

## Guide to the Constitution of Central Bedfordshire Council

### INDEX

<i>Section</i>	<i>Page Nos</i>
1. Background	1
2. The Constitution	1-6
3. Modernised Decision Making	7-9
3.1 Background	7
3.2 – 3.4 The Budget and Policy Framework	7-9
4. Committee Structure	
4.1 – 4.6 Role of the Full Council	9
4.7 – 4.27 Executive	9-13
4.28 – 4.32 Overview and Scrutiny	13-17
4.33 Standards Committee	17-18
4.34 – 4.35 Development Management Committee	18
4.36 Licensing Committee	18
4.37 Regulation Committee	19
4.38 General Purposes Committee	19
4.39 Appeals Committee	19
5. Terms of Reference and Schemes of Delegation	19-23
6. Procedure Rules	
(a) Council Procedure Rules	24-26
(b) Access to Information Procedure Rules	26-27
(c) Budget and Policy Framework Procedure Rules	27
(d) Executive Procedure Rules	27
(e) Overview and Scrutiny Procedure Rules	27-28

<i>Section</i>	<i>Page Nos</i>
(f) Committee Procedure Rules	28
(g) Officer Employment Procedure Rules	29
(h) Code of Financial Governance	29-30
(i) Code of Procurement Governance	30-33
<b>7. Codes and Protocols</b>	
(a) Code of Conduct for Councillors	33
(b) Code of Conduct for Officers	33
(c) Protocol for Member/Officer Relations	33-34
(d) Monitoring Officer Protocol	34-35
(e) Interim Members' Protocol on the Use of ICT at Home	35
<b>8. Ethical Handbook</b>	
(a) Guidance on Gifts and Hospitality	35
(b) Members' Planning Code of Good Practice	35
(c) Licensing Code of Good Practice	36
(d) Confidential Reporting Code	36
(e) Guidance on Property Transactions and Commercial Property Management	36
(f) Indemnity for Members and Officers of the Council	36
<b>9. Members' Allowances Scheme</b>	<b>36-37</b>
<i>Tables</i>	
Table 1 The Policy Framework	7-8
Table 2 Budget	8
Table 3 Definition of Key Issue	12
Table 4 Overview and Scrutiny Committees	13-15

<i>Section</i>	<i>Page Nos</i>
Table 5      Summary of Call-in Scheme	16-17
Table 6      Council Scheme of Delegations: Key Delegations	20-23
Table 7      Key Council Procedure Rules	24-26
Table 8      Key Access to Information Procedure Rules	27
Table 9      Key Overview and Scrutiny Procedure Rules	28
Table 10     Key Committee Procedure Rules	28
Table 11     Key Financial Procedure Rules	29-30
Table 12     Key Procurement Procedure Rules	31-33
Table 13     Members' Enquiries	34
 <i>Appendices</i>	
<b>Appendix 1</b> Executive Decision Making Chart	38-39
<b>Appendix 2</b> A Guide to Motions and Amendments	40
<b>Appendix 3</b> A Guide on Substitution	41-42
<b>Appendix 4</b> Council and Committee Structure	43

## **Introduction**

1. The Council's Constitution is available on the Council's website. Hard copies are made available to all Members, Directors and Assistant Directors
2. This document is intended to provide Members and Officers with a basic guide to the Constitution. However it is not as comprehensive as the full document and the authoritative work will be the Constitution itself.
3. The purpose of this Guide is, therefore, to provide easy access to the main provisions of the Constitution but NOT to replace it.

## **Guide to the Constitution at Central Bedfordshire Council.**

### **1. Background**

1.1 Under Part II of the Local Government Act 2000, a local authority must operate one of the following models of “executive arrangements”:-

- Elected mayor and cabinet
- Leader and cabinet

All authorities operating “executive arrangements” are required to appoint at least one overview and scrutiny committee whose role is to hold the executive to account and to assist in the development and review of policy.

This system of governance replaced the traditional committee system previously operated by local authorities.

1.2 Central Bedfordshire has adopted a leader and cabinet model

1.3 In Central Bedfordshire the Cabinet is known as the “Executive”.

1.4 With effect from 2011 the Council will be required to elect the Leader for a four year term of office. However the Council has decided that the Leader appointed following the elections in 2009 should serve a two year term of office until the elections in 2011.

### **2. The Constitution**

2.1 The constitution was adopted by the Shadow Council in February 2009.

2.2 The constitution is the document which sets out how the Council operates, how decisions are made and what procedures are to be followed. Some of these processes are required by law, whilst others are a matter for the Council to choose.

2.3 The constitution is divided into the following parts:-

Part A	<b>Constitution</b>	
Part A1	Summary	Summary of the constitution and decision making structure

Part A2	Purpose of the Constitution	Explains that the purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures followed. Commits the Council to providing clear leadership to the community, supporting the active involvement of citizens in its decision making process and ensuring that those responsible for decision making are clearly identifiable and accountable.
Part A3	Members of the Council	Sets out size of Council (66 Members), terms of office and role, functions, rights & duties of Councillors
Part A4	Citizens and the Council	Details out the rights, duties and responsibilities of citizens including public participation in meetings and how to make complaints. The procedures for public participation, petitions and deputations are set out at Appendix A to Part A4.
Part B	<b>The Council</b>	
Part B1	Functions of the Full Council	Explains the role of full Council, those functions which only Council can decide.
Part B2	The Budget and Policy Framework	Lists the Council's <b>Policy Framework</b> (ie: those policies and strategies which can only be approved by full Council) and provides a definition of <b>the "budget"</b> (ie: the parts of the budget that only full Council may approve)
Part B3	Budget and Policy Framework Procedure Rules	Sets out the mechanism by which the Council's Budget and Policy Framework will be developed, including the role of the overview and scrutiny committees. Specifies the rules that apply in respect of decisions outside the Budget and Policy Framework, urgent decisions outside that framework and how any potential decisions taken outside the Framework can be called in.
Part B4	Chairing the Council	Refers to the role of the Chairman of the Council, both at Council meetings and in his/her ceremonial role.

Part B5	Full Council Procedure Rules	Detailed Rules governing how the meetings of the Council operate, including arrangements for electing the Chairman/ Vice Chairman and Leader of the Council and procedures relating to notices of motion, questions, etc.
Part B6	Local Choice Functions	Sets out those functions where the Council has discretion to decide whether they should be exercised by the Council or the Executive or delegated to a committee or officer.
Part C	<b>The Executive</b>	
Part C1	Executive Arrangements	Sets out the form and composition of the Executive and the role and powers of the Leader and other Executive members
Part C2	Key Decisions and the Forward Plan	Sets out the definition of “ <b>key decisions</b> ” - and describes the Forward Plan
Part C3	Executive Functions	Sets out the responsibilities of the Executive, any committees of the Executive and any functions delegated by the Leader to individual portfolio holders.
Part C4	Executive Procedure Rules	Detailed Rules governing how the meetings of the Executive operate
Part D	<b>Overview and Scrutiny</b>	
Part D1	Overview and Scrutiny Arrangements and Terms of Reference	Details the committee arrangements made to carry out the Council’s overview and scrutiny function and the roles of the respective committees.
Part D2	Overview and Scrutiny Procedure Rules	Detailed Rules governing how meetings of Overview and Scrutiny committees operate including arrangements for call-in of Executive decisions made but not yet implemented.

