

## Central Bedfordshire Constitution – “Frequently Asked Questions”

<b>Questions</b>	<b>Reference in Constitution</b>
<b>1. Council Governance</b>	
How is the Council governed?	<p><u>Part A1</u> summarises how the Council operates, the different roles of full Council, the Executive and Overview and Scrutiny, the role of officers and citizens’ rights.</p> <p><u>Part A2</u> explains the purpose of the constitution in providing a framework of rules governing the way the Council exercises its functions and takes decisions.</p> <p><u>Part A3, paras 1 to 3</u> explains how councillors are elected and their roles.</p>
What powers does the Leader have?	<p><u>Part A1, para 1.3, Part B5, para 2.3 and Part C1, para 3</u> explain how the full Council elects the Leader of the Council, who then appoints the Executive members (and the Deputy Leader) and allocates their portfolio of responsibilities (<u>Part C1, paras 4 to 6</u>).</p> <p><u>Part C3, paragraph 3</u> sets out any powers the Leader has delegated to individual portfolio holders.</p> <p><u>Part C4, paragraphs 1</u> indicates the process for delegation of Executive functions by the Leader, whilst <u>paragraph 3</u> shows how powers can be sub-delegated. The powers of the Leader with regard to meetings of the Executive are set out in <u>paragraphs 5, 8.2, 9.1 and 9.4</u>.</p> <p><u>Part B5, para 15</u> enables the Leader to call a strategic policy debate at full Council.</p>
What powers does the Executive have?	<p><u>Part A1, para 2 and Part C</u> set out the arrangements for the discharge of Executive functions.</p> <p><u>Part C3, para 2 and Part G1, para 1.1</u> briefly explain the Executive’s functions.</p> <p><u>Part C4</u> explains in more detail how the Executive conducts its business.</p>
What are the rights and duties of individual Portfolio Holders have?	<p><u>Part C3, paragraph 3</u> sets out any powers the Leader has delegated to individual portfolio holders.</p> <p><u>Part H3, paras 2.8.3 and 2.9.1</u> and the qualifications to some delegated powers (throughout H3) refer to</p>

	when Portfolio Holders may expect to be consulted by officers.
What powers does the full Council have?	<p><u>Part A1, paras 1.3 to 1.5, Part B1, Part B6 and Part G1, paras 1.3 to 1.6</u> set out the role and functions of the full Council.</p> <p><u>Part B5</u> details the procedures that are followed at full Council meetings.</p>
What powers does the Council Chairman (or Vice-Chairman) have?	<u>Part B4, para 1 and Part B5</u> at various places set out the role of the Council's Chairman.
What powers do overview and scrutiny committees have?	<p><u>Part A1, para 3 and Part D1</u> set out the role and functions of the five overview and scrutiny committees.</p> <p><u>Part A4, para 7</u> describes their role in relation to petitions.</p> <p><u>Part D2</u> describes in more detail how the overview and scrutiny committees conduct their work and make recommendations.</p> <p><u>Part D2, para 10</u> explains the purpose of the call-in procedure and how it operates.</p> <p><u>Part G2, para 17</u> explains when an overview and scrutiny committee can require the Executive to report to Council.</p>
What powers do other committees have?	<p><u>Part B5, paras 2.5 to 2.7 and Parts E1 and E2</u> describe how the Council appoints a number of non-executive committees, how each is composed (including rules on substitution) and their individual terms of reference.</p> <p><u>Part E3</u> details the procedures that are followed at committee meetings.</p>
What powers do committee chairmen (and/or vice-chairmen) have?	<p><u>Part E3</u> at various places refers to the role of committee chairmen.</p> <p><u>Part D1, para 6 and Part D2</u> at various places refers to the role of overview and scrutiny committee chairmen. The relevant OSC chairman also has powers to agree exemptions from call-in (<u>Part D2, para 10.15</u>) and special urgency under the Access to Information Procedure Rules (<u>Part G2, para 16.1</u>).</p>
What powers do individual	<u>Part A3, para 4</u> summarises the rights and duties of

