix A to the report, be approved; and**
2. **that, following approval and adoption, the Pay Policy Statement 2019/20 be published on the Council's website with effect from 1 April 2019.**

GPC/18/37. **Work Programme**

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

Points and comments included:

- The Proposal to update the Constitution with regards to the Planning Call-in Process had been delayed as the Monitoring Officer had received a revision to the whole scheme of planning delegations for the Director of Regeneration and not just the call-in process.
- The Committee noted that the call-in process amendment should not be delayed further and should be separated from any wider amendments to the Director of Regeneration's delegations.

- It was noted that the Committee were supportive of the changes to make the call-in process more accessible and that the Monitoring Officer would look into the possibility of making the amendment under delegated powers, as a minor amendment, if satisfied with the proposed wording. The Monitoring Officer will report back to the Committee if he makes the amendment under his delegated powers.
- It was suggested that a member/officer working party be set up to consider any wider proposed amendments to the Director of Regeneration's delegations and would comprise the following members: Cllrs Jamieson, Wenham, Matthews, Young, Collins and Zerny before a report is submitted to this Committee.
- A new item was proposed for the Work Programme with regards to Proposed Amendments to the Director of Children's Services Scheme of Delegations in regard to Schools. The Monitoring Officer will look into the proposed amendments and, if appropriate, bring a report to the next Committee.

RESOLVED

that the Work Programme be updated with a new item to be taken at a future meeting of the General Purposes Committee:

- **Proposed Amendments to Director of Children's Services Scheme of Delegations with regard to Schools.**

(Note: The meeting commenced at 10.04 a.m. and concluded at 10.18 a.m.)

Chairman

Dated

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Central Bedfordshire Council

General Purposes Committee

28 March 2019

NJC Pay Spine Review Update

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

Purpose of this report

This report provides an update on Central Bedfordshire Council's implementation of the National Joint Council (NJC) pay bargaining agreement for the pay deal effective 1st April 2019.

RECOMMENDATIONS

The Committee is asked to:

- 1. Note the content of this report due to the significant changes to the NJC pay spine structure in the next financial year.**

Background

Pay Negotiations

1. This pay deal is as a result of particularly lengthy negotiations between national employer and union representatives and has proven to be the most challenging negotiation since the Single Status agreement in the 1990's.
2. The National Living Wage (NLW) was introduced in the July 2015 Budget. This set a target level to reach 60% of median hourly earnings by 2020. At the time of the announcement, the forecast for 2020 was £9.35 per hour. The November 2017 Office of Budgetary Responsibility forecast was £8.56, so the target NLW has been changing.
3. At the time of the Chancellor's statement in 2015 the minimum hourly rate on the 'Green Book' NJC pay spine was £7.00, requiring therefore an increase of approximately £2 per hour to our lowest paid employees within a five year period. By way of context, the increase in the bottom rate from £5.00 to £7.00 had taken thirteen years to achieve (2002 – 2015).

4. This led to a period whereby the nationally negotiated pay awards applied to the NJC 'Green Book' were 'bottom loaded' with higher percentage increases to the lower scale points compared to the higher scale points. This created a little headroom to allow for increases to the NLW within the pay spine but had a knock on impact on pay differentials between the lowest scale points.
5. The 2016-18 pay deal included a commitment for the NJC to review its pay spine to address some of the knock on challenges as well as preparing to meet the forthcoming obligations relating to NLW.
6. A working party was formed to undertake a technical review of the pay spine, but it was recognised that to achieve alignment with the NLW and re-set differentials, this would lead to an increase of costs at a time when Council budgets were already being challenged nationally.
7. The ballots by the unions proved to be equally contentious. Unite rejected the pay award offer whilst GMB and Unison balloted their members. GMB overwhelmingly voted to accept the offer, with Unison membership narrowly voting to reject. Unison re-balloted at branch level, finally accepting the deal based on 8 out of 11 regions voting positively. In March 2018, Unite finally accepted the collective majority decision to approve.
8. The agreement was a two-year deal consisting of a basic 2% pay award for April 2018 with bottom loading to address National Living Wage increases and a technical review of the pay spine for April 2019. Details of the changes to the new pay spine are as follows:
 - 8.1. A bottom rate of £9.00 per hour (£17,364) on new Spinal Column Point (SCP)1 (equivalent to old SCPs 6 & 7)
 - 8.2. 'Pairing off' old SCPs 6-17 incl. to create new SCPs 1-6 incl.
 - 8.3. Equal steps of 2.0% between each new SCPs 1 to 22 incl. (equivalent to old SCPs 6-28 incl.)
 - 8.4. By creating equal steps between these pay points, new SCPs 10, 13, 16, 18 and 21 are generated to which no old SCPs will assimilate. This means that the current number of pay points in a grade might change.
 - 8.5. On new SCP 23 and above (equivalent to old SCP 29 and above), 2.0% increase on the 2018 rate.
9. Not all Councils use the national pay spine as they may have local pay bargaining arrangements instead. Those that are still part of the national pay bargaining process will have applied the pay spine to their salary structure in different ways, for example, grading boundaries. Therefore, the LGA can only provide guidelines on how to adopt the proposed pay spine and it is a matter for each individual Council to agree its own implementation.
10. The only defined requirement is that all staff must receive a minimum of a 2% pay increase.

Schools

11. The pay award and revised pay spine applies to all employees engaged on NJC Conditions of Service, including support staff in Maintained Schools (Community, Voluntary Controlled, Voluntary Aided and Foundation Schools).
12. As a result of the School Workforce Reform and Single Status Agreement a number of years ago, the pay levels and bandings of school support staff are significantly different from the corporate pay structure. Therefore, they have been considered, consulted on and progressed separately with the relevant recognised Trade Unions alongside engagement with schools and the CBC Schools Finance Team due to the discreet implications on school budgets.

CBC Terms and Conditions

13. The proportion of CBC employees affected by the new pay spine is approximately 95%.
14. CBC are part of the pay bargaining process up to the current SCP49. At the time CBC was created through the unitary process, it was locally agreed with the recognised Trade Unions (TUs) that the spinal column points beyond the NJC pay spine of SCP50 and above were adopted from Bedfordshire County Council. The pay structure, such as grade boundaries, the number of points to a grade, etc. were applied slightly differently which was also locally agreed with the unions.
15. In 2010 the Council fully engaged with the TUs to deliver savings across the organisation, and a 2% pay cut to grade 8 and above (starting at SCP 26) was negotiated with effect from 2011. As a result, CBC has a hybrid pay spine which is based on the NJC. After legal advice, those posts funded through the Housing Revenue Account (HRA) were excluded from this reduction as there was no direct economic benefit to the Council in applying this reduction. The HRA pay spine therefore remains aligned to the national pay spine.

Implementation of the Pay Deal

16. The approach to implementing the new pay spine at CBC is based on the guidance in the following National Joint Council for Local Government Services Circulars:
 - 2018 and 2019 Pay scales and Allowances, dated 10th April 2018
 - New Pay Spine 1 April 2019, dated 14th June 2018
17. The Council has undertaken extensive modelling of implementation options, such as whether to assimilate staff to the new pay spine and then apply relevant annual service increments or vice versa.
18. CBC's implementation approach for those on NJC terms and conditions of employment both corporately and for schools is to first map employees to the new

assimilated spinal column point and then apply annual service increments if their pay grade band allows for it. This will be effective from 1st April 2019.

19. The approach enables consistency in application to all staff including those employees that started with or have been successfully promoted at CBC since October.
20. As a result of the introduction of a new spinal column point at the entry point to grade 8 which is the point the 2% salary reduction is applied from, it has made the salary of new SCP18 (£23,826) less than SCP17 (£23,836). The option not to include this new spinal column point was considered, however, this would further customize our hybrid pay spine and have a knock-on effect on the application of the pay spine and pay awards in the future. Instead, SCP18 will be increased to the same amount as SCP17 rather than not implementing the new spinal column point. The overlapping principle of the top of one grade being the same as the bottom of the next, has previously been agreed in various grades e.g. grades 1 and 2, 2 and 3, 13 and 14, 16 and 17, 17 and 18, 18 and 19 and 19 and 20. Note we have aligned to the higher value.
21. The 2% differential from grade 8 and above introduced in 2011 will continue to apply to CBC NJC salaries excluding the HRA.
22. Recognised TUs have been engaged, consulted with and recently agreed to CBC's proposals. Therefore, the changes outlined above will be implemented and effective from 1st April 2019.
23. A comparison of the current pay spines against the new pay spines for both the CBC corporate pay spine and HRA are illustrated in appendix 1. The percentage increase for each SCP ranging from 2% to 7.3% has also been detailed.

Impact on the salary structure

24. As a result of the proposal to implement the new pay spine as per the national agreement, it has reduced the length of the CBC pay spine from 67 to 61 spinal column points.
25. It has also caused some grades to shrink and others to swell. As shown in Appendix 1, the five lowest grades will only have one or two pay spinal column points in each grade, whilst some of the middle grades increase to a six-point grade, which provides greater scope in relation to annual service-based increments. The breadth of grades should reflect the length of time it takes to become fully competent in the role and the new pay spine still models our current structure of narrower lower and higher grades with wider grades in the middle.

Council Priorities

26. The proposed action to adopt the NJC pay award in this way supports the following Council priority:

- A more efficient and responsive Council.

Corporate Implications

27. There are no additional corporate implications.

Legal Implications

28. Central Bedfordshire Council is part of the national pay bargaining process, therefore is contractually obliged to implement the national pay deal. However, due to locally agreed pay structures, the approach to implementation must be consulted and agreed with recognised Trade Unions. This process of engagement and consultation has been undertaken and agreement has been reached enabling the Council to implement the proposed approach with effect from 1st April 2019.

Financial Implications

29. The financial modelling demonstrates that the corporate implementation costs are within the Medium Term Financial Plan budgeted allocation.

Equalities Implications

30. 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.
31. CBC have undertaken Equality Impact Assessments with input from the Council's Community Intelligence Manager. The results confirm that in compliance with the terms of the NJC agreement, no staff grouping is disadvantaged as all staff will receive a minimum of 2% increase and further benefits lower paid roles with increases of up to 7.3%.

Conclusion and next Steps

32. The implementation approach is to assimilate employees and then apply service increments, where eligible.
33. The Council has fairly and consistently applied a nationally agreed approach to the pay spine review.
34. These changes will be effective from 1st April 2019 and all employees will be notified in writing of their new spinal column point and salary.
35. Terms and conditions within the Green Book, and local agreements associated to particular spinal column points and grades will remain in place but will be assimilated accordingly.

36. This technical review of the NJC pay spine impacts the grading structure of our locally agreed pay structure. As part of the negotiations with Trade Unions, CBC have agreed to further review our pay structure in the next financial year to see if there are any other improvements that can be made. Unions are particularly concerned with CBC's hybrid pay spine and the variation in the number of SCPs in grades and the potential impact on lower paid employees.
37. Any further changes to the pay spine outside of any national agreement will be shared appropriately with the General Purposes Committee and the outcome included within future Pay Policy Statements.