Part E	<b>Regulatory and Other Committees</b>	
Part E1	Appointment of Committees	Refers to other committees appointed by Council as detailed in part E2 of the Constitution
Part E2	Committee Terms of Reference	Sets out the detailed terms of reference of the Committees.
Part E3	Committee Procedure Rules	Detailed rules governing how meetings of committees operate.
Part F	<b>Ethical Governance</b>	
Part F1	The Standards Committee	Sets out the terms of reference of the Standards Committee and its sub committees.
Part F2	The Council's Code of Conduct for Members	Sets out the Code of Conduct to which all Members of the Council are required to sign up.
Part F3	Code of Conduct for Officers	The Code of Conduct with which officers are required to comply.
Part F4	Protocol for Member/Officer Relations	Protocol providing guidance on member-officer relations and addressing some of the key areas of interaction.
Part F5	Monitoring Officer Protocol	Protocol setting out the statutory responsibilities of the Monitoring Officer, who is the officer charged with maintaining high standards of ethical conduct and ensuring lawfulness and fairness of decision making.
Part F6	Members' Protocol on the Use of ICT at Home	Rules governing the use of ICT provided by the Council by Members at home.
Part G	<b>Decision Making and Access to Information</b>	
Part G1	Decision Making	Sets out principles of decision making and types of decisions which are taken.



Part G2	Access to Information Procedure Rules	Detailed rules explaining arrangements for access by the public to meetings, when the public can be excluded, recording of Executive decisions, the forward plan and rights of access by overview and scrutiny committees.
Part H	<b>Officers of the Council</b>	
Part H1	Officers	Sets out the Chief Officers for Central Bedfordshire and also three statutory officers (Head of Paid Service (Chief Executive, Monitoring Officer (Assistant Director, Legal and Democratic) and Chief Finance/Section 151 Officer (Director of Corporate Resources) and their roles. Provides details as to “proper officer” appointments – that is officers designated by the Council to carry out particular functions under various Acts of Parliament.
Part H2	Management Structure	Diagram showing the senior management and divisional structure of the Council.
Part H3	Delegations to Individual Directors and Other Officers	General provisions governing delegations to officers including conditions and limitations. Schedule listing all the detailed delegations to Directors. Specific provision for taking urgent decisions.
Part H4	Officer Employment Procedure Rules	Rules governing how appointments and dismissals are made and the extent to which councillors are involved in those processes.
Part I	<b>Finance, Contracts and Legal Matters</b>	
Part I1	Finance, Contracts and Legal Matters	Indicates the need for financial management and contractual matters to comply with the Financial and Procurement Procedure Rules respectively
Part I2	Code of Financial Governance	Strategic code describing arrangements for financial management within the authority including roles and responsibilities, rules for control of the revenue and capital budgets and variations thereto.

Part I3	Code of Procurement Governance	Strategic code describing arrangements for procurement within the authority including key elements of procurement procedures and thresholds for tendering, selection of tenderers and approval of contracts.
Part J	<b>Partnership Arrangements</b>	
Part J1	Area Committees and Forums	Indicates that no area committees or forums have yet been appointed by the Council but that it may do so in future if it considers appropriate.
Part J2	Joint Arrangements	Sets out the joint arrangements which the Council has in place.
Part J3	Partnerships Protocol	Protocol to be followed when the Council enters into partnership arrangements of the nature defined in the document.
Part K	<b>Members' Allowances Scheme</b>	
	<p>Scheme setting out expenses to which Councillors are entitled, including:-</p> <ul style="list-style-type: none"> <li>• Basic Allowance (amount each Councillor entitled to)</li> <li>• Special Responsibility Allowance (additional allowance for specific office holders)</li> <li>• Travelling and subsistence allowances</li> <li>• Carers' allowance</li> <li>• Conference allowance</li> </ul>	

2.4 The Constitution is supplemented by an Ethical Handbook which contains the following codes and protocols:-

Part 1 Guidance on Gifts and Hospitality

Part 2 Members' Planning Code of Good Practice

Part 3 Licensing Code of Good Practice

Part 4 Confidential Reporting Code ("Whistleblowing")

Part 5 Members' Guidance on Property Transactions and Commercial Property Management

Part 6 Indemnity for Members and Officers of the Council

### 3 **Modernised Decision Making**

#### **Background**

3.1 Under the Local Government Act 2000 functions of the Council are split into functions which:-

- Are **NOT** to be the responsibility of the Executive, for example:-
  - Development control (determination of planning applications)
  - Licensing
  - Staffing appointments and terms/conditions
  - Electoral matters
  - Footpath and bridleways,
  - Tree preservation orders
  - Setting Councillors' allowances
- **MAY** be the responsibility of the Executive (known as “local choice functions” – largely environmental protection functions or appeals).
- Are not to be the **SOLE** responsibility of the Executive (a number of plans and strategies – see “Budget and Policy Framework” in paragraph 3.2).

**All other functions of the Council are automatically the responsibility of the Executive and cannot, by law, be the responsibility of any other part of the Authority.** In other words the functions are not vested in the Council and delegated down as under the old committee system. Hence the Council is not sovereign and only the Executive can determine Executive functions.

#### **The Budget and Policy Framework**

3.2 As indicated in paragraph 3.1 above, Regulations list certain plans and strategies which must not be the sole responsibility of the Executive and must be approved by the full Council. The Secretary of State also recommends that a number of other plans and strategies should be approved by the full Council. Authorities have a discretion to also require that other plans and strategies should require full Council approval. This list of plans and strategies is referred to as “**The Policy Framework.**” This list can be found in Part B2 of the Constitution but is shown in Table 1 below:-

Table 1
The Policy Framework:-
<ul style="list-style-type: none"><li>• Children and Young People’s Plan</li><li>• Crime and Disorder Reduction Strategy</li><li>• Local Transport Plan</li><li>• Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and</li></ul>

- Minerals Development Framework
- Sustainable Communities Strategy
- Statement of Licensing Policy (Liquor licensing)
- Gambling Policy Statement
- Revenue and Capital Budget and the Capital Programme
- Medium Term Financial Strategy, Annual Treasury Management Strategy, Treasury Management Policy Statement and Fees and Charges Policy
- Corporate Strategic Plan (including Directorate Development Plans)
- Older People’s Strategy
- Cultural Strategy (including the Leisure Strategy)
- Housing Investment Programme/Strategy
- Sustainability Policy suite (including environmental policy, climate change strategy and sustainability strategy)
- Customer Service Strategy, Communication Strategy, Consultation Strategy and Community Engagement Strategy
- Local Area Agreement
- Regional Spatial Strategies (including the MKSM sub-regional strategy (including Luton and South Bedfordshire growth area strategy documents, unless formally delegated by the Council to a joint committee)
- Equality and Diversity Strategy
- Joint Economic Strategy for Bedfordshire

3.3 Under the Regulations full Council approval is also required to the “**Budget**” which comprises those functions shown in Table 2.

Table 2
<p>The Budget:-</p> <ul style="list-style-type: none"> <li>• The annual budget (budget, setting of virement limits and Council tax setting)</li> <li>• Any plan/strategy for the control of the Council’s:- <ul style="list-style-type: none"> <li>○ borrowing</li> <li>○ investments</li> <li>○ capital expenditure (the “Capital Programme”)</li> </ul> </li> <li>• determining the minimum revenue provision</li> </ul>

The definition of **Budget** is in paragraph 2 of Part B2 of the Constitution. These two elements together are collectively known as “**The Budget and Policy Framework**”.

- 3.4 The Executive's role in relation to these plans and strategies is to prepare a draft for consideration and adoption by the Full Council.

#### **4. Committee Structure**

A diagram showing the Committee Structure of the Council is attached at Appendix 4.