<p>members have (as ward councillors or otherwise)?</p>	<p>individual councillors.</p> <p>Specific powers listed at various parts of the constitution are:</p> <p><u>Part A4, Annex 3, para 8</u>: how members can speak despite having a prejudicial interest in a planning application.</p> <p>Part B5 (Council meetings):</p> <p><u>para 2.4</u>: how 10 members can put forward a motion to dismiss the Leader;</p> <p><u>para 4.1.1.4</u>: how 5 members may requisition an extraordinary Council meeting;</p> <p><u>paras 12.1 and 12.7</u>: when members may ask questions without notice;</p> <p><u>paras 12.2 to 12.6</u>: how members can ask written questions;</p> <p><u>para 14</u>: how members can make a ward presentation;</p> <p><u>para 16</u>: how members can submit written notices of motion;</p> <p><u>para 17</u>: motions that members may move without notice;</p> <p><u>paras 18 to 20</u>: the rules of debate and voting by which members must abide.</p> <p><u>Part C4 (Executive meetings)</u>:</p> <p><u>para 8.2</u>: members' speaking rights;</p> <p><u>para 9.2</u>: how an Executive member may require an item on an Executive agenda;</p> <p><u>para 9.4</u>: how any member may ask the Leader to put an item on an Executive agenda.</p> <p><u>Part D2 (overview and scrutiny meetings)</u>:</p> <p><u>para 1.3.2</u>: a quorum of members of the committee may call a special meeting;</p> <p><u>paras 3.1 and 3.3</u>: how any member may require an</p>
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item to be included on the relevant overview and scrutiny committee agenda, speak to it and to have the item discussed;

para 7: the additional rights of overview and scrutiny members to documents;

paras 9.3 to 9.5: members' speaking rights;

para 10 (in particular paras 10.7 to 10.9): how an overview and scrutiny chairman, any two members of the relevant overview and scrutiny committee, any three non-executive members or a ward member may call-in an Executive decision;

para 11: how councillors can pursue the Councillor Call for Action procedure.

Part E3 (committee procedure rules):

para 1.3: a quorum of members may call a special meeting;

paras 10.1 and 10.2: how any member may require an item on the relevant committee agenda and speak to it;

para 16: members' rights to attend committee meetings of which they are not members and speak but not vote on any item.

Part F4 (protocol for member/officer relations):

Appendix A: members' rights of access to council information.

Part H3 (scheme of delegation to directors):

paras 2.8.4 and 2.9.3: ward members may expect be informed or consulted on officer delegated decisions affecting their ward;

para 4.3.95.1: a ward member's right to call in a planning application to a meeting of the Development Management Committee.

The qualifications to some delegated powers (currently paras 4.3.66, 4.3.92, 4.3.98, 4.3.111.3, 4.3.120, 4.4.15, 4.5.14, 4.6.45 and 4.6.59) also refer to when ward members may expect to be consulted by officers.

<p>What powers do officers have?</p>	<p><u>Part H1</u> details the council’s chief officers and the functions of statutory officer and proper officer appointments.</p> <p><u>Part H3</u> details the powers delegated to directors and the conditions and limitations upon exercising those powers.</p> <p><u>Part F3</u> sets out the Code of Conduct for Officers.</p> <p><u>Part F5</u> elaborates on the Monitoring Officer’s functions.</p> <p><u>Parts I1, I2, I3 and I4</u> contain codes and rules with which officers must comply.</p>
<p>What rights do members of the public and other bodies have?</p>	<p><u>Part A1, para 5</u> summarises citizens’ rights.</p> <p><u>Part A4 and Appendix A</u> detail the council’s public participation procedures, which include public questions, statements and deputations generally (Annex 1); petitions procedure (Annex 2); and participation in Development Management Committee meetings (Annex 3).</p> <p><u>Part B5, para 11; Part C4, para 8.1; Part D2, para 5.1.5; and Part E3, para 17</u> apply those procedures to all council, executive and other committee meetings.</p>
<p>How can the Council’s constitution be amended?</p>	<p><u>Part A5, para 2</u> explains how the constitution may be amended.</p>