Appendices

Appendix 1: Pay Spine Comparison

Background Papers

None

Report author(s): Vikki Chapman

Assistant Director, People

Vikki.Chapman@centralbedfordshire.gov.uk

CBC 2018				NJC 2018		NJC 2019		CBC 2019				Difference in 2019 CBC Salaries	
Grade	Spinal Column Point	CBC Salary	HRA Salary	NJC - SCP18	NJC - Salary18	NJC - SCP19	NJC - Salary19	Grade	Spinal Column Point	CBC Salary	HRA Salary	Increase £	Increase %
CBG1	6	£16,394	£16,394	6	£16,394	1	£17,364	CBG1	1	£17,364	£17,364	£970	5.9%
CBG2	6	£16,394	£16,394	6	£16,394	1	£17,364	CBG2	1	£17,364	£17,364	£970	5.9%
	7	£16,495	£16,495	7	£16,495	1	£17,364		1	£17,364	£17,364	£869	5.3%
CBG3	8	£16,626	£16,626	8	£16,626	2	£17,711	CBG3	2	£17,711	£17,711	£1,085	6.5%
	8	£16,626	£16,626	8	£16,626	2	£17,711		2	£17,711	£17,711	£1,085	6.5%
	9	£16,755	£16,755	9	£16,755	2	£17,711		2	£17,711	£17,711	£956	5.7%
CBG4	10	£16,863	£16,863	10	£16,863	3	£18,065	CBG4	3	£18,065	£18,065	£1,202	7.1%
	11	£17,007	£17,007	11	£17,007	3	£18,065		3	£18,065	£18,065	£1,058	6.2%
	12	£17,173	£17,173	12	£17,173	4	£18,426		4	£18,426	£18,426	£1,253	7.3%
CBG5	13	£17,391	£17,391	13	£17,391	4	£18,426	CBG5	4	£18,426	£18,426	£1,035	6.0%
	14	£17,681	£17,681	14	£17,681	5	£18,795		5	£18,795	£18,795	£1,114	6.3%
	15	£17,972	£17,972	15	£17,972	5	£18,795		5	£18,795	£18,795	£823	4.6%
CBG6	16	£18,319	£18,319	16	£18,319	6	£19,171	CBG6	6	£19,171	£19,171	£852	4.7%
	17	£18,672	£18,672	17	£18,672	6	£19,171		6	£19,171	£19,171	£499	2.7%
	18	£18,870	£18,870	18	£18,870	7	£19,554		7	£19,554	£19,554	£684	3.6%
CBG7	19	£19,446	£19,446	19	£19,446	8	£19,945	CBG7	8	£19,945	£19,945	£499	2.6%
	20	£19,819	£19,819	20	£19,819	9	£20,344		9	£20,344	£20,344	£525	2.6%
						10	£20,751		10	£20,751	£20,751	New	New
CBG8	21	£20,541	£20,541	21	£20,541	11	£21,166	CBG8	11	£21,166	£21,166	£625	3.0%
	22	£21,074	£21,074	22	£21,074	12	£21,589		12	£21,589	£21,589	£515	2.4%
						13	£22,021		13	£22,021	£22,021	New	New
CBG9	23	£21,693	£21,693	23	£21,693	14	£22,462	CBG9	14	£22,462	£22,462	£769	3.5%
	24	£22,401	£22,401	24	£22,401	15	£22,911		15	£22,911	£22,911	£510	2.3%
						16	£23,369		16	£23,369	£23,369	New	New
CBG10	25	£23,111	£23,111	25	£23,111	17	£23,836	CBG10	17	£23,836	£23,836	£725	3.1%
						18	£24,313		18	£24,313	£24,313	New	New
	26	£23,389	£23,866	26	£23,866	19	£24,799		19	£24,303	£24,799	£914	3.9%
CBG11	27	£24,164	£24,657	27	£24,657	20	£25,295	CBG11	20	£24,789	£25,295	£625	2.6%
						21	£25,801		21	£25,285	£25,801	New	New
	28	£24,953	£25,463	28	£25,463	22	£26,317		22	£25,791	£26,317	£838	3.4%
CBG12	29	£25,941	£26,470	29	£26,470	23	£26,999	CBG12	23	£26,459	£26,999	£518	2.0%
						24	£27,505		24	£27,347	£27,505	£536	2.0%
	30	£26,811	£27,358	30	£27,358	24	£27,905		25	£28,209	£28,785	£554	2.0%
CBG13	31	£27,655	£28,221	31	£28,221	25	£28,785	CBG13	26	£29,043	£29,636	£570	2.0%
	32	£28,473	£29,055	32	£29,055	26	£29,636		27	£29,897	£30,507	£585	2.0%
	33	£29,312	£29,909	33	£29,909	27	£30,507		28	£30,744	£31,371	£603	2.0%
CBG14	34	£30,141	£30,756	34	£30,756	28	£31,371	CBG14	29	£31,388	£32,029	£616	2.0%
	35	£30,772	£31,401	35	£31,401	29	£32,029		30	£32,220	£32,878	£633	2.0%
	36	£31,587	£32,233	36	£32,233	30	£32,878		31	£33,123	£33,799	£651	2.0%
CBG15	37	£32,472	£33,136	37	£33,136	31	£33,799	CBG15	32	£34,092	£34,788	£671	2.0%
	38	£33,421	£34,106	38	£34,106	32	£34,788		33	£35,215	£35,934	£692	2.0%
	39	£34,523	£35,229	39	£35,229	33	£35,934		34	£36,138	£36,876	£708	2.0%
CBG16	40	£35,430	£36,153	40	£36,153	34	£36,876	CBG16	35	£37,092	£37,849	£729	2.0%
	41	£36,363	£37,107	41	£37,107	35	£37,849		36	£38,037	£38,813	£747	2.0%
	42	£37,290	£38,052	42	£38,052	36	£38,813		37	£38,986	£39,782	£766	2.0%
CBG17	43	£38,220	£39,002	43	£39,002	37	£39,782	CBG17	38	£39,945	£40,760	£785	2.0%
	44	£39,160	£39,961	44	£39,961	38	£40,760		39	£40,842	£41,675	£802	2.0%
	45	£40,040	£40,858	45	£40,858	39	£41,675		40	£41,829	£42,683	£822	2.0%
CBG18	46	£41,007	£41,846	46	£41,846	40	£42,683	CBG18	41	£42,789	£43,662	£840	2.0%
	47	£41,949	£42,806	47	£42,806	41	£43,662		42	£43,739	£44,632	£858	2.0%
	48	£42,881	£43,757	48	£43,757	42	£44,632		43	£44,679	£45,591	£877	2.0%
CBG19	49	£43,802	£44,697	49	£44,697	43	£45,591	CBG19	44	£45,610	£46,543	£894	2.0%
	50	£44,716	£45,630						45	£46,542	£47,491	£913	2.0%
	51	£45,629	£46,560						46	£46,542	£47,491	£913	2.0%
CBG20	52	£47,146	£48,108					CBG20	47	£49,656	£50,667	£974	2.0%
	53	£48,682	£49,674						48	£51,195	£52,240	£1,044	2.0%
	54	£50,191	£51,216						49	£53,526	£54,619	£1,050	2.0%
CBG21	55	£52,476	£53,548					CBG21	50	£55,852	£56,991	£1,095	2.0%
	56	£54,757	£55,874						51	£62,058	£63,324	£1,217	2.0%
	57	£60,841	£62,082						52	£64,389	£65,701	£1,263	2.0%
CBG22	58	£63,126	£64,413					CBG22	53	£66,712	£68,074	£1,308	2.0%
	59	£65,404	£66,739						54	£70,027	£71,458	£1,373	2.0%
	60	£68,654	£70,057						55	£73,717	£75,222	£1,445	2.0%
CBG23	61	£72,272	£73,747					CBG23	56	£77,598	£79,183	£1,522	2.0%
	62	£76,076	£77,630						57	£81,681	£83,347	£1,602	2.0%
	63	£80,079	£81,713						58	£81,681	£83,347	£1,602	2.0%
CBG24	64	£84,296	£86,016					CBG24	59	£85,982	£87,736	£1,686	2.0%
	65	£89,310	£91,134						59	£91,096	£92,957	£1,786	2.0%
	66	£93,018	£94,916						60	£94,878	£96,814	£1,860	2.0%
CBG20	67	£95,676	£97,629					61	£97,590	£99,582	£1,914	2.0%	

Key: New SCP introduced April 2019

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Central Bedfordshire Council

General Purposes Committee

28 March 2019

Outside Bodies

**Responsible
Director(s):**

Charles Warboys Director of Resources

Charles.Warboys@centralbedfordshire.gov.uk

This report relates to a decision that is Non-Key

Purpose of this report

Purpose of this report is to present the updated Outside Bodies policy for approval and the list of Outside Bodies requiring appointment. Also presented is a list of Outside Bodies no longer requiring an appointment.

RECOMMENDATIONS

The General Purposes Committee is asked to:

- 1. Approve the list of Outside bodies requiring appointment attached in Appendix B including 3 new outside bodies (CASE; Eggington Community Fund and London Luton Airport Consultative Forum;**
- 2. Note that this Committee approves the addition of and removal of Outside bodies to the list attached in Appendix B;**
- 3. Note the Monitoring Officer has delegated authority, after consultation with appropriate members of the Council, and where required in accordance with their wishes, to make appointments, removals or replacements to outside bodies;**
- 4. Note the reasons for the list of Outside bodies no longer requiring an appointment attached in Appendix C; and**
- 5. Approve the proposed changes to the policy for Councillor representation on Outside Bodies in Appendix D.**

Issues

Introduction.

1. The Council and its legacy authorities have traditionally appointed Member representation on Outside Bodies. An outside body is defined as either an incorporated or an unincorporated body which is not part of the Council's own governance structure but whose work helps in some way towards fulfilling the Council's own responsibilities and/or improving community life in Central Bedfordshire.
2. The term embraces a diverse range of organisational purposes and structures. Outside bodies are categorized as either strategic, locality / ward-based or general in nature.
3. The Council currently appoints Members to 62 Outside Bodies, which are diverse in terms of their role and purpose ranging from Anglian (Central) Region Flood Committee to Henlow Multi Use Games Area.
4. A list of the current outside bodies and the Member representation is attached in Appendix A and includes feedback from the survey of Members undertaken in October 2018 and the additional enquiries that were undertaken with relevant officers to complete the survey.
5. Appendix B outlines the Outside Bodies (52) requiring a Member appointment and includes three new bodies which have been put forward for inclusion on the list of Outside Bodies requiring a Member appointment, as a result of the survey. Two are ward / locality based organisations (Caddington and Slip End Association- CASE) and Eggington Community Fund) and one is a strategic body – London Luton Airport Consultative Forum.
6. Appendix C outlines those bodies (13) where a Member appointment is no longer required and the reason given from the survey.
7. The Committee is asked to approve appointments to those Outside Bodies listed in Appendix B including the 3 new outside bodies listed in para. 5 above and authorize the Head of Governance to write to two bodies Ashton Schools Foundation and Shefford Bloomfield Games Association to clarify if there is an ongoing need for Member appointment to those bodies.
8. The Council adopted a policy regarding Outside Bodies in 2010. This has been reviewed and refreshed and the proposed changes are set out in Appendix C. The Committee is asked to approve this policy for adoption by the Council.
9. Councillor Budge Wells will lead on the inclusion of any new bodies to the list of Outside Bodies and ensure appropriate Member representation.

Issues

10. In general, Members who are appointed to charities, community associations or other voluntary / community sector bodies (whether incorporated or not) should:
 - a. understand clearly the organisation's purpose and main objectives and their own role in the organisation;
 - b. attend meetings regularly and take an active, informed and supportive role in the body's affairs
 - c. take care always to act in the best interests of the organisation and in accordance with its rules or governing document, while contributing their knowledge and experience as a councillor;
 - d. satisfy themselves that the organisation has transparent governance arrangements, regular reports on its activities and sound financial management, with accounts regularly monitored; and that annual reports and accounts are submitted in timely fashion;
 - e. seek to protect the body's assets and manage its affairs prudently;
 - f. be aware of the main risks the body faces (including funding risks) and the steps to be taken to deal with them;
 - g. ensure it maintains its membership, so that the work of running the organisation and any financial obligations continue to be shared by a reasonable number of people;
 - h. behave ethically in accordance with the organisation's own code of conduct, if they have one, or otherwise the Council's Code of Conduct for Members;
 - i. not gain or seek to gain from their appointment any benefit or remuneration (beyond any travel or other allowances formally approved by the body);
 - j. ensure the organisation has appropriate health and safety and equal opportunities policies and adequate insurance arrangements;
 - k. seek to safeguard the Council's interests on those bodies which are funded by or through the Council, to the extent that this does not conflict with their duties towards the organisation; and
 - l. seek advice from the Monitoring Officer or other relevant Council officer if they have concerns about the running of the body.

11. Because of this potential liability the Council should avoid appointing voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.
12. Members appointed by the Council to an outside body will, when sitting on that body, often have duties to the organisation which take precedence over their duties to the Council. This will depend on the type of organisation on which they serve. Members will therefore wish to consider, at any time when it appears that the organisation's interests may conflict with the Council's interests, whether that conflict prevents them from taking part in decision-making either at the organisation's meeting or at the Council's meeting. In such circumstances the Member should seek advice from the Monitoring Officer.

Conclusion

13. The survey of Members and enquiries with officers revealed that 52 outside bodies need Member appointment and this adds value. These bodies are listed in Appendix B. The survey and enquiries also revealed that thirteen organisations had either closed, or not met or circumstances had changed and Member representation was no longer appropriate and are not therefore recommended for appointment and the individual reasons are outlined in Appendix C. There are 2 organisations (see para. 7) whose current status is unclear and should be investigated by the Head of Governance.