##### ***Role of the Full Council***

- 4.1 All Councillors meet together at full Council meetings.
- 4.2 Full Council's primary role is to consider and approve the Council's Policy Framework and Annual Budget. It receives recommendations from the Executive on these matters.
- 4.3 The Council is responsible for electing the Leader of the Council whose term of office will expire at the next election of all councillors. The Council can also remove the Leader. Additionally it appoints the various Committees of the Council and their Chairmen.
- 4.4 Certain functions are reserved to Full Council either by law or by decision of Council not to delegate a non-Executive function to a Committee (eg: setting the Council tax, the Budget and Policy Framework). These are set out Part B1 of the Constitution.
- 4.5 Councillors have several opportunities for raising issues at Council meetings:-
- Notice of Motion (Rule 16 – Full Council Procedure Rules – Part B5 of Constitution – 7 clear working days advance written notice needed)
  - Written Question (Rule 12.2 – Full Council Procedure Rules – 7 clear working days advance written notice needed)
  - Oral Questions (Rule 12.7 – Full Council Procedure Rules – notice of request required at least 5 minutes before start of meeting).
  - Ward Presentations (Rule C12 – Full Council Procedure Rules – advance written notice needed)
- 4.6 As indicated in paragraph 3.1 above, the Council is no longer sovereign and may not make decisions, which by law are the responsibility of the Executive.

##### ***The Executive***

###### *Composition:*

- 4.7 The Executive has power to take all decisions on the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution. Paragraph 3.1 above indicates those functions which may not be the responsibility of the Executive.

- 4.8 The Executive consists of the Leader, together with at least 2, but not more than 9, Councillors, including a Deputy Leader appointed by the Leader.
- 4.9 The Chairman and Vice-Chairman of the Council may not serve upon the Executive.
- 4.10 By law, substitutes may not be appointed for the Executive.

*Appointments:*

- 4.11 The Leader is appointed by Full Council at its first Annual Meeting following the election of the Council. Unless s/he resigns, is suspended or removed from office by resolution of the Council, the Leader will retain office until the next whole Council elections. (ie: the Leader elected in 2009 will hold office until 2011 and the Leader elected in 2011 will hold office until 2015)
- 4.12 Executive members are appointed by the Leader of the Council but they may resign, be suspended or removed from office by the Leader.

*Portfolio Structure:*

- 4.13 The Leader has power to determine the portfolio structure and to vary it.
- 4.14 The Leader allocates portfolios to individual Executive members and can vary that allocation at any time. The appointments to portfolios are usually announced by the Leader at or shortly after the Annual Meeting.

*Delegations:*

- 4.15 The Leader of the Council has the power to delegate functions of the Executive to a committee of the Executive, a Portfolio holder or an officer. Any changes to the delegations must be reported, via the Constitution Advisory Group, to the Council.

*Executive Meetings:*

- 4.16 Meetings of the Executive are chaired by the Leader of the Council.
- 4.17 Each Portfolio holder is expected to present reports concerning their areas of responsibility.
- 4.18 Meetings of the Executive are open to the public unless confidential<sup>1</sup> or “exempt”<sup>2</sup> information is to be discussed.

(Note <sup>1</sup> and <sup>2</sup> – definitions at Table 8)

- 4.19 The composition of the Executive is not required to be politically proportional.

- 4.20 Any Member of the Council may attend a meeting of the Executive and speak once on any item and may, with the consent of the Chairman, speak again.
- 4.21 There is a facility to allow any Member of the Council to request the Leader to place an item on the agenda of the Executive subject to giving 7 clear working days written notice (Rule 9.4 – Executive Procedure Rules, Part C4 of Constitution).

*Executive Decision Making:*

- 4.22 The Executive is responsible for making most operational decisions. However, as stated earlier it cannot deal with certain functions by law (eg: development control, licensing) and any decisions which would be contrary to or not in accordance with the Budget and Policy Framework must be recommended to Council.
- 4.23 Decisions are generally taken collectively by the Executive. However in a few instances individual Portfolio holders may have decision making powers delegated to them. These will set out in Part C3 of the Constitution.
- 4.24 A schedule showing the decisions made by the Executive (known as the Decisions Digest) is published two days after the meeting of the Executive. The Digest is published on the intranet. Similarly a Decisions Digest is published for decisions taken by individual Portfolio holders under delegated powers. There are then 5 clear working days after publication of the Digest in which decisions may be available for *call-in*. Call-in is summarised in Table 5 below.

*Forward Plan*

- 4.25 A programme of work setting out those “key decisions”<sup>1</sup> or Budget and Policy Framework items on which the Executive is expected to make a decision in the coming twelve months (as far as it is know) is published monthly. The programme, known as “the Forward Plan”, is available for inspection at the Council’s offices or on the Council’s website ([www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk))

Note: Definition of Key Decision given in Table 3 below:-

### Definition of Key Decision

1. A **key decision** is a decision of the Executive (or portfolio holder or officer under delegated powers) which is likely to:-

- (1) result in the Authority incurring expenditure which is, or the making of savings which are, significant as defined below, having regard to the Council's budget for the service or function to which the decision relates; or
- (2) be significant in terms of its effects on communities living or working in an area comprising one or more wards within the District.

### Financial Thresholds

For the purposes of (1) above:

- Savings or expenditure are significant if they exceed **£200,000** per annum or 10% of the budget for the cost centre concerned, whichever is the smaller;

Savings and expenditure in (1) above does not include:-

- (a) The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Policy Statement approved separately by the Council;
- (b) Expenditure which is identified in the approved Revenue Budget or Service Plan for the service concerned;
- (c) Implementation of a capital project identified in the approved Capital Programme and in respect of which the project initiation document (or equivalent) has been approved;
- (d) Implementation of an explicit policy within the approved Budget and Policy Framework or fulfilment of the policy intention of a key decision previously approved by the Executive; and
- (e) The invitation of tenders or signing of contracts where necessary to provide for the continuation of an established policy or service standard.

For the purposes of (2) above, a decision will be regarded as "significant", if the outcome of the decision will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a substantial number of people living or working in the wards affected.



- 4.26 A “key decision” cannot be taken unless it has been included in the Forward Plan except where the decision is urgent and cannot await inclusion in the next Forward Plan. In such cases at least 5 clear working days notice has to be given (ie: 5 working days excluding the day the notice is given and the day of the meeting.) before the meeting that the item is to be considered and why it is urgent. Where the item is urgent and it is not possible to give 5 clear days notice, then the agreement of the Chairman of the relevant Overview and Scrutiny Committee must be obtained that the item is urgent and cannot be deferred.
- 4.27 A chart showing the Executive Decision making process is attached at Appendix 1.

***Overview and Scrutiny***

- 4.28 Under the Local Government Act 2000 the Council is required to appoint one or more overview and scrutiny committees.
- 4.29 The Council has established 5 overview and scrutiny committees as shown in the table below. An Overview and Scrutiny Management Panel, comprising the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees is responsible for approving the annual work programme for the Overview Committee and for managing, co-ordinating and monitoring the work of the two Committees.

Table 4	
<b>Overview and Scrutiny Committees</b>	
Business Transformation Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation, communications: customer service, corporate complaints and community engagement; and policy, partnerships and performance including the Local Strategic Partnership, Local Area Agreement, Community Strategy and corporate planning; and any other matters that fall within the remit of the Directorate.