<p><i>2. Budget and Policy</i></p>	
<p>How is the annual budget agreed?</p>	<p><u>Part B2, para 2</u> defines the scope of the Council’s budget.</p> <p><u>Part B3, para 2</u> sets out the process for developing the budget and policy framework via overview and scrutiny.</p> <p><u>Part I2, para 4.4</u> refers to the approval of the annual revenue budget.</p>
<p>How is policy agreed?</p>	<p><u>Part B2, para 1</u> defines the plans, policies and strategies which must be approved by the full Council. All others may be agreed by the Executive.</p> <p><u>Part B3, para 2</u> sets out the process for developing the budget and policy framework via overview and</p>

	scrutiny.  <u>Part D1, para 3.1</u> refers to the role of overview and scrutiny in relation to policy development and review.
Can decisions be taken outside the budget and policy framework?	<u>Part B3, paras 3, 4 and 6</u> explains the process for seeking such decisions or changing the policy framework in-year.

<i>3. Decision-making</i>	
What is a “key decision”?	<u>Part C2, para 1</u> defines the meaning of “key decision”.  <u>Part G2, paras 13 to 16</u> explain the procedure to be taken before taking a “key decision”.
When are meetings held in public?	<u>Part G2</u> sets out the rules governing the right of members of the public to attend all Council, Executive, committee and sub-committee meetings with certain limited exceptions, and to inspect reports.
When are meetings held in private?	<u>Part G2, paras 1.1, 10 and 11</u> specify the circumstances in which the public may be excluded from meetings and from access to reports to them.
How are decisions publicised?	<u>Part G2, paras 18 and 19.1</u> describe the requirements for publicising Executive decisions.

<i>3. Full Council Meetings</i>	
How can members get an item onto the agenda?	<u>Part B5, para 16</u> : how members can submit written notices of motion.  <u>Part B5, para 14</u> : how members can make a ward presentation.
How can members raise questions?	<u>Part B5, para 12.1</u> : how members can ask a question without notice on an Executive or committee minute or recommendation.  <u>Part B5, paras 12.2 and 12.3</u> : how members can ask a written question on any council matter.  <u>Part B5, para 12.7</u> : how members can ask an oral question on any council matter.
When can members speak?	<u>Part B5, para 18</u> sets out the rules of debate at full Council meetings.

<i>5. Executive Meetings</i>	
How can members get an item onto the agenda?	<u>Part C4, para 9.2</u> : how an Executive member may require an item on an Executive agenda.  <u>Part C4, para 9.4</u> : how any member may ask the Leader to put an item on an Executive agenda.
When can members speak?	<u>Part C4, para 8.2</u> : members' speaking rights.

<i>6. Overview and Scrutiny Meetings</i>	
How can members get an item onto the agenda?	<u>Part D2, paras 3.1, 3.3 and 11</u> : how any member may require an item on the agenda, speak to it and have the item discussed (including the Councillor Call for Action procedure).  <u>Part D2, paras 10.7 to 10.9</u> : how members can call-in an Executive decision for review.
When can members speak?	<u>Part D2, paras 9.3 to 9.5</u> : members' speaking rights.

<i>7. Other Committee Meetings</i>	
How can members get an item onto the agenda?	<u>Part E3, paras 10.1 and 10.2</u> : how any members may require an item on the relevant committee agenda and speak to it.
When can members speak?	<u>Part E3, para 16</u> : members' rights to attend committee meetings and speak but not vote on any item.

<i>8. Public Participation</i>	
What information are members of the public entitled to?	<u>Part A4, para 3</u> lists the information to which members of the public are entitled.  <u>Part G2</u> elaborates on the public's rights of access to meetings and documents, including the circumstances in which the public may be excluded on the grounds of confidential or exempt information.
How can members of the public speak at meetings?	<u>Part A4, para 4 and Appendix A</u> detail the ways in which members of the public may participate in meetings of the Council, the Executive or committees.
How can a member of the public	<u>Part A4, Annex 1</u> explains the provisions for asking

make a statement or ask a question?	questions, making statements or sending deputations about council functions or individual agenda items.
How can a member of the public present a petition?	<u>Part A4, Annex 2</u> explains the provisions for presenting a petition to the Council, the Executive or a committee, and how they will be dealt with.