Reason/s for decision

14. The Council has updated the list of Outside bodies and Member appointments can be made to the Outside Bodies listed in Appendix B
15. The policy was adopted in 2010 and a refresh is needed to bring it up to date. A draft updated version of the policy is attached in Appendix D

Council Priorities

16. Representation on outside bodies helps towards fulfilling the Councils own responsibilities and priorities and improving community life in Central Bedfordshire.
17. A review and refresh of the list of outside bodies and the policy for Member representation on these bodies will primarily support being a more efficient and responsive council, ensuring that the list of outside bodies aligns to our corporate priorities.

Corporate Implications

Legal Implications

18. A Member appointed to a corporate outside body must when attending

meetings of the body act in that body's best interests, which may not necessarily be the same as the Council's. Members may of course bring to bear their own experience and knowledge as a Councillor, and may have regard to the Council's interests, but have a duty to exercise independent judgement when making decisions. Members should not claim to act or give the impression that they are acting under a Council mandate.

19. A Member appointed to a non corporate outside body will be acting as the Council's representative and contributing to that body's purposes while taking account of the best interests of Central Bedfordshire and its residents.
20. An unincorporated association, has no separate legal existence, and is no more than a group of individuals who agree to pursue a common purpose. Members may be asked to make a financial contribution, for example in the form of a subscription, and to sign a membership agreement which can include an agreement to contribute to liabilities incurred by other members. When a member acts on behalf of the unincorporated association, for example in buying equipment to be used by the association, he/she incurs a personal liability for the cost of that equipment and then seeks to recover that expenditure from the funds of the association or from the other members of the association. In particular cases, the association may be regarded in law as a partnership in which case each member may be personally liable for any debts incurred by any member of the association.
21. Because of this potential liability the Council should avoid appointing voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.

Financial and Risk Implications

22. There are no financial implications arising directly as a result of this report
23. Risk implications arise if the legal implications described above are compromised. The Council's Indemnity for Members and Officers ([at Part 6 of the Ethical Handbook at the back of the Constitution](#)) provides indemnity cover in connection with any liability the member may incur by reason of any action, or failure to act, which has been authorised by the Council or which forms part of, or arises from, any duties or functions placed upon the Member. This includes functions arising from the Member's service on an outside body, where the Member has been officially appointed by the Council and the outside body itself does not provide its own cover. The indemnity cover is only provided, however, when either the Member is sitting on the outside body purely to represent the Council, or the body on which the Member sits is acting only in the interests of the Council.

Equalities Implications

24. 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.
25. The Outside bodies support a diverse range of statutory voluntary and community interests which address specific issues fostering good relations and supporting community life in Central Bedfordshire.
26. The outside bodies help to deliver social impact and engage with a range of issues – from flood management to Citizens Advice. Many outside bodies achieve their aims through a wide range of activities, such as providing services or other forms of direct support and advice to the groups they help.

Conclusion and next steps

27. The current list of Outside Bodies has been updated and appointments to those bodies can take place. The policy on Outside bodies has also been reviewed and updated and is attached in Appendix E

Appendices

- | | |
|--------------------|--|
| Appendix A: | Current List of Outside bodies and survey results |
| Appendix B | Outside bodies requiring Member appointment |
| Appendix C | Outside bodies where Member appointment is no longer required |
| Appendix D: | Draft revised policy for representation on Outside Bodies including tracked changes |

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Appendix A – List of current Outside Bodies and Member Appointments and list of new Outside Bodies requiring Member appointment

Outside Body	Appointed Member/s	Comments
1. Anglian (Central) Regional Flood and Coastal Committee (RFCC)	Cllr Ian Dalgarno	It is a statutory requirement under the Flood and Water Management Act for Member representation. The Anglian (Central) Regional Flood and Coastal Committee (RFCC) - we are also involved in the Thames RFCC - 2 different groups with the same remits for different geographies that CBC falls within. CBC's elected Member has a requirement to vote annually on strategic investment decisions, including the amount of financial levy sought from CBC on an annual basis.
2. Aragon Housing Association	Cllr James Jamieson	Leader's PA advised no longer has CBC member appointed.
3. Bedford & Milton Keynes Waterway Partnership Board	Cllr Mrs Sue Clark	The Waterway Trust still exists and meets a couple of times a year. The key role of the group is to advance the Bedford – Milton Keynes waterway. The board is attended by elected members of the other two authorities (namely Bedford – Mayor Dave Hodgson - and Milton Keynes), and it is important that we retain a presence in order that the views of our residents are captured and embedded in the process.

4. Bedford Borough Council Pensions Committee	Cllr Richard Wenham / Cllr Kevin Collins	Member representation should continue as the fund is for the benefit of many council staff
5. Bedfordshire & Luton County Sports Partnership (Team Beds & Luton)	Cllr Ian Dalgarno	Major provider of funding and lead on sports across Bedfordshire. Very strategic in its role and its goals meet our needs.
6. Bedfordshire & Luton Joint Access Forum	Cllr Ian Dalgarno	This forum has a wide remit, it is diligent in its work and provides good input.
7. Bedfordshire & Luton Local Government Association	Cllr James Jamieson, Cllr Steven Dixon, Cllr Richard Wenham and Cllr Ms Caroline Maudlin	Advised this Body no longer exists.
8. Bedfordshire Rural Communities Charity	Cllr Andrew Turner (Cllr Chapman is patron)	Advised by Cllr Turner membership ended two years ago. This is a VCS Infrastructure organisation
9. Central Bedfordshire Cycling Forum	Cllr Ian Dalgarno	Cllr Dalgarno does not recommend Member appointment in the future.
10. Chiltern AONB Conservation Board	Cllr Paul Duckett	The Chilterns Conservation Board is an independent body established by Parliamentary Order in July 2004, and has 27 members, all drawn from local communities. Member representation is important.
11. Community Safety Partnership (Executive Group)	Cllrs Ian Dalgarno, Cllr Brian Spurr and Cllr Budge Wells	There are three Executive members who regularly attend the meetings to represent the interests of CBC and its residents.

12. Community and Voluntary Service	vacancy	VCS Infrastructure Organisation
13. County Councils Network – CCN Council	Cllr James Jamieson, Cllr Richard Wenham, Cllr Nigel Young & Cllr Adam Zerny	
14. East London NHS Foundation Trust (ELFT)	TBA	Cllr Tubb advised he no longer represents CBC as Member appointee.
15. East & North Herts NHS Trust	Cllr Brian Spurr	The Trust does still exist and is also known as 'The Lister Hospital'. Approximately 15% of all emergency admissions for CB residents are to the Lister so it is the 3 rd biggest player in the acute sector. CBC have limited commissioning influence (this is lead by E&N Herts Clinical Commissioning Group) so it may be helpful to have a CBC member representative although it is not known how much influence they have on the Board. P & CE Team have been advised that there is currently no CBC representation on this Trust.
16. East Anglia Reserve Forces & Cadets Association	Cllr Mrs Fiona Chapman MBE, Cllr Mark Versallion and Cllr Norman Costin	Besides representing CBC and how to get the best for residents in their engagement with reserve and cadet forces, there is also a wider remit. The Armed Forces have very little knowledge of local government and they welcome someone who has knowledge of who to talk to and where to go to get advice.

17. East of England Chairmen of Health O & S Committees	Cllr Paul Downing	Review of substantial developments or variations in NHS services in the Region being consulted upon by the relevant NHS bodies across the whole or substantial parts of the 10 social services authorities in the area. Local government discussion forum, comprising Health O&S Chairmen in the region.
18. East of England Regional Assembly	Cllr James Jamieson	EERA was dissolved in 2010
19. England's Economic Heartland Strategic Alliance	Cllr James Jamieson / Cllr Nigel Young	EEH is a sub-national Transport Body for the region. Their overarching Transport Strategy will be a 30-year strategic vision for the regional transport system. CBC being represented is particularly important as this group is involved in shaping the Ox-Cam growth.
20. Essex Partnership University NHS Foundation Trust (EPUT) Council of Governors	Cllr David Bowater	P C & E Team have been advised that this one should be deleted as we are no longer contracted to Essex NHS Foundation Trust.
21. Groundwork Trust for South Beds & Luton Advisory Panel	Cllr Mrs Carole Hegley	The Groundwork Luton and Bedfordshire Advisory Panel is currently dormant. No meetings took place last year and there is likely to be a review of the panel to ensure it focusses on specific subjects. Cllr Hegley was the CBC representative and Groundworks would look to include her or the appropriate Cllr in discussions about the panels focus going forward.

22. Local Government Association – General Assembly	Cllr James Jamieson, Cllr Nigel Young and Cllr Richard Wenham	Key LG lobby and policy organisation
23. Central Bedfordshire Together (formerly Local Strategic Partnership)	Cllr James Jamieson	Advised this group ceased to exist in 2014
24. Luton Enterprise Zone	Cllr Nigel Young	
25. Luton & Dunstable Hospital Council of Governors	Cllr Brian Spurr	It is essential we maintain a link with the hospital.
26. Milton Keynes Reference Group	Cllr Ken Matthews, Cllr Mrs Fiona Chapman MBE and Cllr Budge Wells	Cllr Matthews advised the group had not met for several years. New group expected to form shortly; Cllr Sue Clark will be the CBC Member representative.
27. Bedfordshire & Rival Ivel Internal Drainage Board	Cllr Anthony Brown, Cllr Frank Firth, Cllr Steven Dixon, Cllr Robert Morris and Cllr Norman Costin	Membership is required to ensure CBC funding is spent /managed in an appropriate way, moreover the best interests of CBC.
28. Buckingham & River Ouzel Board	Cllr Anthony Brown, Cllr Brian Spurr, Cllr Steven Dixon, Cllr Gordon Perham, Cllr Mrs Fiona Chapman MBE and Cllr John Kane	The high numbers of members is necessary for voting.
29. Bedfordshire Local Nature Partnership	Cllr Mrs Sue Clark	Attendance is required alongside officers.
30. Broom Quarry Liaison Group North & South	Cllr Ms Caroline Maudlin / Cllr Frank Firth	North Group no longer need to meet.
31. Buzzer Buses Dial a Ride Limited	Cllr David Bowater	Previously the dial a ride providers were funded by means of a grant from CBC so it was helpful to have a Member representative but the services are now

		contracted and subject to contract monitoring and review. Therefore Member representatives are not needed for the dial a ride services.
32. Community & Voluntary Service (Mid/North Beds)	Vacancy	
33. Dunstable Citizens Advice Bureau	Cllr Mrs Carole Hegley / Cllr Eugene Ghent	This organisation handles substantial enquiries from the public and underpins service advice and information from CBC. They are perceived as independent in the community and a trusted and valued organisation. They have significant numbers of volunteers providing quality services.
34. Leighton Linlade Citizens Advice Bureau	Cllr Brian Spurr / Cllr David Bowater	Member representative is very supportive of the CAB and the very necessary work they do.
35. London Luton Airport Consultative Committee	Cllr David Bowater / Cllr Ray Berry	There is another group (the Forum) where Member representation will be required. Both are absolutely necessary as LLAL have just announced their preferred option for significant expansion and an increase in flight movements on the existing runway. Both Outside Bodies perform different functions.
36. Luton Law Centre Management Committee	Cllr Peter Hollick	There was Member representation up until March 2018. Luton Law Centre takes referral from advice agencies in Central Bedfordshire and helps vulnerable clients.

37. Upper Great River Ouse Partnership (formerly Marston Vale Surface Waters Group)	Cllr Ken Matthews / Cllr Mrs Fiona Chapman MBE	Recommendation is for Cllr Dalgarno to represent CBC due to his role of the Anglian and Thames Regional Flood and Coastal Committees.
38. Marston Vale Trust	Cllr Norman Costin / Cllr Mrs Fiona Chapman MBE	The Marston Vale Trust does still exist. While as a service CBC no longer have any direct involvement in the Forest Centre, there is still member representation and given the importance and role the Forest of Marston Vale provides as a local Community Forest it would be beneficial to retain involvement at a Member level.
39. Marston Vale Community Fund	Cllr Robert Morris	Allows direction of funds to worthwhile projects in the area.
40. Mid Beds Citizens Advice Bureau	Cllr Paul Downing	Mid Beds CAB provides truly valuable support to those in great need and unable to fund themselves through the legal 'industry' and pathways. Many of their clients have support from CBC in the way of housing or benefits/care packages so having Member representation helps the organisation understand better CBC policy/strategy and for the Council to have a direct line into the way that the strata of society is 'coping' in what for them will be difficult circumstances.....
41. Relate (Bedfordshire and Luton)	2 vacancies	Representation could be either Member or officer level.