<p>Children, Families and Learning Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of children's, families and learning services including children's specialist services; learning and school support; development and commissioning; integrated services (Children's Trust, youth support and extended schools); leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the Directorate.</p>
<p>Corporate Resources Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal and democratic services; property and asset management; and any other matters that fall within the remit of the Directorate; or is not within the remit of any other overview and scrutiny committee.</p>
<p>Social Care, Health and Housing Overview and Scrutiny Committee</p>	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters that fall within the remit of the Directorate.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>

Sustainable Communities Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of sustainable communities issues including strategic planning, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; and any other matters that fall within the remit of the Directorate.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>
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4.30 The role of overview and scrutiny committees is as follows:-

#### Policy Development and Review

- Assist the Council and the Executive in the development and review of its Budget and Policy Framework by in-depth analysis of policy issues
- Assist in the development and review of other policies by in-depth analysis of policy issues
- Conduct research, community or other consultations in the analysis of policy issues and possible options
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- Question members of the Executive and or Committees and Chief Officers about their views on issues and proposals affecting the area
- Liaise with other external organisations operating in the area, whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working

## Scrutiny

- Review and scrutinise:-
  - Decisions made by and performance of the Executive and/or Committees and Council officers
  - The performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
  - The performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance.
  
- Reconsider decisions made but not yet implemented by the Executive, a Committee of the Executive, individual Portfolio holder or Officer on a key issue under delegated powers which have been “called in” and make recommendations to the appropriate body/person in respect of the decision called-in.

### *Call-in Scheme*

- 4.31 The Council’s Call-in Scheme is included at paragraphs 10.5 to 10.21 of the Overview and Scrutiny Procedure Rules at Part D2. A summary is given in Table 5 below:-

Table 5
<b>Summary of Call-in Scheme</b>
<ul style="list-style-type: none"><li>• Decisions of the Executive, individual Portfolio holder and officers on a key decision notified in a decisions digest, can be called in. Recommendations to full Council cannot be called-in.</li><li>• Requests for a call-in can be made by:-<ul style="list-style-type: none"><li>○ An individual Councillor where the decision has particular significance for his/her ward</li><li>○ The Chairman of the relevant Overview and Scrutiny Committee;</li><li>○ Any two members of the relevant Overview and Scrutiny Committee; or</li><li>○ Any three non-executive members of the Council</li></ul></li><li>• Requests must be submitted to the Monitoring Officer (Assistant Director of Legal and Democratic Services in writing by the deadline specified in the decisions digest (ie 5 clear working days after the decision has been taken).</li></ul>

- The call in must specify the resolution to be called in, the reasons why the person making the call in wishes the overview and scrutiny committee to consider referring it back to the Executive and the alternative course or action or recommendations they wish to propose.
- A decision can only be called-in once. (ie: once the Executive has considered the decision it cannot be called-in again).
- The overview and scrutiny Committee can agree with the Executive decision taker's decision (in which case it becomes effective immediately), ask the decision taker to reconsider the decision or make recommendations to the decision maker.
- The call-in procedure does not apply where the decision being taken is urgent. A decision is urgent if:-
  - A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
  - Any delay likely to be caused by the call-in process would seriously prejudice the Council's or public's interests and the reasons for the urgency are reported to the decision making body or person before the decision is taken.
  - The Chairman of the relevant overview and scrutiny committee agrees to the decision being treated as urgent

### ***Task Forces***

- 4.32 These will undertake reviews and detailed investigations as requested by the overview and scrutiny committees. All non-Executive Members will be eligible to serve on Task Forces and will be appointed on the basis of their interest in or experience of the matter being reviewed.

### ***Standards Committee***

- 4.33 Each Council is now required to establish a Standards Committee whose role is to promote and maintain high standards of conduct in local government. In addition to promoting high ethical standards in the Council, the Standards Committee fulfils the same role for the Town and Parish Councils in the area.

The Standards Committee is currently made up as follows:-

- five Central Beds Councillors
- five Independent persons who are not Councillors
- five representatives of Town and Parish Councils

The Council's Constitution provides that the Committee must be chaired by one of the independent persons serving on the Committee.

The Leader must not be a member.

Substitution is not permitted.

### ***Regulatory and Other Committees***

#### **Development Management Committee**

- 4.34 The Development Management Committee deals with planning applications, enforcement, preservation of trees, highways use and regulation and public rights of way.
- 4.35 To comply with Government requirements there is an extensive degree of delegation to Officers to determine planning applications (see Table 6). However Members may request that an application be referred to a meeting of the Development Management Committee where there are genuine planning reasons to do so. Members will receive notification of planning applications which are registered. This notification can be by email alert and/or from a Weekly List of planning applications processed during that week. From the date of first notification, Members have 21 days to call an application to Committee. The Member should **email [planning@centralbedfordshire.gov.uk](mailto:planning@centralbedfordshire.gov.uk)**, or telephone them on 0300 300 8692 (North area) or 0300 300 8670 (South area) stating the reason for the request. The request will then be logged on the Acolaid Planning system. A member may subsequently withdraw the request by notifying Assistant Director of Development Management no later than 6 clear working days before committee.

#### **Licensing Committee**

- 4.36 The Licensing Committee is responsible for:-
- Recommending a Statement of Licensing Policy under the Licensing Act 2003 (liquor licensing, provision of regulated entertainment and late night refreshment)
  - Dealing with all other matters relating to liquor licensing (except the conduct of hearings)
  - Recommending a three year Licensing Policy under the Gambling Act 2005
  - Dealing with all matters relating to gambling

The Licensing Sub Committee is responsible for conducting hearings to consider licensing applications where there are objections and/or relevant representations.

## **Regulation Committee**

4.37 The Regulation Committee is responsible for:-

- All licensing and regulation matters (other than liquor licensing, provision of regulated entertainment, late night refreshment and gambling)
- Recommending the making of Designation Orders in respect of control of alcohol consumption in designated public places.

## **General Purposes Committee**

4.38 Deals with certain staffing issues and other general purpose matters which the Executive is not permitted by law to deal with, such as elections and electoral registration functions and matters relating to civic and ceremonial activities of the Council.

Membership of the Committee must include at least one member of the Executive.

## **Appeals Committee**

4.39 This Committee hears and determine appeals under the Council's disciplinary and grievance procedures, in connection with the provision of school or college transport or any other appeals not delegated to elsewhere within the Constitution.

## **5. Terms of Reference and Schemes of Delegation**

5.1 The terms of reference of the Council, Committees and the Executive are set out into the relevant chapter of the Constitution as follows:-

Part B1	Council Functions
Part B6	Local Choice Functions
Part C3	Executive Functions
Part D1	Overview & Scrutiny
Part E2	Regulatory and other committees
Part F1	Standards Committee and sub committees
Part J2	Joint Committees

- 5.2 In most cases the bodies have full delegated powers however any limitations upon their powers (ie: those functions where a body must make a recommendation to the Council – for example, the Executive must make recommendations on the Budget and Policy Framework, the General Purposes Committee must make recommendations on certain electoral matters)

Schemes of Delegation

- 5.3 Part E3 of the Constitution sets out any powers which have been delegated to Officers. These are sub divided between the Chief Officers and are set out in service areas for ease of use. There is an introduction to the Scheme which also sets out general principles which apply to the scheme (eg where the Chief Executive or a Director is unable to act or is absent, the powers delegated to him or her can be exercised by the Deputy Chief Executive, any Director or other officer nominated by him or her. In all cases the Chief Executive and Deputy Chief Executive are authorised to take decisions upon any matter delegated to a Director). Any limitations within which officers must work are shown in the “Qualifications” section of the Scheme. Any delegations to individual Portfolio holders are shown under the Executive delegations in part C3 of the Constitution.