<i>9. Members' Interests</i>	
What is "ethical governance"?	<u>Part F</u> includes six related documents which together comprise the Council's ethical framework.  "Ethical governance" refers to the standards that both members and officers are expected to uphold in complying with the Ten General Principles of Public Life, as set out in <u>Part F2, para 2</u> .
What does the Members' Code of Conduct require of members?	<u>Part F2, paras 3 to 17</u> constitutes the Council's Code of Conduct for Members.
What is a "personal interest"?	<u>Part F2, para 10</u> describes the circumstances in which a councillor is likely to have a personal interest.
When does a member have to declare a personal interest?	<u>Part F2, para 11</u> explains the requirements for disclosure of a personal interest at meetings where relevant business is being discussed.  <u>Part F2, para 15</u> refers to a councillor's duty to register details of all personal interests in the public register.
How does a personal interest affect the member's participation in meetings?	A personal interest alone does not affect the member's ability to participate fully and to vote in the meeting.
What is a "personal and prejudicial interest"?	<u>Part F2, paras 12 and 13</u> describes the circumstances in which a councillor is likely to have a personal and prejudicial interest.
How does a personal and prejudicial interest affect the member's participation in meetings?	<u>Part F2, para 14</u> explains the requirements to withdraw completely where a councillor has a personal and prejudicial interest, unless purely exercising normal public speaking rights (and then withdrawing).
What is the role of the Standards Committee?	<u>Part F1, para 1.1</u> sets out the role and functions of the Standards Committee.  <u>Part F1, paras 3, 4 and 5</u> set out the role and functions of the Standards Sub-Committees which assess, review and if necessary investigate

	complaints of a breach of the Members' Code of Conduct.
What is the role of the Monitoring Officer?	<u>Part H1, para 3.4 and Part F5</u> set out the role and statutory responsibilities of the Monitoring Officer.
What is the role of the Chief Finance Officer?	<u>Part H1, para 3.5</u> sets out the role of the Chief Finance Officer.
Is there any guidance on member/officer relations?	<u>Part F4</u> gives a Protocol for Member/ Officer Relations, including access to information, members' enquiries, dispute resolution and complaints.
What can Members expect from officers?	<u>Part F4, paragraph 2.4</u> sets out what Members can expect from officers.
What can officers expect from Members?	<u>Part F4, paragraph 2.5</u> sets out what officers can expect from Members.
What are the standards for responding to Members' enquiries?	<u>Part F4, paragraphs 6.2 to 6.8</u> set out the standards and timescales within which officers should respond to Members' enquiries.

<i>10. Council Officers</i>	
What does the Officers' Code of Conduct require of officers?	<u>Part F3</u> constitutes the Council's Code of Conduct for Officers.

<i>11. Finance, Contracts and Legal Matters</i>	
Where are the Council's rules about ensuring sound financial management?	<u>Part I2 'Code of Financial Governance'</u> gives a strategic framework for good financial and resource management.  More detailed operational procedure rules are available on the intranet (add link)
Where are the Council's rules about letting and managing contracts?	<u>Part I3 'Code of Procurement Governance'</u> gives high level rules for all procurement.  More detailed operational procedure rules are available on the intranet (add link)

<i>12. Partnership Arrangements</i>	
What partnerships and joint arrangements does the Council have?	<u>Part J2</u> sets out the arrangements and terms of reference for various joint bodies.

How are they managed and regulated?	<u>Part J3</u> 'Partnerships Protocol' sets out governance principles for public and private sector partnerships.
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<i>13. Members' Allowances</i>	
What allowances are members entitled to?	<u>Part K</u> contains the Members' Allowances Scheme which determines the basic, special responsibility and other allowances (including travel) that can be paid.