42. RIGHTS Luton	Cllr Mrs Susan Goodchild	RIGHTS Luton does not receive any funding from CBC however they do on many occasions offer specialist advice to Central Bedfordshire residents with regard to employment law, housing, benefits and debt.
43. South Beds Dial a Ride	Cllr Budge Wells	Previously the dial a ride providers were funded by means of a grant from CBC so it was helpful to have a Member representative but the services are now contracted and subject to contract monitoring and review. Therefore Member representatives are not needed for the dial a ride services. Cllr Wells has already removed himself from this Outside Body
44. Mid Beds Link a Ride Community Transport Limited	Cllr Paul Duckett, Cllr Charles Gomm & Cllr Mrs Fiona Chapman MBE	Previously the dial a ride providers were funded by means of a grant from CBC so it was helpful to have a Member representative but the services are now contracted and subject to contract monitoring and review. Therefore Member representatives are not needed for the dial a ride services.
45. Swiss Gardens Management Advisory Committee	Cllr Frank Firth	With respect to the Swiss Gardens, responsibility now resides with the Shuttleworth Trust, however regular meetings are still held which the CBC Member representative attends to ensure

		the on-going work / maintenance of the gardens is maintained.
46. Ashton Schools Foundation	Cllr Peter Hollick / Cllr Mrs Jeanette Freeman	There are uncertainties as to whether Member representation adds any value.
47. Barton le Clay Educational Trust	Cllr Ian Shingler	Gives grants to students over 18 and educational bodies in Barton-le-Clay, Pulloxhill and Greenfield. It is appropriate that a ward member continues to be appointed to attend.
48. Beecroft Community Association Management Committee	Cllr Nigel Warren	CBC Asset
49. Chew's Foundation	Cllr Eugene Ghent / Cllr John Chatterley	
50. Henlow Multi-Use Games Area	Cllr Ian Dalgarno	Future Member representation not required.
51. Henlow School Foundation (HSF)	Cllr Richard Wenham	Whilst HSF has not met this year and administers only a very small grant, it is appropriate that a ward member continues to be appointed to attend ad hoc meetings when needed.
52. Langford & Biggleswade Windfarm Community Fund Panel	Cllr Steven Watkins	As long as money is provided by the owner of the windfarm there will be a need for the group to disperse the funds.
53. Leighton Buzzard Community Liaison Group	Cllr Ray Berry/ Cllr Brian Spurr	Advised by Cllr Berry that this group no longer exists.

54. Leighton Buzzard Narrow Gauge Railway Society	Cllr Ray Berry / Cllr Mark Versallion	There are regular operational matters that relate to wider planning, infrastructure and community matters so a broader ward based appreciation is beneficial to the Society in the running of its railway through the town and rural ward. There are also more strategic long term matters that arise due to the 2,500 homes being built to the east of Leighton Buzzard.
55. Leighton Linslade Ouzel Valley Park Steering Group	Cllr Brian Spurr / Cllr Gordon Perham	This group is chaired/organised by Leighton Linslade Town Council whose Members regularly attend the meeting. Meetings are usually every 2 or 3 months. The group is also attended by officers from both the Town Council and CBC plus also the Greensand Trust, Wildlife Trust and other relevant bodies with an interest in the area. Member representation assist in providing input from a CBC point of view, particularly around development control issues as part any wider plans and managing expectations.
56. Sandpit Steering Strategy Group	Cllr Ray Berry	The Group does still exist and the secretariat is provided by Leighton Linslade Town Council. The Council should have a CBC Member representative on the body. The current Member representative has advised that he no longer attends due to a conflict of interest with DMC.

57. Shefford Bloomfield Games Association	1 vacancy	No information on this group has been gathered.
58. Sir John Cotton Educational Forum	Cllr David Lawrence / Cllr Mrs Jane Lawrence	This Forum no longer exists.
59. East of England Heartland Sub Regional Transport Forum	Cllr Nigel Young	Sub regional transport strategies which impact Central Bedfordshire.
60. East West Rail Board Central Section	Cllr James Jamieson	CBC representation is particularly important.
61. East West Rail Board Western Section	Cllr Mrs Sue Clark	CBC representation is particularly important.
62. A1 Consultative Forum	Cllr Anthony Brown	Member representation is essential to ensure CBC are up to date in what is planned for the A1 which runs through our area.
63. Bedfordshire Pension Fund	Cllr Mike Blair	This is a statutory position, to provide oversight of the functions of the Bedfordshire Pensions Committee.
New Outside Bodies		
Eggington Community Fund	Cllr Mark Versallion	
Case Community Trust	Cllr Kevin Collins	Cllr Collins is a director and trustee of CASE COMMUNITY TRUST, which is

		associated with a housing development in his ward. Under the terms of the Trust, his appointment is as a CBC representative.
London Luton Airport Regional Forum		<p>The London Luton Airport Regional Forum has been established by Luton Council to bring together regional authorities and enable high level strategic discussion and input into the opportunities and impacts of London Luton Airport. The forum will also provide an opportunity to make recommendations to Luton Council as shareholder of London Luton Airport Ltd. (LLAL).</p> <p>Scope: The London Luton Airport Regional Forum will enable high level meaningful discussion on a range of themes.</p>

Appendix B – List of Outside Bodies requiring Member appointment – 2019/2023

Outside Body	Current Appointed Member/s
1. Anglian (Central) Regional Flood and Coastal Committee (RFCC)	Cllr Ian Dalgarno
2. Bedford & Milton Keynes Waterway Partnership Board	Cllr Mrs Sue Clark
3. Bedford Borough Council Pensions Committee	Cllr Richard Wenham / Cllr Kevin Collins
4. Bedfordshire & Luton County Sports Partnership (Team Beds & Luton)	Cllr Ian Dalgarno
5. Bedfordshire & Luton Joint Access Forum	Cllr Ian Dalgarno
6. Bedfordshire Rural Communities Charity	TBA – advised by Cllr Andrew Turner he had ceased membership two years ago.
7. Chiltern AONB Conservation Board	Cllr Paul Duckett
8. Community Safety Partnership (Executive Group)	Cllr Ian Dalgarno, Cllr Brian Spurr and Cllr Budge Wells
9. Community and Voluntary Service	Currently no appointment
10. County Councils Network – CCN Council	Cllr James Jamieson, Cllr Richard Wenham, Cllr Nigel Young and Cllr Adam Zerny
11. East London NHS Foundation Trust (ELFT)	TBA - Cllr Tubb has advised he no longer represents CBC as Member appointee
12. East & North Herts NHS Trust	Cllr Brian Spurr
13. East Anglia Reserve Forces & Cadets Association	Cllr Mrs Fiona Chapman MBE, Cllr Mark Versallion and Cllr Norman Costin
14. East of England Chairmen of Health O & S Committees	Cllr Paul Downing
15. East of England Regional Assembly	Cllr James Jamieson
16. England's Economic Heartland Strategic Alliance	Cllr James Jamieson / Cllr Nigel Young
17. Groundwork Trust for South Beds & Luton Advisory Panel	Cllr Mrs Carole Hegley
18. Local Government Association – General Assembly	Cllr James Jamieson, Cllr Nigel Young and Cllr Richard Wenham
19. Luton Enterprise Zone	Cllr Nigel Young
20. Luton & Dunstable Hospital Council of Governors	Cllr Brian Spurr
21. Milton Keynes Reference Group	Cllr Ken Matthews, Cllr Mrs Fiona Chapman MBE and Cllr Budge Wells

22. Bedfordshire & Rival Ivel Internal Drainage Board	Cllr Anthony Brown, Cllr Frank Firth, Cllr Steven Dixon, Cllr Robert Morris and Cllr Norman Costin
23. Bedfordshire Local Nature Partnership	Cllr Sue Clark
24. Buckingham & River Ouzel Board	Cllr Anthony Brown, Cllr Brian Spurr, Cllr Steven Dixon, Cllr Gordon Perham, Cllr Mrs Fiona Chapman MBE and Cllr John Kane
25. Broom Quarry Liaison Group South	Cllr Ms Caroline Maudlin / Cllr Frank Firth
26. Dunstable Citizens Advice Bureau	Cllr Mrs Carole Hegley / Cllr Eugene Ghent
27. Leighton Linlade Citizens Advice Bureau	Cllr Brian Spurr / Cllr David Bowater
28. London Luton Airport Consultative Committee	Cllr David Bowater / Cllr Ray Berry
29. Luton Law Centre Management Committee	Cllr Peter Hollick
30. Upper Great River Ouse Partnership (formerly Marston Vale Surface Waters Group)	Cllr Ken Matthews / Cllr Mrs Fiona Chapman MBE
31. Marston Vale Trust	Cllr Norman Costin / Cllr Mrs Fiona Chapman MBE
32. Marston Vale Community Fund	Cllr Robert Morris
33. Mid Beds Citizens Advice Bureau	Cllr Paul Downing
34. Relate (Bedfordshire and Luton)	2 vacancies
35. RIGHTS Luton	Cllr Mrs Susan Goodchild
36. Swiss Gardens Management Advisory Committee	Cllr Frank Firth
37. Barton le Clay Educational Trust	Cllr Ian Shingler
38. Beecroft Community Association Management Committee	Cllr Nigel Warren
39. Chew's Foundation	Cllr Eugene Ghent/ Cllr John Chatterley
40. Henlow School Foundation	Cllr Richard Wenham
41. Langford & Biggleswade Windfarm Community Fund Panel	Cllr Steven Watkins
42. Leighton Buzzard Narrow Gauge Railway Society	Cllr Ray Berry / Cllr Mark Versallion
43. Leighton Linlade Ouzel Valley Park Steering Group	Cllr Brian Spurr / Cllr Gordon Perham
44. Sandpit Steering Strategy Group	TBA - Cllr Ray Berry has advised that he no longer attends due conflict of interest with DMC
45. East of England Heartland Sub Regional Transport Forum	Cllr Nigel Young

46. East West Rail Board Central Section	Cllr James Jamieson
47. East West Rail Board Western Section	Cllr Mrs Sue Clark
48. A1 Consultative Forum	Cllr Anthony Brown
49. Bedfordshire Pension Fund	Cllr Mike Blair
50. Eggington Community Fund	Cllr Mark Versallion
51. Case Community Trust	Cllr Kevin Collins
52. London Luton Airport Regional Forum	TBA

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Appendix C– List of current Outside Bodies where Member Appointments are no longer recommended

Outside Body	Appointed Member/s	Comments
1. Aragon Housing Association	Cllr James Jamieson	Leader's PA advised no longer has CBC member appointed.
2. Bedfordshire & Luton Local Government Association	Cllr James Jamieson, Cllr Steven Dixon, Cllr Richard Wenham and Cllr Ms Caroline Maudlin	Advised this Body no longer exists.
3. Central Bedfordshire Cycling Forum	Cllr Ian Dalgarno	Cllr Dalgarno does not recommend Member appointment in the future.
4. Essex Partnership University NHS Foundation Trust (EPUT) Council of Governors	Cllr David Bowater	P C & E Team have been advised that this one should be deleted as we are no longer contracted to Essex NHS Foundation Trust.
5. Central Bedfordshire Together (formerly Local Strategic Partnership)	Cllr James Jamieson	Advised this group ceased to exist in 2014
6. Buzzer Buses Dial a Ride Limited	Cllr David Bowater	Previously the dial a ride providers were funded by means of a grant from CBC so it was helpful to have a Member representative but the services are now contracted and subject to contract monitoring and review. Therefore Member representatives are not needed for the dial a ride services.
7. South Beds Dial a Ride	Cllr Budge Wells	Previously the dial a ride providers were funded by means of a grant from CBC so

		it was helpful to have a Member representative but the services are now contracted and subject to contract monitoring and review. Therefore Member representatives are not needed for the dial a ride services.
8. Mid Beds Link a Ride Community Transport Limited	Cllr Paul Duckett, Cllr Charles Gomm & Cllr Mrs Fiona Chapman MBE	Previously the dial a ride providers were funded by means of a grant from CBC so it was helpful to have a Member representative but the services are now contracted and subject to contract monitoring and review. Therefore Member representatives are not needed for the dial a ride services.
9. Ashton Schools Foundation	Cllr Peter Hollick / Cllr Mrs Jeanette Freeman	There are uncertainties as to whether Member representation adds any value. Follow up required
10. Henlow Multi-Use Games Area	Cllr Ian Dalgarno	Future Member representation not required.
11. Leighton Buzzard Community Liaison Group	Cllr Ray Berry/ Cllr Brian Spurr	Advised by Cllr Berry that this group no longer exists. Follow up required
12. Shefford Bloomfield Games Association	1 vacancy	No information on this group has been gathered.
13. Sir John Cotton Educational Forum	Cllr David Lawrence / Cllr Mrs Jane Lawrence	This Forum no longer exists.