- 5.4 Some of the key delegations are highlighted in Table 6 below:-

Table 6	
<b>Council Scheme of Delegation: Key Delegations</b>	
<i>Delegation to Chief Executive, Deputy Chief Executive and all Directors:-</i>	
<i>Delegation</i>	<i>Power</i>
No	
3.2.1	Subject to the Officer Employment Procedure Rules at Part H4 of the Constitution and staffing policies and terms and conditions adopted by the Council:-
3.2.1.1	To carry out all employment functions and to deal with any staffing establishment issue in relation to staff employed in the delivery of services for which he/she is responsible, including any temporary or agency staff who may from time to time be employed;
3.2.1.2	To be responsible for the performance of those employees carrying out the functions for which he/she is responsible;



3.2.1.3 To appoint employees below the status of Assistant Director;

3.2.1.4 To dismiss employees at Assistant Director level and below.

3.5 3.5.1 Urgent Action

In accordance with the procedures approved by the Council (involving in particular consultation with Members) to take any decisions which could be taken by the Executive or a committee or sub committee and which on grounds of urgency need to be taken before the next scheduled meeting of the Executive or such committee or sub committee. The procedures approved by the Council are set out in a Code of Practice (attached as an appendix to the scheme). It is confirmed that such power includes any urgent decision which involves expenditure and/or reduced income for which no provision is included in the approved Revenue Budget or Capital Programme, or any decision required in the event of a civil emergency.

*Delegation to Director of Sustainable Communities*

4.3.93 To determine applications required under the Planning Acts and Statutory Instruments and other planning matters (including applications for planning permission made under Regulation 3 of the Town and Country Planning General Regulations 1992) except where:- As shown in (i) to (v)

4.3.93.1 A ward member of the Council asks, within 3 weeks of the application being registered, for it to be referred to a meeting of the Development Management Committee. The Member making a call-in is required to speak about the reasons for the call-in at the Committee where the application may be considered<sup>1</sup>;

1  
A Member may withdraw a request by notifying the Assistant Director Development Management no later than six clear working days before the date of the Committee meeting.

4.3.93.2 It is proposed to grant planning permission for a **major development**<sup>2</sup> and:-

4.3.93.2.1 a material planning representation(s) has been received in writing from Town and Parish Councils which has not been resolved by the Local Planning Authority through negotiation with the applicant and/or through the imposition of conditions; or

4.3.93.2.2 the application or matter is considered to be a departure from the Development Plan; or

4.3.93.2.3 the application or matter is contrary to other approved Council Planning policies or Supplementary Planning Guidance and is recommended for approval.

4.3.93.3 The application (or matter) is made by or on behalf of or involves in any capacity any Member or officers of the Council;

4.3.93.4 The Assistant Director Development Management considers it prudent to refer the application or matter to the Development Management Committee; or

4.3.94.5 The application is made for the Council's own development to be carried out jointly with another party or for development on the Council's own land in accordance with procedures set out in the Town and Country Planning (General) Regulations 1992.

<sup>2</sup> The definition of "major development"\* shall be that used by the Department for Communities and Local Government in the General Development Control Return

(\* Note: currently:

For dwellings: where 10 or more are proposed (or if numbers not given, site area is more than 0.5 hectares).

For all other uses: where the floor space will be 1000 sq metres or more (or site area is 1 hectare or more).

## 6. Procedure Rules

### (a) Council Procedure Rules

These rules govern how Council meetings operate. Key Rules are shown in Table 7.

Key Council Procedure Rules	
Rule 4	<p><b>Council meetings:</b> specifies who can call an Extraordinary meeting namely:</p> <ul style="list-style-type: none"><li>• Council by resolution</li><li>• Chairman</li><li>• Monitoring Officer</li><li>• Any 5 members if they have signed a requisition presented to the Chairman and s/he has refused to call a meeting or failed to call it within 7 days of presentation of the requisition</li></ul>
Rule 2.3	<p><b>Election of Leader:</b> provides that the Leader will be appointed at the Annual Meeting following the elections or at the next meeting following the resignation, dismissal or vacation of office by the Leader.</p>
Rule 2.4	<p><b>Dismissal of Leader:</b> the Leader can only be dismissed on the basis of a motion signed by 10 members of the Council (included on the agenda under the normal rules for notices of motion). The motion has to give reasons for the proposed dismissal and, if approved, the dismissal will take immediate effect.</p>
Rule 2.7	<p><b>Substitute Members:</b> provides for the Council to appoint named substitutes (each group can appoint half of the number of substitutes in respect of each political group as that group holds ordinary seats on the committee, being a minimum of 1 and rounded up by 1 in the case of odd numbers). A member who is unable to attend a particular meeting may arrange for one of the named substitutes to attend on their behalf. Guidance on substitution is attached at Appendix 3.</p> <p>Substitutes are not permitted for the Executive and Standards Committee.</p>

Rule 9	<b>Quorum:</b> 17 Members
Rule 12	<b>Questions:</b>
Rule 12.1	Questions on Reports and Minutes: can be asked of the Leader, a portfolio holder or chairman of a committee when the report or minute is under consideration by the Council, without notice.
Rule 12.2/3	<p>Written Questions: Must be submitted in writing to the Monitoring Officer (Assistant Director Legal and Democratic Services) at least 7 clear working days before the meeting and must relate to matters where the District Council has powers or duties or which directly affect the area of the Authority.</p> <p>Special provisions apply in the cases of urgency (Rule 12.3.1.2)</p> <p>Questions are put and answered without discussion but a supplementary question may be asked by the member asking the question. A second supplementary question may be asked by any other member of the Council.</p>
Rule 12.7	<p>Oral Questions: A period of 45 minutes is allowed for oral questions. Questions to be put in ballot box 5 minutes before start of meeting.</p> <p>30 minutes are allowed for questions addressed to Leader or a Portfolio holder and these must relate to matters where the Council has powers or duties or which directly affect the area.</p> <p>15 minutes will be allowed for questions of a chairman of a committee or member representing the Police or Fire Authorities</p> <p>The relevant office holder will respond to the question. There is no debate or discussion.</p> <p>One supplementary question arising from the original question may be asked.</p>
Rule 14	<p><b>Ward Presentations:</b> Requests for a Ward Presentation must be made to the Director of Corporate and Democratic Services in writing at least 7 clear working days before the meeting.</p> <p>Up to 10 minutes are allowed per presentation with no longer than 30 minutes being allowed for all presentations in any one meeting.</p>

Rule 16	<b>Notices of Motion:</b> sets out requirements for submission of Notices of Motion. Motions must be given in writing to the Monitoring Officer at least 7 clear working days before the meeting and must relate to matters where the Council has powers or duties or which directly affect the area.
Rule 18	<b>Rules of Debate:</b> Sets out how debate will operate including time limits on speeches. A graphical guide to Motions and Amendments is attached at Appendix 2.  Rule 18.10 sets out details regarding Rights of Reply whilst Rules 18.13 to 18.15 set out provisions which apply in respect of, respectively, Points of Order, Personal Explanations and Points of Information
Rule 19	Recission of Previous Resolution: No motion or amendment can be moved which would have the effect of rescinding a decision of the full Council passed within the previous 6 months or have the same effect as one rejected within the previous 6 months (except on a recommendation of the Executive or a committee or on a motion signed by at least 17 members).
Rule 20	<b>Voting:</b> by show of hands or by the electronic voting system. Decisions decided by a simple majority of those present and voting.  Chairman has second or casting vote in the event of an equality of votes.  Recorded votes (by roll call) taken where no fewer than 10 members present at the meeting demand it.  Member can request that the way in which they voted on a motion be recorded if they so request immediately after the vote is taken.
Rule 26	<b>Suspension and Amendment of Procedure Rules:</b> Any Procedure Rules (except Rule 10.2 (signing of minutes of previous extraordinary meeting) and 20.6 (request for individual vote to be recorded) can be suspended. Suspension without notice can only take place if at least half of the members are present.

**(b) Access to Information Procedure Rules**

These rules set out the procedures which must be followed with regard to public access to meetings and committee documents. Key Rules Members may wish to be aware of are shown in Table 8.

### Key Access to Information Procedure Rules – Part G2

Rule 10 ***Exclusion of Access by Public to Meetings:*** Sets out the ground on which public may be excluded from meetings.

“Confidential information” (ie: information provided to the Council by a Government Department that forbid disclosure or other information the disclosure of which is prohibited by any enactment or Court Order – the public **must** be excluded.

“Exempt information” (ie: information falling within 7 categories such as information of a commercially sensitive nature or concerning an individual (plus a further 3 specific to Standards Committees) – the Council can resolve to exclude access by the public. Reports which, in the opinion of the Monitoring Officer, relate to items during which the meeting is likely not to be open to the public are marked “Not for Publication...”.

Rule 14 ***The Forward Plan:*** Sets out the requirements relating to the Forward Plan whilst Rules 15 and 16 explain arrangements which apply where a report is urgent but has not followed the Forward Plan procedures.

### (c) Budget and Policy Framework Procedure Rules – Part B3

Explain the procedures which apply to decisions relating to the Budget and Policy Framework and the need for Executive to take decisions which accord with the existing Budget and Policy Framework . Rule No. 4 indicates how urgent decisions outside the Budget or Policy Framework can be taken.

### (d) Executive Procedure Rules – Part C4

The Rules governing how the Executive will operate, much of which has already been covered in paragraph 4.7 – 4.27. The quorum is one quarter of its total membership or three Members whichever is the larger (Rule 12)

### (e) Overview and Scrutiny Procedure Rules – Part D2

The Rules governing how the Overview and Scrutiny Committees will operate. Key points have been dealt with in paragraphs 4.28 to 4.32 above. Other key Rules to be aware of are shown in Table 9.

Table 9

### Key Overview & Scrutiny Procedure Rules

- Rule 3.1 **Agenda Items:** Any member of the Council may with 7 clear day's written notice ask the Monitoring Officer to include an item on the agenda of a relevant overview and scrutiny committee. The member will have the right to attend the meeting and to explain the reasons for their request.
- Rule 10 **Call-in:** The Call-in scheme is set out at Rule 10. Rule 10.17 sets out how the relevant overview and scrutiny committee will deal with call-ins (see also summary in Table 5 of this document).

(f) **Committee Procedure Rules – Part E3**

These Rules prescribe how the various committees will operate. Key Rules are highlighted in Table 10 below.

Table 10

### Key Committee Procedure Rules

- Rule 10 **Agenda items:** provides that any member of the Council can with 7 clear working day's written notice request the Monitoring Officer to include an item on the agenda of a relevant committee. The member has the right to attend the meeting and explain the reasons for their request. A separate procedure applies to enable Members to refer planning applications for consideration by Development Management Committee.
- Rule 16 **Rights of Non-Members:** Every member has a right to attend meetings of a committee. Members may speak once on any item and may with the consent of the chairman speak again, but not vote.



**(g) Officer Employment Procedure Rules – Part H4**

These Rules detail the procedures for appointment of officers. The Council must approve the appointment of the Chief Executive and the Appointments Sub Committee appoints Directors, provided there is no objection from the Executive. The Chief Executive is responsible for appointments below Assistant Director level. Arrangements for dismissal are also covered in the Rules but special arrangements apply for disciplinary action and dismissal in respect of the Chief Executive, Monitoring Officer (Assistant Director, Legal and Democratic) and Chief Finance Officer (Director of Corporate Resources).

**(h) Code of Financial Governance – Part I2**

These are the Rules which govern how the Council's financial affairs must be managed. They apply to every Member and officer of the Council and anyone acting on its behalf. The Rules cover Financial Management, Financial Planning and Budgeting, Treasury Management, Risk Management and Control of Resources, Financial Systems and Procedures and External Arrangements.

Key Rules to be aware of are shown in Table 11.

<b>Key Financial Procedure Rules</b>										
Rule 4.6.2	<p><b><i>Virements</i></b></p> <p>Sets out the virement powers as follows:-</p> <table border="1"><thead><tr><th><b>Category</b></th><th><b>Virement Levels</b></th><th><b>Approval Power</b></th></tr></thead><tbody><tr><td>Within the same cost centre or between cost centres</td><td>Up to £100,000 cumulative (sum of individual virements)</td><td>Budget Managers in consultation with Assistant Director Finance</td></tr><tr><td></td><td>£100,000 to £200,000 cumulative (sum of individual virements)</td><td>Directors in consultation with the Chief Finance Officer (Director of Corporate Resources) and with the agreement of the Portfolio holder(s)</td></tr></tbody></table>	<b>Category</b>	<b>Virement Levels</b>	<b>Approval Power</b>	Within the same cost centre or between cost centres	Up to £100,000 cumulative (sum of individual virements)	Budget Managers in consultation with Assistant Director Finance		£100,000 to £200,000 cumulative (sum of individual virements)	Directors in consultation with the Chief Finance Officer (Director of Corporate Resources) and with the agreement of the Portfolio holder(s)
<b>Category</b>	<b>Virement Levels</b>	<b>Approval Power</b>								
Within the same cost centre or between cost centres	Up to £100,000 cumulative (sum of individual virements)	Budget Managers in consultation with Assistant Director Finance								
	£100,000 to £200,000 cumulative (sum of individual virements)	Directors in consultation with the Chief Finance Officer (Director of Corporate Resources) and with the agreement of the Portfolio holder(s)								

		Over £200,000 cumulative (sum of individual virements)	Executive
Rule 4.9.6	Between portfolios	Up to £200,000 cumulative (sum of individual virements)	Directors in consultation with the Chief Finance Officer (Director of Corporate Resources) and with the agreement of the relevant Portfolio Holder(s)
		Over £200,000 cumulative (sum of individual virements)	Executive
	Sets out the limits relating to Capital schemes as follows:		
		<b>Existing Scheme Additional Costs</b>	<b>Approval Powers</b>
		Up to £25,000	Corporate Management Team and Corporate Resources Portfolio Holder
		Over 5% of the original budget up to £100,000 and above £25,000	Executive
		Over 25% of the original budget and above £100,000	Council

(i) **Code of Procurement Governance – Part I3**

These Rules set out the requirements relating to the procurement of goods and services. Key Rules are shown in Table 12.

### Key Procurement Procedure Rules

Rule 5 **Key Elements of the Procurement Procedures:** specifies the process for obtaining quotes or tenders depending upon the value of the procurement. Rule 5.1 sets out a table indicating contract categories for procurement as follows:-

Total Contract Value:	Contract/ Order signed by:	Expenditure approved by:	Short listing approved by:	Procurement procedure:
£0 - £199	Authorised officer	Budget holder	No short listing required	One verbal quotation is acceptable. More quotations may be obtained where it is deemed to be practicable and beneficial.
£200 - £999	Authorised officer	Budget holder	No short listing required	Three verbal quotations are required with a written record and preferably email confirmation.
£1,000 - £9,999	Authorised officer	Budget holder	No short listing required	A minimum of three written quotations on the suppliers' headed notepaper or from the suppliers' email domain to the originating officer.

	£10,000 - £59,999	Authorised officer	Budget holder	Budget holder	Formal quotation by sealed bid, opened in the presence of an independent authorised officer. At least three tenders should be invited; five or more is best practice where possible.
	£60,000 – European Union threshold	Authorised officer	Assistant Directors	Assistant Directors	A formal tender with advertisement and the inclusion of contract conditions is required. Five or more tenders should be invited where possible. A minimum of three is permitted by exception subject to the approval of the Chief Finance Officer. Guidance should be sought from the Procurement Team.