Appendix D



CENTRAL BEDFORDSHIRE COUNCIL

POLICY ON MEMBER APPOINTMENTS TO OUTSIDE BODIES

Definition of an Outside Body

1. For our purposes an outside body can be ~~loosely~~ defined as either an [incorporated](#) or an unincorporated body which is not part of the Council's own governance structure but whose work helps in some way towards fulfilling the Council's own responsibilities and/or improving community life in Central Bedfordshire.
2. The term can embrace a diverse range of organisational purposes and structures and is in effect a "label" ~~of convenience~~ rather than an exact description. We have categorised outside bodies as either strategic, [locality](#) / ward-based or general in nature.

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Criteria for Appointing Members

3. Member appointments to outside bodies should only be made if there are clear benefits from this arrangement for either the Council or local communities, with reference to the descriptions below.

Strategic Bodies:

- 3.1 a body whose functions make a substantial contribution to the achievement of the Council's overall aims and objectives [and priorities](#), as set out in its approved policies, plans and strategies, and to the delivery of essential local services;
- 3.2 an organisation which directly or indirectly represents local government (or aspects of its work) at local, regional or national level and whose membership comprises representatives of some or all local authorities;
- 3.3 an organisation to which the Council is required by statute to make appointments and where not doing so would affect the Council's ability to properly discharge its functions and obligations;

Locality / Ward-Based Bodies:

3.4 a local organisation or group, falling within one or more ward boundaries, which seeks the Council's assistance in meeting local needs;

3.4

General Bodies:

3.5 a voluntary/community organisation which receives funding from the Council and Member representation will provide a valuable mechanism for the exchange of information and views;

3.6 an organisation or discussion/liaison group where Council representation will in some other way provide clear 'added value' to either the Council or local communities in Central Bedfordshire.

The Capacity in which Members Serve On Outside Bodies

4. The capacity in which Members serve on outside bodies will mainly depend on:
 - 4.1 what legal form each organisation takes, and in particular whether it is incorporated as a separate legal entity or not;
 - 4.2 whether the appointment is to the main body or to a particular committee or sub-committee;
 - 4.3 whether the Member is acting as a voting or non-voting member.
5. Depending on the terms of the appointment and the legal structure of the 'outside body'; Members may serve as either:
 - 5.1 a board, executive or management committee member (voting);
 - 5.2 a committee or sub-committee member (voting);
 - 5.3 an ordinary member (voting only at the AGM);
 - 5.4 a company director (voting);
 - 5.5 a charity trustee (voting);
 - 5.6 an observer (non-voting); or
 - 5.7 a member of a discussion or liaison forum (where voting may not apply).

6. In relation to 5.6, an observer is a person who is not a member of the body but is invited to attend in order to give the body the benefit of the Council's views and to keep the Council informed of the body's actions.
7. The capacity in which the member serves, along with the organisation's duties and accountabilities under the law, as well as to any parent body or regulator, will determine the extent of their responsibilities and liabilities.

Members' Responsibilities and Potential Liabilities

8. The type of organisation to which the Council make appointments is so diverse that it is virtually impossible to give comprehensive guidance that covers every situation. The circumstances will vary widely from one organisation to another, but for convenience they have been divided below between corporate and non-corporate bodies.

Corporate Bodies

- 8.1 A corporate body has its own legal ~~identity personality~~ and is responsible for its own governance arrangements, finances and contractual responsibilities. The body itself will incur direct liability for its actions or inactions. Individual members who are acting within any mandate given to them by that body will usually be protected by limited liability if it becomes insolvent (except in the case of wrongful or fraudulent trading).
- 8.2 A Member appointed to a corporate body must when attending meetings of the body act in that body's best interests, which may not necessarily be the same as the Council's. Members may of course bring to bear their own experience and knowledge as a councillor, and may have regard to the Council's interests, but have a duty to exercise independent judgement when making decisions. Members should not claim to act or give the impression that they are acting under a Council mandate.

- 8.3 In the event of a clear conflict of interests the Member should consider whether it is (a) minor or occasional enough that it can be dealt with by declaring an interest and withdrawing from either the organisation's meeting or the Council's meeting, or (b) so frequent or significant that it prevents the Member from effectively fulfilling their responsibilities towards the outside body, in which case resignation from the body may need to be considered. Conflicts of interest are likely to be more acute for Executive Members, particularly where the financial position of the outside body is under consideration and the body depends on Council financial support (see the Monitoring Officer's guidance at Appendix C).
- 8.4 Corporate bodies include statutory or chartered corporations (including local authorities, non-departmental public bodies, NHS trusts, colleges and community, foundation or voluntary schools); companies limited by shares; companies limited by guarantee (not-for-profit, including incorporated charities where liability is normally limited to a nominal £1); industrial and provident societies (not-for-profit, including most housing associations); and limited liability partnerships. In many cases the body will have accountability requirements to a regulator such as the District Auditor, another inspectorate or government department, or Companies House.

Registered Companies

- 8.5 A Member appointed to a registered company may, depending on the approach taken by that organisation, be expected to become a signed-up company director rather than an observer. If appointed as a company director, the Member will be acting on behalf of the body itself, not as a 'representative' of the local authority, even though the Council may have appointed them. Company directors must have their appointment filed with Companies House and must abide by the company's own Memorandum and Articles of Association. Under the Companies Act 2006 a company director has duties:
- (a) to act within the company's powers;
 - (b) to promote the success of the company;
 - (c) to exercise independent judgement;
 - (d) to exercise reasonable care, skill and diligence;
 - (e) to avoid conflicts of interest;

- (f) not to accept benefits from third parties; and
- (g) to declare any interests in a proposed transaction or arrangement entered into by the company.

8.6 It should also be borne in mind that an observer, even though not formally a director, can in some circumstances assume the status of a 'shadow director' if they are especially influential in the company's decision-making process.

8.7 Examples of corporate bodies to which this Council has made appointments would be school governing bodies, hospitals' councils of governors, housing associations, Citizens Advice Bureaux and a number of other [third-voluntary / community](#) sector organisations which are fulfilling social objectives in the Central Bedfordshire area (where listed as a company limited by guarantee or an industrial and provident society in Appendix B). There may be different levels of responsibility and accountability for ordinary members and management or executive committee members. The Council has made no voting appointments to companies limited by shares or limited liability partnerships but has appointed a non-voting observer to the Board of NIRAH, a private limited company.

Statutory Bodies

8.8 In some cases a Member will be acting as the Council's representative on a board, committee or body that is exercising specific statutory functions which are distinct from the Council's own functions, where Council membership is required by law. These would include a police or fire authority, regional flood defence committee, internal drainage board, joint access forum or conservation board; ~~also EERA, as the regional chamber and planning authority.~~ While each body will have its own purpose and constitutional arrangements, in general an appointed Member can be expected to play their part in supporting the body's work, but taking particular account of the need to safeguard the Council's best interests and those of its communities. There may be some potential for conflicts of interest where there is a financial relationship such as a levy or precept between the body and the Council.

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Registered Charities

8.9 Charities and charitable trusts can be conveniently subdivided into:

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- (a) endowed grant-making trusts where the trustees' duties are primarily to protect the trust's assets and ensure the charity is well-managed in accordance with its stated purposes (including disbursement of its funds, for instance as small educational or welfare grants); several of these are currently listed in our schedule of outside bodies; and

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(b) voluntary organisations and community associations that exist to provide some kind of local service, which can present more risks particularly if they have charge of annual budgets and/or financial reserves, or contractual obligations towards staff, property or suppliers; for this reason most of those voluntary or community groups to which the Council has made appointments have already incorporated themselves as companies limited by guarantee, a form which presents less risk to individual members.

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8.10 Where the organisation is a registered charity there will also be specific accountability requirements towards the Charity Commission which include always to act in accordance with the charity's stated purposes (set out in its charity registration and constitution or trust deed) and to submit an annual report and accounts.

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Commented [RS2]: Registered Charities are corporate bodies so this section should be moved to the corporate bodies section.

Non-corporate Bodies

4.48.11 A non-corporate body has no separate legal identity personality status and is in effect a collection of individuals who will usually be acting together under a formal structure such as a constitution, rules or terms of reference that have been agreed between the members.

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Advisory, Consultative or Liaison Bodies

4.28.12 In many cases Members will be appointed to an advisory, consultative or liaison body of some kind. It could take the form of a joint committee, partnership arrangement or discussion forum between the local authority and one or more other public and/or private or third sector bodies. Again, the Member appointed will be acting as the Council's representative and contributing to that body's purposes while taking account of the best interests of the town locality in the case of the Joint / Partnership Committees and Central Bedfordshire and its residents.

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4.38.13 Examples would include local government forums such as the Joint / Partnership Committees, LGA and County Councils Network; key partnerships such as ~~the LSP~~, the 'Safer Central' Community Safety Partnership and the ~~BDAT Partnership Board~~. The potential for incurring liabilities or conflicts of interest as a result of membership is likely to be minimal.

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4.48.14 In other cases the 'body' will be more of an informal discussion group, acting as a forum for the exchange of

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views and information and inter-agency consultation, often on quite local issues. Council appointments have been made to several quarry, waste and transport liaison groups, the cycling forum, leisure centre advisory groups and town centre partnerships or working groups. With no decision-making powers, the scope for liabilities or conflicts or interest arising should again be minimal unless perhaps if a planning consent were involved.

Registered Charities

~~8.9 — Charities and charitable trusts can be conveniently subdivided into:~~

- ~~(a) — endowed grant making trusts where the trustees' duties are primarily to protect the trust's assets and ensure the charity is well managed in accordance with its stated purposes (including disbursement of its funds, for instance as small educational or welfare grants); several of these are currently listed in our schedule of outside bodies; and~~

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Commented [SH5]: Registered charities section moved to Corporate bodies

~~(b) — voluntary organisations and community associations that exist to provide some kind of local service, which can present more risks particularly if they have charge of annual budgets and/or financial reserves, or contractual obligations towards staff, property or suppliers; for this reason most of those voluntary or community groups to which the Council has made appointments have already incorporated themselves as companies limited by guarantee, a form which presents less risk to individual members.~~

~~8.10 — Where the organisation is a registered charity there will also be specific accountability requirements towards the Charity Commission which include always to act in accordance with the charity's stated purposes (set out in its charity registration and constitution or trust deed) and to submit an annual report and accounts.~~

Other Unincorporated Associations

~~4.58.15~~ An unincorporated association, having no separate legal existence, is no more than a group of individuals who agree to pursue a common purpose. Members may be asked to make a financial contribution, for example in the form of a subscription, and to sign a membership agreement which can include an agreement to contribute to liabilities incurred by other members. When a member acts on behalf of the unincorporated association, for example in buying equipment to be used by the association, he/she incurs a personal liability for the cost of that equipment and then seeks to recover that expenditure from the funds of the association or from the other members of the association. In particular cases, the association may be regarded in law as a partnership in which case each member may be personally liable for any debts incurred by any member of the association.

~~4.68.16~~ Because of this potential liability the Council should avoid appointing voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.

~~4.78.17~~ In general, Members who are appointed to charities, community associations or other third sector bodies (whether incorporated or not) should:

- (a) understand clearly the organisation's purposes and main objectives and their own role in the organisation;
- (b) attend meetings regularly and take an active, informed and supportive role in the body's affairs;

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- (c) take care always to act in the best interests of the organisation and in accordance with its rules or governing document, while contributing their knowledge and experience as a councillor;
- (d) satisfy themselves that the organisation has transparent governance arrangements, regular reports on its activities and sound financial management, with accounts regularly monitored; and that annual reports and accounts are submitted in timely fashion;
- (e) seek to protect the body's assets and manage its affairs prudently;
- (e) be aware of the main risks the body faces (including funding risks) and the steps to be taken to deal with them;
- (f) ensure it maintains its membership, so that the work of running the organisation and any financial obligations continue to be shared by a reasonable number of people;
- (g) behave ethically in accordance with the organisation's own code of conduct, if they have one, or otherwise the Council's Code of Conduct for Members;
- (h) not gain or seek to gain from their appointment any benefit or remuneration (beyond any travel or other allowances formally approved by the body);
- (i) ensure the organisation has appropriate health and safety and equal opportunities policies and adequate insurance arrangements;
- (j) seek to safeguard the Council's interests on those bodies which are funded by or through the Council, to the extent that this does not conflict with their duties towards the organisation; and
- (k) seek advice from the Monitoring Officer or other relevant Council officer if they have concerns about the running of the body.