	Above European Union threshold	Director	Director Executive above £200,000	Director	A formal European Union compliant tender is required. The Procurement Team must be involved in the project as a senior supplier in Prince 2 terms.
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## 7. Codes and Protocols

The various Codes and Protocols which govern ethical behaviour and best practice in decision making are set out in Part F of the Constitution. Each Code is listed below with a note on its key contents:-

### (a) Code of Conduct for Councillors – Part F2

Sets out the provisions of the Code of Conduct including:-

- General obligations on Members
- Disclosure of personal and prejudicial interests
- Register of interests

### (b) Code of Conduct for Officers – Part F3

Sets out the provisions of the Officer Code of Conduct including:-

- General Principles
- Conflicts of interest, interests in contracts and gifts and hospitality
- Accountability

### (c) Protocol for Member/Officer Relations – Part F4

Aims to set out the relative roles, responsibilities and rights of Members and Officers in their dealings with each other. In particular, sets out at paragraph 6.2 – 6.9 the timeframe within which Members can expect replies to their enquiries (see table 13 below)

Also refers to support services available to Members and Party groups and any restrictions relating to the use of those services. Concludes by outlining the procedure for dealing with breaches of the Protocol by a Member or Officer.

**Members' Enquiries**

- 6.2 Members' enquiries may be made by any means.
- 6.4 Officers will make every effort to provide a substantive response to a member enquiry within **2 working days**, but if a substantive response cannot be provided officers will acknowledge receipt of the enquiry. If it is not possible to provide a substantive response within 5 working days, officers must explain:-
- 6.4.1 The reason for the delay;
- 6.4.2 What action is being taken to pursue the enquiry; and
- 6.4.3 The timescale within which a substantive response will be sent, which must be within 15 days, unless agreed otherwise by the member and officer.
- 6.5 Directors are responsible for ensuring that member enquiries are dealt with promptly and accurately in their Directorates.
- 6.6 Where an enquiry imposes a disproportionate burden on officers' work, this should be explained and discussed with the member concerned and senior management to agree an alternative deadline and/or response.
- 6.7 Members' enquiries, which are in fact constituent complaints, will be handled under the Council's Complaints Procedure.
- 6.8 This members' enquiry procedure supplements and does not replace members' statutory and common law rights to information.
- 6.9 Co-opted and independent members' rights of access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.

**(d) Monitoring Officer Protocol – Part F5**

Sets out the role of the Monitoring Officer and provides:-

- A general introduction to the statutory responsibilities of the Monitoring Officer
- Advice on the working arrangements between the Monitoring Officer, Members and Officers
- Explains how complaints against a breach of the protocol either by a member or Officer will be dealt with

**(e) Interim Members' Protocol on the Use of ICT at Home – Part F6**

Summarises the conditions on which computers and IT services are provided to Councillors at their home including ownership, safe-keeping and restriction of use of the Equipment, security of systems and use for private purposes. This section will be updated after the elections.

**8 Ethical Handbook**

**8.1** The separate Ethical Handbook at the back of the Constitution contains the following codes and protocols:-

**(a) Guidance on Gifts and Hospitality – Part 1**

Sets out guidance on the receipt of gifts and hospitality by Members, principles to be followed, the circumstances in which Members need to register any gift or hospitality (usually where it has an estimated value of at least £25) and when inappropriate offers of gifts and hospitality should be reported to the Monitoring Officer.

**(b) Members' Planning Code of Good Practice – Part**

Aims to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Advises upon:-

- Interests in respect of any planning application
- How to avoid fettering discretion and pre-determination
- Contact with applicants, developers and objectors
- Presentations by developers/applicants
- Lobbying of Councillors
- Lobbying by Councillors
- Site visits
- Public participation in Meetings
- Decision making and decisions contrary to officer recommendation
- The need to undertake training offered prior to sitting upon the Committee

Sets out at Appendix A the Code of Practice for the Conduct of Site Inspections.

**(c) Licensing Code of Good Practice**

Aims to ensure that in the operation of the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Advises upon:-

- Interests in Licensing proposals
- Avoiding fettering discretion in the licensing process
- Contact with applicants and objectors
- Lobbying of Councillors
- Lobbying by Councillors
- Site visits
- Public speaking at meetings
- Officers role in the process
- Decision making
- Need to undertake training provided prior to taking part in hearings.

**(d) Confidential Reporting Code**

Sets out the procedure to be followed to enable individuals to raise concerns about malpractice in the workplace including:-

- How the Council will support an individual to raise a concern
- How the individual may raise a concern
- How the Council will respond
- How the matter can be taken further.

**(e) Guidance on Property Transactions and Commercial Property Management – Part 5**

Provides guidance to assist council members in respect of any Council property transactions and commercial property management .

**(f) Indemnity for Members and Officers of the Council – Part 6**

Sets out the circumstances in which members and employees are indemnified against the costs, claims and expenses.

**9. Members' Allowances Scheme**

9.1 Contained within Part K of the Constitution, this section details the provisions of the Council's Members' Allowances Scheme including:-



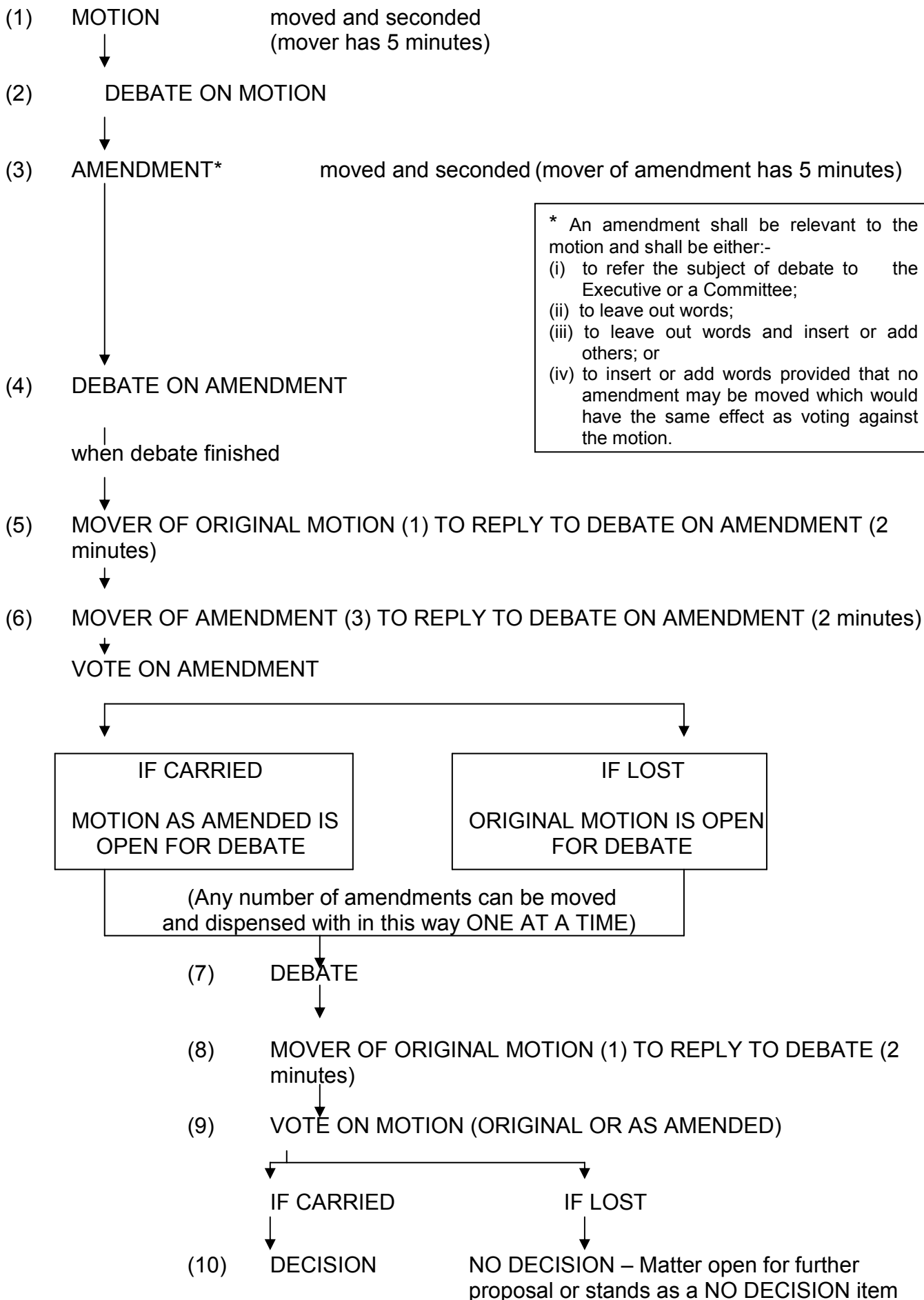
- Basic allowance
- Special responsibility allowance
- The right for members to forego any part of their allowances
- Provisions relating to part year entitlements, suspension & repayment of allowances
- Claims and payments
- Travelling & subsistence allowance
- Dependents' Carers allowance
- Co-opted Members' allowance