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Indemnity and Insurance Cover

~~2.9.~~ The Council's Indemnity for Members and Officers ([at Part 6 of the Ethical Handbook at the back of the Constitution](#)) provides cover in connection with any liability the member may incur by reason of any action, or failure to act, which has been authorised by the Council or which forms part of, or arises from, any duties or functions placed upon the Member. This includes functions arising from the Member's service on an outside body, where the Member has been officially appointed by the Council and the outside body itself does not provide its own cover. Insurance cover is only provided, however, when either the Member is sitting on the outside body purely to represent the Council, or the body on which the Member sits is acting only in the interests of the Council.

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~~3.10.~~ This means that the Council's insurance-backed indemnity would extend to membership of statutory bodies, where the Member would be acting as the Council's representative (in situations where the body did not provide its own cover); to membership of the many advisory, consultative or liaison bodies of which the Council is a member; and to situations where the Council's representative was appointed purely as a non-voting observer on a company or other incorporated body. Insurance cover would not be provided, however, where the Member was appointed by the Council to serve as either a company director or a charity trustee, where their primary obligations would be to that body rather than to the Council. In this situation the outside body should be expected to provide its own indemnity, to avoid any potential liability falling back upon the Council.

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~~4.11.~~ The Schedule of Outside Body Appointments shows where appointments are understood to be covered by the Council's own indemnity and where they are covered by the company or charity concerned. As a matter of principle, Council appointments should not be made, other than as non-voting observers, to companies or charities which have not provided their own insurance-backed indemnities to appointed Members, nor to any unincorporated association where there is a significant risk of personal liability.

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~~5.12.~~ To avoid any potential liability, non-voting observers sitting on registered companies should take care not to exercise undue influence over the decisions of those companies.

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~~6.13.~~ In no circumstances will the Council's indemnity/insurance cover Members who are serving on an outside body in a personal capacity, i.e. at their own choice rather than by formal Council appointment.

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Conflicts of Interests

~~7.14.~~ As indicated earlier, Members appointed by the Council to an outside body will, when sitting on that body, often have duties to the organisation which take precedence over their duties to the Council. This will depend on the type of organisation on which they serve. Members will therefore wish to consider, at any time when it appears that the organisation's interests may conflict with the Council's interests, whether that conflict prevents them from taking part in decision-making either at the organisation's meeting or at the Council's meeting.

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15. Under the Council's Code of Conduct for Members an personal ~~other~~ interest always arises from membership of an outside body "of which you are a member or in a position of general control or management", including one to which a Member has been appointed or nominated by the Council. This interest needs to be recorded in the Register of Members' Interests and declared at any meeting where the business relates to or is likely to affect that body, although it does not impede full participation in the Council's meeting.

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~~8.16.~~ A pecuniary interest will arise if the Member receives any profit, gain or sponsorship by reason of their membership in the outside body. Where a pecuniary interest does arise at a Council meeting, the Member must withdraw from the room and take no further part in the discussion.

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~~9.~~ A personal and prejudicial interest will arise "where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest", but only where the business at hand either:

~~(a) affects the financial position of the outside body; or~~

~~(b) relates to the determining of any approval, consent, licence, permission or registration in relation to that body.~~

~~10.~~ Where a personal and prejudicial interest does arise at a Council meeting, the Member must withdraw from the room and take no further part in the discussion. The Monitoring Officer's advice note to Executive Members (Appendix C) elaborates.

Commented [RS6]: Personal and prejudicial interests were replaced with disclosable pecuniary interests by the Localism Act 2011

~~9.17.~~ For the sake of clarity it is unlikely, owing to a dispensation in exemption in the Members' Code of Conduct regarding the setting of Council Tax, that a pecuniary personal and prejudicial interest will arise solely by reason of funding for an outside body being included in the Council's overall annual budget at the time it is submitted in draft form for Council approval. An exception to this would be if a specific decision is sought about that particular organisation's funding arrangements and the Member has a pecuniary interest by reason of their membership in the outside

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body.

Bias and Predetermination

19. Where membership of an outside body gives rise to a pecuniary interest~~personal and prejudicial interest~~, it would be a breach of the Code of Conduct for a Member to participate within the Council on matters which affect that outside body. However, the common-law ~~also goes further than the Code of Conduct in this respect and~~ provides that decisions of the Council may be open to judicial review and held to be invalid where any Member who participated in that decision was, or gave the appearance that they might be, either "predetermined" or "biased".
20. "Predetermination" would arise if a Member made up their mind on a matter before they had all the relevant information to make that decision; it could be a particular problem in respect of outside bodies which made representations to the Council on matters such as planning and licensing applications, where a Member may be asked to take a view on a matter in the outside body, and then have to take a formal decision on the matter within the Council. Members who will be involved in decision-making within the Council should therefore be careful not to commit themselves, or appear to commit themselves, in advance as to how they will vote in the Council.
21. "Bias" would arise if a Member took a decision within the Council not on a balanced consideration of material factors, but allowed their decision to be improperly influenced by loyalty to an outside body, or agreed to act on the direction of an outside body.
22. For this reason any Member serving on an outside body should be particularly careful in dealing with any matter within the Council not to give the appearance of predetermination or bias.

Reporting Back on the Work of Outside Bodies

23. Members will be asked to complete an annual survey so that they can ~~may wish to~~ report back to their colleagues on the work of the outside body to which they are appointed ~~by contributing an occasional article to the Members' Newsletter. The contributions will be collated into an Annual Report of Outside Bodies.~~
24. The annual survey, once completed, Any such articles should be forwarded to Governance Services.

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Process for appointing Members to Outside Bodies

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20. The Monitoring Officer is responsible after consultation with appropriate members of the Council, and where required in accordance with their wishes, to make appointments, removals or replacements to Outside bodies. ~~General Purposes Committee will be responsible for appointing Councillors to the list of Outside Bodies attached in Appendix A to this policy. This will be completed annually.~~
- 20-21. ~~Councillors~~ Members and officers can nominate bodies to be added to the list of Outside bodies and this must be approved by ~~through~~ General Purposes Committee. General Purposes Committee must also approve recommendations from members or officers to remove an Outside body from the list.

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Central Bedfordshire Council

General Purposes Committee

28 March 2019

Central Bedfordshire Council – Electoral Review

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

Purpose of this report

The report proposes the establishment of a Member Working Group to consider and make recommendations to this Committee on the Electoral Review of Central Bedfordshire Council that is being conducted by the Local Government Boundary Committee for England.

RECOMMENDATIONS

The Committee is asked to:

- 1. Establish a Working Group of Members to work with officers to develop proposals and carry out consultation with stakeholders concerning proposals for a submission to the Local Government Boundary Committee for England (LGBCE) relating to revised electoral arrangements;**
- 2. Agree that membership of the Working Group be limited to 4 Members; and**
- 3. Agree that the Working Group reflects the overall political composition of the Council following the elections scheduled to take place on 2 May 2019.**

Review of Electoral Arrangements

1. The LGBCE have commenced a review of the electoral arrangements for Central Bedfordshire. The timing of the review will ensure that revised electoral arrangements will be introduced in time for the ordinary elections in 2023.
2. The object of the review is to ensure a fairer representation at local government elections given the significant changes in the distribution of electors since the last review in 2009. Matters that will be considered are:

The total number of Councillors to be elected to the Council.

The names, number and boundaries of wards.
The number of Councillors to be elected to each ward

3. The review is likely to have implications for the whole local authority not just areas with high levels of electoral inequality.
4. The electoral review will have two distinct parts:
 - a. Council size; and
 - b. Ward boundaries

Council Size

5. The first part of the review will determine the total number of Councillors to be elected to the Council in future. The Commission have an expectation that the Council will submit a proposal for a council size that they believe is right for the authority.
6. In making its judgment on council size the Commission consider three broad areas:
 - a. Governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities.
 - b. The Council's scrutiny functions relating to its decision making and the Council's responsibilities to outside bodies.
 - c. The representational role of Councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.

Warding Patterns

7. The Commission will carry out two phases of public consultation and the Council will be invited to present its proposals for new ward boundaries.
8. At the first round of consultation the Commission will ask for proposals on new ward boundaries and they will use the responses to that consultation to draw up draft recommendations for new boundaries across the Council's area. The second round of consultation will afford the Council opportunity to comment on the draft recommendations and to propose alternatives.
9. The Commission will draw up new electoral arrangements that provide the best balance in accordance with the statutory criteria. The criteria include three main elements:
 - a. Delivering electoral equality for local voters. *(This means ensuring that each Councillor represents roughly the same number of electors so that the value of their vote is the same regardless of where they live in the local authority area).*
 - b. Interests and identities of local communities. *(This means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable).*
 - c. Effective and convenient local government. *(This means ensuring that the wards can be represented effectively by their elected representatives and that the new electoral arrangements, including both the council size decision and*

warding arrangements, allow the local authority to conduct its business effectively).

Electoral Review Timetable

Develop council size proposal	17 January 2019 to 17 September 2019
Commission Meeting on Council size	15 October 2019
Consultation on warding patterns	22 October 2019 to 13 January 2020
Commission Meeting on Draft Recommendations	17 March 2020
Consultation on Draft Recommendations	31 March 2020 to 8 June 2020
Commission Meeting on Final Recommendations	21 July 2020
Order laid	Autumn 2020
Order made	Winter 2020
Implementation	2023

Council Priorities

10. This report contributes to the Council's priority of creating stronger communities and a more efficient and responsive Council. Ultimately, the recommendations made in a electoral review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.'

Legal Implications

11. The Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) section 56 requires the LGCBE to review 'from time to time' every principal local authority in England and make recommendations about electoral arrangements. In addition, the LGCBE can at any time review the arrangements for all or any part of a principal local authority's area.
12. The LGCBE can make recommendations for the following aspects of local authority electoral arrangements:
- a. The total number of councillors to be elected to the council (known as 'council size');
 - b. The number and boundaries of wards/divisions;
 - c. The number of councillors to be elected for each ward/division; and
 - d. The name of any ward/division.
13. Schedule 2 of the 2009 Act sets out the statutory criteria to which the LGBCE are required to have regard in conducting electoral reviews. In summary, in making recommendations, LGBCE are required to have regard to:
- a. The need to secure equality of representation;

- b. The need to reflect the identities and interests of local communities; and
- c. The need to secure effective and convenient local government.

Financial and Risk Implications

- 14. The anticipated costs for the review are minimal and relate only to the cost of the external correspondence with stakeholders. This will be managed within existing budgets.

Equalities Implications

- 15. 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 partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 16. There are no direct equalities implications that have been identified as relevant to this report. However, achieving a more even distribution of electoral representation in every ward will provide an opportunity for fairer representation.

Conclusion and next Steps

- 17. Any changes to the electoral arrangements that are approved by the LGBCE are brought into effect by means of a formal Order. This Order shall come into force on 1 April 2023

Background Papers

None

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Central Bedfordshire Council

General Purposes

28 March 2019

Protocol for Member/Officer communication

Responsible Director(s): Richard Carr, Chief Executive,
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Purpose of this report

This report sets out the Council's proposed response to a recent survey of Members on their experience of raising queries with officers, requested at a previous meeting.

RECOMMENDATION

The Committee is asked to note the activity outlined at paras (11-14) in response to the comments of Members.

Background

1. The Council's Constitution at Part 5D states that officers would make every effort to make a substantive response to Member enquiries within 2 working days but if a substantive response could not be provided, officers would acknowledge receipt of the enquiry and aim to provide a substantive response within 5 working days.
2. At their meeting on 7th December 2017, the Committee expressed concern over variation in response times experienced by Members to their enquiries. In addition, it was recognised that while officers should provide responses in line with the Constitution it was equally important for Members to allow officers sufficient time to respond to their enquiries and that an overzealous approach to chasing those responses was inappropriate and counterproductive.
3. Members requested that the Minutes of the meeting be provided to the Chief Executive and the Monitoring Officer to ensure that they were aware of Members' concerns regarding the variation in the time taken by officers to respond to Member enquiries and the protocol set out in Part 5D of the Constitution which applies to this issue.
4. In order to understand the current experience of Members a survey was sent to all elected Members, providing them with the opportunity to feedback on their experience and to propose areas for improvement.