CENTRAL BEDFORDSHIRE COUNCIL		Constitutional Arrangements	
EXECUTIVE DECISION-MAKING CHART			
RELEVANT THRESHOLDS	“KEY DECISIONS”	“NON-KEY DECISIONS”	NOTES
<ul style="list-style-type: none"> <li>Financial: <ul style="list-style-type: none"> <li>Result in expenditure or savings of £200,000 or above or 10% of the budget for the cost centre concerned, whichever is the smaller.</li> </ul> </li> <li>Significant effect in ONE or more Wards.</li> <li>Draft Annual Budget and Policy Framework Plans for Council approval.</li> </ul>	EXECUTIVE	EXECUTIVE	<ul style="list-style-type: none"> <li>All Executive decisions must be in accordance with the Budget and Policy Framework.</li> <li>All Executive decisions must be recorded in a Decisions Digest and relevant notice of the meeting must be given.</li> <li>All Budget &amp; Policy Framework items must be referred to Council for approval</li> </ul>
<ul style="list-style-type: none"> <li>Individual Portfolio Holders can only take decisions in accordance with the Scheme of Executive Functions delegated to an individual Member (Part C3 of Constitution), or where a function is subsequently delegated by the Leader <b>and</b> within the approved Budget and Policy Framework.</li> </ul>	INDIVIDUAL PORTFOLIO HOLDERS	INDIVIDUAL PORTFOLIO HOLDERS	<ul style="list-style-type: none"> <li>All individual portfolio holder decisions must be recorded in a Decisions Digest</li> <li>Relevant Notice of decision must be given.</li> <li>At least 5 clear working days notice must be given of any report taken into account in making a “key decision”.</li> </ul>
<ul style="list-style-type: none"> <li>Officers may only take “key decisions” if specifically set out in the Constitution or Scheme of Delegation or if approved by the Council or the Leader of the Council.</li> </ul>	CHIEF EXECUTIVE/ DEPUTY CHIEF EXECUTIVE/DIRECTORS	CHIEF EXECUTIVE/ DEPUTY CHIEF EXECUTIVE/DIRECTORS	<ul style="list-style-type: none"> <li>Any decision of an officer on a key decision must be recorded in a Decisions Digest.</li> <li>Relevant Notice of Decision must be given</li> </ul>

<ul style="list-style-type: none"> <li>The Chief Executive, Deputy Chief Executive and Directors can only take decisions on 'non-key issues' in accordance with the Scheme of Delegation to Officers (Part H3 of Constitution), within the approved Council Budget and Policy Framework.</li> </ul>			<ul style="list-style-type: none"> <li>At least 5 clear working days notice must be given of any report taken into account in making a "key decision"</li> <li>Officer decisions are not recorded in a Decisions Digest and notice of decision not required but internal procedures may apply for recording of significant decisions.</li> </ul>
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NB: All proposed 'Key Decisions' – must be notified to the Committee Section by the relevant Officer or Portfolio Holders, so as to ensure the legal obligations with regard to the Forward Plan are fully complied with.

**A GUIDE TO MOTIONS AND AMENDMENTS**



## A GUIDE ON SUBSTITUTION

### 1. Introduction

- 1.1 The Council, has agreed substitution arrangements which appear in the Full Council Procedure Rules.
- 1.2 It should be noted that substitutes are NOT permitted at meetings of the Executive or Standards Committee.

### 2. Named Substitutes

- 2.1 Under the Procedure Rules, if a Member of a Committee or Sub Committee is unable to attend a particular meeting he/she may arrange for one of the named substitutes to attend in his or her place.

### 3. If you wish to appoint a Substitute

- 3.1 If you are unable to attend a meeting and wish to appoint a substitute, you should inform one of your Group's named substitutes as soon as practicable before the meeting.
- 3.2 If you have been substituted for a particular meeting, you cease to be a Member of that body for the duration of that meeting and any adjournment of it.

### 4. If you do not appoint a Substitute

- 4.1 If you fail to appoint a substitute and are not present at the beginning of a meeting, any of your Group's named substitutes present at the meeting can automatically act as substitute.
- 4.2 Therefore if you know you might be slightly late for the start of a meeting, it might be wise to discuss this with your Group beforehand to avoid arriving at a meeting only to find you have been substituted, (see paragraph 3.2 above),

### 5. If you have been appointed as a Substitute

- 5.1 If you have been asked to act as a substitute or are acting in default as a named substitute, in accordance with paragraph 4.1 above, you:-
  - (a) must inform the Committee of your appointment as a substitute (this is dealt with **at the beginning of the meeting** under the item "Apologies for Absence and Notification of Substitute Members" (ie you must be present at the beginning of the meeting if you wish to be a substitute));
  - (b) will become a Member of the body concerned for the duration of that meeting and any adjournment of it.
- 5.2 It would be helpful if Members could give prior notice to the appropriate Committee Administrator of their intention to act as a substitute.

6. **Permanent changes to Memberships/Named Substitutes**

- 6.1 Group Leaders may also vary permanent appointments to Committees and change named substitutes during the Municipal Year, provided they notify the Monitoring Officer in writing.
- 6.2 A supply of forms to be used to notify the Monitoring Officer of such changes is available on request. The form must be given to the Monitoring Officer (or his/her nominee) before the commencement of any meeting, if the change is to have effect for that meeting.
- 6.3 The Monitoring Officer will report on any changes to the Council for information.



Joint Committees

- Wixams Joint Development Control Committee
- Luton and South Bedfordshire Joint Planning and Transportation Committee

Advisory Groups

- Constitution Advisory Group
- Member Development Champions

**COUNCIL**

**STRONG LEADER**

**EXECUTIVE**

**Portfolio holders' Assistants**  
(Up to 5, no executive powers)

- Business Transformation Overview and Scrutiny Committee
- Corporate Resources Overview and Scrutiny Committee
- Children, Families and Learning Overview and Scrutiny Committee
- Social Care, Health and Housing Overview and Scrutiny Committee
- Sustainable Communities Overview and Scrutiny Committee
- Overview and Scrutiny Management Panel (Informal, co-ordinating role)

- Licensing
  - Licensing Sub-Committee
- Regulation
- Development Management
- Standards
  - Standards Sub-Committees
- Audit
- General Purposes
  - Appointments Sub-
- Appeals
- Joint Consultation and Negotiation Committee for Primary and Secondary Education
- Employees Joint Consultative Committee

Under the "Strong Leader Model" the Leader is authorised to appoint the Executive, allocate portfolios and delegate functions