Current experience

5. A total of 21 responses were provided, the summary of which is set out in the appendix to this report. The survey demonstrates that the majority of contact between Members and Officers occurs weekly and that the majority of enquiries relate to services within the Regeneration and Business and Community Services directorates. Queries are typically addressed at various levels of seniority with a very similar balance of queries directed at all levels from Assistant Director down to staff below service manager level.
6. The majority of responses were positive in nature, saying that when the question or request was clear, an informative and helpful responses was provided within the timescales set out in the Constitution.
7. Whilst there were many positive comments about the speed of response provided to some queries, the responses do confirm that there is inconsistency across Council services and the speed with which officers in some areas respond to queries. Members recognise that officers are under pressure but say that often an acknowledgement is not provided and responses do not always adhere to the timeframe set out in the Constitution. In particular, where responses take more than 2 working days, a holding response is often not sent.
8. Members were asked to provide specific examples where they felt the information they had been provided was unhelpful or was not provided appropriately. The majority of respondents did not cite specific examples of problems they have experienced, either because they had not experienced any or because they chose not to. However, where examples were provided these typically related to Planning or Highways, which suggests that a significant improvement is necessary in those two service areas specifically.
9. Some Members responded that there had been a few cases where the responses they received appeared 'official' in nature and were not entirely helpful.
10. The survey highlights that experience is generally positive although there are some isolated examples of poor experience, particularly in Planning and Highways teams where an improvement is necessary.

Planned activity

11. In light of the comments provided by Members through this survey, the activity set out below is planned to deliver the required improvement-
 - 11.1 Senior Managers in the areas of Highways and Planning to be made aware of the concerns raised by Members and reminded of the Constitutional requirements and duties on managers to respond to queries from Members in a timely fashion.
 - 11.2 From 2019 the induction programme for Members will include guidance on what Members can expect from officers in terms of responses to queries and guidance on how to ensure they receive suitable responses.
 - 11.3 Guidance and training is currently being developed for officers to enhance their understanding of working in a political environment and the role of Members. This is currently out to tender and will commence delivery for officers early in 2019. In particular this guidance will remind officers of the

protocol for responding to queries and stress the need for timely, helpful and information responses. Following the initial face to face training this could be turned into an e-learning module that is available to staff at all times.

- 11.4 Phone-call data from the Council's STORM system will continue to enable managers to monitor call responsiveness and address any concerns in specific areas with regard to speed of response to all queries. Although not disaggregated, this would include queries from Members.
12. In addition to the above, a meeting has already taken place with the Planning Delivery Team, and a subsequent meeting will take place with the Strategic Planning Team to highlight the importance of achieving significant improvements in those areas in light of the feedback from Members. In-house training has also recently been delivered to Planning trainees on the role of the Members' protocol for communication, Officer/Member relations and expectations. This training will be updated to reflect the outcomes of the survey and will be rolled out to all other Officers in the Planning Delivery team alongside the corporate training.
13. An internal review has also taken place within Community Services, that focuses on the administration process for all correspondence, identifying challenges and areas for improvement to enable a more robust administration process and more effective outcomes. Recommendations identify the need to put more robust management procedures in place in the short-term in addition to clarifying expectations for responding to any queries. Once implemented the recommendations of this review will significantly improve Highways responsiveness by focusing on continuous improvement and customer responsiveness.
14. Finally, the Council will consider where there are examples of good practice that can be utilised to improve contact with Members across all Directorates. There is a strong customer communications approach in Building Control and a review will be undertaken to understand what can be transferred from this approach to other areas. This may require establishing different means of first contact and using resources in a different way and therefore a wider discussion on the corporate approach might be necessary in order to achieve the timescales set out in the Constitution.

Reason/s for decision

15. The planned activity set out in this report will enable the Council to respond to the comments of Members with a view to addressing the concerns that have been raised by Members.

Council Priorities

16. The planned activity set out in this report will enable the Council to deliver on the priority of a more efficient and responsive Council.

Corporate Implications

Legal Implications

17. Part 5D 'Protocol for Member/Officer Relations' of the Constitution governs the issues raised in this report including the basic principles of member/officer relations, expectations, member enquiries and complaints. There are no direct legal implications arising from this report.

Financial and Risk Implications

18. There are no financial implications as a result of the activity proposed in this report.

Equalities Implications

19. The Council strives to ensure that it responds to all residents in a timely and effective fashion, including responding to the queries of Members. The recommendations contained in this report will support the Council in ensuring that all queries are responded to in a consistent fashion.

Conclusion and next Steps

20. The recommendations contained in this report are currently under development and will be delivered early in 2019 in order to improve performance across the Council.

Appendices

Appendix A: Summary of responses to the Member survey

Background Papers

None

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Appendix A

Summary of the responses provided to the survey of elected Members

Question 1

How often do you generally communicate with Council officers in relation to a query?

At least once a week	15
At least once a month	3
At least once a quarter	1
At least once a year	0
Other	2

Question 2

Which Council directorate(s) do you typically contact most frequently?

Community Services	12
Regeneration and Business	12
Social Care, Health and Housing	7
Other	7
Children's Services	4
Public Health	2
Chief Executive	1
Resources	1

Question 3

At what officer-level do you typically address your query?

Service Manager	14
Head of Service	12
Assistant Director	10
Below Service Manager	9
Director	6

Question 4

Please describe your experience of the speed of response that you typically receive from officers?

Positive in relation to acknowledgement and response (when the question is clear)	9
Response is inconsistent depending on who you contact	8
Timeframes not adhered to or no response	7
Responses are unprofessional or unhelpful	3
Highways are poor (responses non-existent)	3
Planning are poor	2
Environment/waste are the best	2
Lack of awareness of junior officers	1

Question 5

If applicable, please describe any occasions where you have requested information from officers that you feel has not been provided appropriately

Highways	6
Planning	3
Enforcement	1
Customer Services	1
Education attainment	1
S106	1

Question 6

Please describe your typical experience of the quality of response that you have received to enquiries?

Informative/helpful	15
Inconsistent	7
Sometimes lack decisiveness	1

Central Bedfordshire Council

General Purposes Committee

28 March 2019

Proposed changes to the Director of Children's Services delegated powers relating to Education and maintained schools

Report of: Steve Dixon (Executive Member for Children and Young People)

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Richard Wenham (Deputy Leader & Executive Member for Corporate Resources)

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Responsible Director(s): Sue Harrison (Director of Children's Services)

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Charles Warboys (Director of Resources)

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This report relates to a decision that is not key.

Purpose of this report

This report proposes changes to:

- The Director of Children's Services delegated powers in carrying out the functions of the Council relating to education; and
- making prescribed alterations to schools, and the establishment and discontinuance of maintained schools.

RECOMMENDATIONS

The General Purposes Committee is asked to:

- 1. Consider the proposed changes to the Director of Children's Services delegated powers set out in Appendix A; and**
- 2. Recommend to full Council to approve the proposed changes set out in Appendix A.**

Issues

- 1 Following the Council's decision to close Shelton lower school, it was referred to the schools adjudicator. The adjudicator commented that she disagreed with the Council's contention that the Director of Children Services ('DCS') had the delegated power to establish and discontinue schools.
- 2 Officers consider the DCS's delegated powers on the establishment and discontinuance of maintained schools could be made clearer so as to provide greater clarity and remove any ambiguity. The opportunity was also taken to revise the other Education delegations to ensure they accurately reflect the correct legislation. Accordingly, this report sets out proposals for revising the scheme of delegation to the DCS relating to statutory education functions.

Proposals

- 4 The proposals fall into four areas:
 - Functions of the council relating to education in general (Section 18(3) of the Children Act 2004);
 - the administration and planning of the review of organisation of schools within the area;
 - making prescribed alterations to schools; and
 - the establishment and discontinuance of maintained schools
- 5 Appendix A sets out the current delegation and its proposed replacement. The proposed delegations in the Appendix numbered 4.5.16 – 4.5.18 are additional delegations.
- 6 The proposed changes are considered to be self-explanatory. They reflect the correct legislation, provide clarity and remove any ambiguity as to the correct decision maker.

Council Priorities

- 7 The proposed action supports the council priority **improving education and skills**.

Corporate Implications

- 8 The proposed changes clarify the delegated education functions of the DCS.

Legal Implications

- 9 The proposed changes clarify the powers delegated to the DCS with regard to schools, and in particular decisions delegated to the Director in respect of prescribed alterations and the establishment and discontinuance of maintained schools. The Monitoring Officer drafted the proposed changes and recommends they are approved.

Financial and Risk Implications

- 10 There are no direct financial implications. In terms of risk, the proposed changes clarify powers delegated to the DCS thus reducing the risk of a successful challenge to the exercise of, and interpretation of, the delegations.

Equalities Implications

- 11 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. Clarifying delegated powers will make decision-making clearer and more efficient, and thus have the potential to affect positively the education and life opportunities for disadvantaged pupils generally.

Conclusion and next steps

- 12 If agreed, full Council will need to approve the changes and if approved the proposed changes will be incorporated into Part 3E of the Constitution and then published.

Background papers

None

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APPENDIX A

CURRENT

4.5.10 To carry out the functions of the Council as the Local Education Authority including the functions of the Council relating to child employment and the youth service, and functions relating to adult learning and further education, set out in the Section 18(3) of the Children Act 2004 (as amended from time to time).

PROPOSED

4.5.10 Subject to the exceptions prescribed by Section 18(3) of the Children Act 2004 (and such other statutory exceptions as might be prescribed from time to time), to carry out the education functions of the Council, as set out in Schedule 36A to the Education Act 1996 (as amended from time to time).

CURRENT

4.5.11 To be responsible for the administration and planning of the review of organisation of schools within the area.

PROPOSED

4.5.11 To be responsible for the administration and planning of the review of organisation of schools within the area pursuant to the Council's duties under Section 14 of the Education Act 1996 ('Functions in respect of provision of primary and secondary schools') (as amended from time to time).

Making prescribed alterations to schools

CURRENT

4.5.12 To exercise the Council's functions relating to the publication of statutory notices for prescribed alterations to schools maintained by the Council in accordance with the relevant provisions of the Education and Inspections Act 2006, the School Standards and Framework Act 1998 and Regulations made under those Acts.

Subject to consultation with the Executive Member for Families, Education and Children To take particular account of:

- statutory and non-statutory guidance and the key factors for decision makers
- the Admissions Code
- full consideration of the budget implications.

PROPOSED

4.5.12 To exercise the Council's functions relating to the publication of statutory notices for proposed prescribed alterations to schools maintained by the Council in accordance with the relevant provisions of Part 2 of the Education and Inspections Act 2006 ("the 2006 Act") and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 ("the Prescribed Alterations Regulations") (as amended from time to time).

Subject to consultation with the relevant Executive Member to take particular account of:

- such statutory and non-statutory guidance and the key factors for decision makers as might be published from time to time by the Department for Education;
- the School Admissions Code;
- full consideration of the budget implications.

(At the conclusion of the formal 4 week consultation period following publication of the relevant statutory notice(s), Executive will consider any responses to the consultation and will thereafter determine the relevant proposal(s) in accordance Part 2 of the 2006 Act and the Prescribed Alterations Regulations (as amended from time to time). In so doing, Executive shall take particular account of such statutory guidance and the key factors for decision makers as might be published from time to time by the Department for Education.)

CURRENT

4.5.15 To exercise the Council's functions relating to the modification of previously determined statutory proposals for prescribed alterations and/or for the establishment and discontinuance of schools maintained by the Council in accordance with the relevant provisions of the Education and Inspections Act 2006, the School Standards and Framework Act 1998 and Regulations made under those Acts.

Subject to consultation with the relevant Executive Member and the Monitoring Officer, to take particular account of:

- statutory and non-statutory guidance
- the Admissions Code
- full consideration of the budget implications.

PROPOSED

4.5.15 To exercise the Council's functions relating to the modification of previously determined statutory proposals for prescribed alterations to maintained schools in accordance with the relevant provisions of Part 2 of the 2006 Act and the Prescribed Alterations Regulations (as amended from time to time).

Subject to consultation with the relevant Executive Member and the Monitoring Officer, to take particular account of:

- such statutory and non-statutory guidance and the key factors for decision makers as might be published from time to time by the Department for Education;
- the School Admissions Code;
- full consideration of the budget implications.

Establishment and Discontinuance of Maintained Schools

4.5.16 To exercise the Council's functions relating to the modification of previously determined statutory proposals for the establishment of new schools and the discontinuance of schools maintained by the Council in accordance with the relevant provisions of Part 2 of the 2006 Act and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 ("the Establishment and Discontinuance Regulations") (as amended from time to time).

Subject to consultation with the relevant Executive Member and the Monitoring Officer, to take particular account of:

- such statutory and non-statutory guidance and the key factors for decision makers as might be published from time to time by the Department for Education;
- the School Admissions Code;
- full consideration of the budget implications.

4.5.17 To exercise the Council's functions relating to informal / pre-consultation for the proposed establishment of a new school and/or the proposed discontinuance of a maintained school.

Subject to consultation with the relevant Executive Member and the Monitoring Officer, to take particular account of:

- such statutory and non-statutory guidance and the key factors for decision makers as might be published from time to time by the Department for Education;
- the School Admissions Code;
- full consideration of the budget implications.

4.5.18 To exercise the Council's functions relating to the publication of statutory notices for the proposed establishment of a new school and/or the proposed discontinuance of a maintained school in accordance with the relevant provisions of Part 2 of the 2006 Act and the Establishment and Discontinuance Regulations (as amended from time to time).

Subject to consultation with the relevant Executive Member, to take particular account of:

- such statutory and non-statutory guidance and the key factors for decision makers as might be prescribed from time to time by the Department for Education;
- the School Admissions Code;
- full consideration of the budget implications.

(At the conclusion of the formal 4 week consultation period following publication of the relevant statutory notice(s), Executive will consider any responses to the consultation and will thereafter determine the relevant proposal(s) in accordance with Part 2 of the 2006 Act and the Establishment and Discontinuance Regulations (as amended from time to time). In so doing, Executive shall take particular account of such statutory and non-statutory guidance and the key factors for decision makers as might be published from time to time by the Department for Education.)

Central Bedfordshire Council

General Purposes Committee

28 March 2019

Report on the Arrangements for Ethical Standards

Responsible Director(s): Charles Warboys, Director of Resources
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Purpose of this report

To provide the Committee with a summary of the Council's ethical governance arrangements since October 2018 and to comment and give direction on those areas of best practice contained in the Government's Committee on Standards in Public Life.

RECOMMENDATIONS

The Committee is asked to:

- 1. Note how the Council has complied with its obligations in respect of ethical standards under the Localism Act 2011 for the 6 months since October 2018; and**
- 2. Comment on those areas of best practice, as contained in the report of the Government's Committee on Standards in Public Life, and provide direction where needed.**

Introduction

- The Localism Act 2011 ('the Act') 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. The Act 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. 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 Government's Committee on Standards in Public Life recently completed its review of local government ethical standards. The Committee published its report on

30 January 2019. The report contains 26 recommendations and 15 areas of best practice.

The Code of Conduct

3. 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. A Parish Council was found recently not to have a code of conduct. It has since adopted one and published it on its website.
4. 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.

The Government's Committee on Standards in Public Life

5. The Government's Committee on Standards in Public Life recently completed its review of local government ethical standards. The Committee published its report on 30 January 2019 and is available to view at: <https://www.gov.uk/government/collections/local-government-ethical-standards>. The report contains 26 recommendations and 15 areas of best practice. One of the recommendations is that local authorities should be given the power to suspend councillors, without allowances, for up to six months.
6. The areas of best practice are as follows.
7. **Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.** – This is not in the Council's code of conduct. The Monitoring Officer advises it is included. The Committee is asked to consider this and give its direction.
8. **Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.** – This is not in the Council's code of conduct. The Monitoring Officer advises it is included. The Committee is asked to consider this and give its direction.
9. **Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community**

organisations and neighbouring authorities. – This is not current practice. The Committee is asked to consider this and give direction.

10. **Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.** – This is current practice for the website; the Monitoring Officer is unsure how easily available it is in council premises, though it is expected a copy would be printed off by reception staff if a member of the public requested it.
11. **Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.** – This is not current practice. Gifts, if declared by members, are published on the individual members register of interests form under 'Other Interests'. There is not a separate register for gifts and hospitality received by members. The Committee is asked to consider this and give direction.
12. **Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.** – This is not current practice although the Monitoring Officer takes into account the public interest when considering code of conduct allegations. The arrangements for standard allegations (Appendix A) lists a referral criteria at paragraph 14 which is similar to a public interest test. The Committee is asked to consider this and give direction.
13. **Best practice 7: Local authorities should have access to at least two Independent Persons.** – This is current practice. Luton Borough Council led on the recruitment and formal appointment of four Independent Persons which the Council has access to.
14. **Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.** – This is part current practice. The Independent Person is consulted except where the Monitoring Officer concludes that a complaint is clearly without merit i.e. discloses no potential breach of the code. In such cases if the complainant challenges this it is open to the Monitoring Officer to then consult with the Independent Person. A number of complaints are made each year which are without merit and to consult with the Independent Person would create additional work and cost. The Committee is asked to consider this and give direction.
15. **Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.** – This is current practice for all decisions whether at the initial assessment stage or later.

16. **Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.** – This is current practice and is contained in Appendix A which is published on the website.
17. **Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.** – Not applicable to this Council.
18. **Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.** – It is current practice for the Monitoring Officer to provide this advice and support, to handle investigations and to arrange standards hearings on alleged breaches by T&PC councillors.
19. **Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.** – There is not such a procedure in place, although no conflicts of interest have arisen to date. If a conflict of interest arose an alternative could include the Deputy Monitoring Officer undertaking the investigation. The Committee is asked to consider whether it requires procedures be put in place to address any conflicts of interest when undertaking a standards investigation and if so whether it wishes the procedure to include asking the Monitoring Officer from a different authority to undertake the investigation.
20. **Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.** – This will be considered for this year's annual governance statement which is in the remit of the Council's Audit Committee.
21. **Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.** – None of the Council's political groups appear to have designated whips in the way implied. Senior Officers meet with group leaders as and when the need has arisen; a regular meeting is not considered necessary.

The Register of Interests

22. 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. The Council's current register includes a section on 'Other Interests'.

23. 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. 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.
24. All Council members have disclosed their pecuniary interests.
25. 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.
26. 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

27. 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.
28. 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.
29. This arrangement works well providing an effective second opinion for the Monitoring Officer as part of the initial assessment stage 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

30. A copy of the procedure that the Council has adopted for handling complaints is attached at Appendix A.
31. The procedure provides that where the conduct complained of potentially 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.
32. The procedure was recently amended to permit the Monitoring Officer to reject a complaint that does not disclose a potential breach of the Code of Conduct. This avoids the need to consult the Independent Person when a complaint is clearly without merit thus saving on additional time and the Independent Person's costs.
33. During the past 6 months two cases have been formally investigated concerning one CBC councillor and both cases, in February 2019, were referred to a standards sub-committee.
34. For the period October 2018 to March 2019 the Monitoring Officer has received four new formal complaints. The two complaints (referenced in paragraph 33) were re-opened in June 2018 following receipt of additional evidence. One other complaint was carried over from the previous 6 month period (February 2018 – October 2018) and was concluded in October 2018 with a finding of no breaches.
35. The four new complaints received comprised, two complaints in respect of two Town/Parish councillors, and two complaints in respect of two CBC councillors. Of the complaints against CBC Members one was concluded with no breaches found and one was concluded with a breach found, but no further action. Appendix B shows the cumulative totals of complaints received for the past two years.

Guidance to Town/Parish Councils

36. 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 assisted in matters being dealt with before they become formal complaints. The Monitoring Officer is contacted on a frequent basis by members of the public, T&PC councillors and clerks 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. 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.

Arrangements for the Future

37. 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 noticeable 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.
38. It remains to be seen whether central government takes action to implement the recommendations of the Committee on Standards in Public Life. This Committee will be updated at its October 2019 meeting on any developments.

Council Priorities

39. The effectiveness of the Council's ethical governance arrangements contributes to the achievement of 'Enhancing Central Bedfordshire', 'Great resident services', 'Protecting the vulnerable; improving wellbeing' and 'A more efficient and responsive Council.'

Corporate Implications

Legal Implications

40. 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 and Risk Implications

41. There are no specific financial implications.

Equalities Implications

42. 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.

43. Strengthening the code, as suggested at best practice 1, to include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition would help to reinforce understanding of equality legislation and provide greater clarity about standards of behaviour.

Conclusion and next Steps

44. Members are asked to note the contents of this report and provide direction where needed on the areas of best practice contained in the report of the Government's Committee on Standards in Public Life. Depending on the direction given a further report may be required to be brought back to this Committee and full Council if changes to the Constitution (including the Members' Code of Conduct) are required.

Appendices

Appendix A: Part 5B of the 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

The report of the Government's Committee on Standards in Public Life, is provided through an electronic link:

<https://www.gov.uk/government/collections/local-government-ethical-standards>

Background Papers

None

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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 to determine whether it discloses a potential breach of the Code of Conduct. If the Monitoring Officer concludes the complaint does not disclose a potential breach of the Code of Conduct then the Monitoring Officer may reject the complaint. Potential breaches of the code will be assessed by the Monitoring Officer after consultation with the Independent Person and 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 or if the complaint is complex or involves the consideration of substantial documentation.

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

Referral Criteria

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

Informal Resolution

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

Investigation

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

No Action

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

Local Resolution

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

Hearings

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

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

Sanctions

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

34.1 censure the Member;

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

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

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

34.5 inform the Member's Group Leader

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

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

Revision of these arrangements

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

Councillor Code of Conduct Complaints Cumulative Summary

Month	Cases Opened in Month	Cases closed in Month	Number of active cases at end of Month
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
September 18	0	0	3
October 18	1	2	2
November 18	1	0	3
December 18	0	0	3
January 19	1	2	2
February 19	1	1	2

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General Purposes Committee 28 March 2019

Appendix C

Figures for notifications of Town and Parish Councillors Interests

As at 5 March 2019:

- There are 710 Town and Parish Councillor positions
- CBC are aware of 15 current vacancies
- 633 completed register of interest forms have been received by the Monitoring Officer
- 632 forms have been published.
- This represents a return of 89% of completed forms.

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

28 March 2019

Work Programme

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

Purpose of this report

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

RECOMMENDATION

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

Overview and Scrutiny Comments/Recommendations

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

Background

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

Council Priorities

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

Corporate Implications

Legal Implications

5. There are no legal implications.

Financial and Risk Implications

6. There are no financial and risk implications.

Equalities Implications

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

Conclusion and next Steps

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

Appendices

Appendix A – General Purposes Committee Work Programme

Background Papers

None

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Committee Services Officer

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General Purposes Committee Work Programme

2018/19 Municipal Year	
28 March 2019	<ul style="list-style-type: none"> • Report on the Arrangements for Ethical Standards (SR) • Protocol for Member/Officer Relations (JP) • Review of the Council's Outside Body Policy (SHughes) • National Pay Spine Review Update (HMason/SFecondi) • Local Government Boundary Commission for England (LGBCE) - Electoral Review (BD) • Proposed amendments to Director for Children's Services Scheme of Delegations with regards to Schools (SR) • Work Programme (CJ)
16 May 2019 (to take place directly after the annual meeting of Council)	<ul style="list-style-type: none"> • Membership of the Appointments Panel <p>**this will be the only item of business for this meeting**</p>
20 June 2019	<ul style="list-style-type: none"> • Market Rate Supplement – Annual Update (VC) • Review of Urgent and Minor Updates to the Constitution (JP) • Parental Leave Policy for Elected Members (JP) • Configuration of Overview and Scrutiny Committees (JP) • Work Programme (CJ)
29 August 2019	<ul style="list-style-type: none"> • Work Programme (CJ)
17 October 2019	<ul style="list-style-type: none"> • Review of Policy and Procedure under the Regulation of Investigatory Powers Act 2000 (SR) • Arrangement for Ethical Standards (Standards Complaints) (SR) • Work Programme (CJ)
12 December 2019	<ul style="list-style-type: none"> • Pay Policy Statement 2020/21 (VC) • Work Programme (CJ) •
26 March 2020	<ul style="list-style-type: none"> • Work Programme (CJ) •

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