

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 15A, Priory House, Monks Walk, Shefford on Tuesday, 1 June 2010

PRESENT

Cllr (Chairman)

Cllrs Mrs C F Chapman MBE
D Jones

Cllrs Mrs A M Lewis
S F Male

Apologies for Absence: Cllrs M R Jones
D J Lawrence

Members in Attendance: Cllrs D Bowater,

CAG/10/60 **Apologies for absence**

Apologies for absence were received from Councillors Maurice Jones and David Lawrence.

CAG/10/61 **Election of Chairman**

Councillor Male was duly elected Chairman for the 2010/11 municipal year.

Following his election, the Chairman indicated that he proposed to vary the order of the agenda by bringing forward item 10 to follow item 5, to facilitate officer attendance.

CAG/10/62 **Notes of the previous meeting**

The notes of the meeting held on 1 April 2010 were approved as a correct record and signed by the Chairman.

CAG/10/63 **Review of the Policy Framework - New Regulations on Children's Trusts, Children and Young People's Plans and Child Poverty.**

The Deputy Chief Executive and Director of Children's Services gave a presentation on recent changes in the legislation relating to the Children and Young People's Plan and the duty relating to child poverty.

Members' attention was drawn to the published statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan.

Recent changes had significantly increased the number of bodies represented on the Children's Trust Board but comments were made indicating that it would not be advisable to have a smaller executive group to make meetings more manageable. An observation was made that dividing the Board into more than one group could lead to people feeling disconnected from discussions and decisions taken at meetings they did not attend. It was suggested that the newly-formed Government might in due course re-consider whether it was helpful to require the additional representation.

The Advisory Group considered whether the full Children and Young People's Plan should be submitted to full Council or only the part of it which was the responsibility of the Council. During discussion the Group's preference for the full Plan to be put before Council emerged, together with clarification as to which parts were for Council's approval and which had been provided by partners and were for noting. The Children and Young People's Plan would therefore remain as a statutory Plan in the Council's Policy Framework (part B2 of the Constitution refers).

The Group noted the Chief Executive's reported view that the Annual Report of the Children's Trust and the Local Safeguarding Children Board should be brought before all members of the Council, possibly by way of a briefing to all Councillors. A suggestion was made that it could be submitted to Overview and Scrutiny Committee. The Group agreed to suggest this course of action to the Chief Executive.

Members noted that the Council was required to publish a Child Poverty Strategy by March 2011. The Group considered that it would be appropriate for this to be considered at an early developmental stage by the Overview and Scrutiny Committee and that after partners had also provided input, it should be taken before the Overview and Scrutiny Committee again.

AGREED

1. that no change is needed to the Policy Framework in respect of the Children and Young People's Plan;
2. to suggest to the Chief Executive that the Annual Report of the Children's Trust Board and the Local Safeguarding Children Board should be submitted to the relevant Overview and Scrutiny Committee;
3. that the Child Poverty Strategy should be prepared as a draft by the Economic Wellbeing sub group of the Children's Trust, then go to the Lead Member for comment, then the Overview and Scrutiny Committee, then the Children's Trust, then Local Strategic Partnership, then to the Overview and Scrutiny Committee again, and then to the Executive.

Associations (JCNC)

The Constitution Advisory Group considered a proposal to remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC) as a subsidiary body of the General Purposes Committee. It was noted that a number of working parties were already in place which worked effectively. It was noted that the intention was to remove the additional tier represented by the JCNC thus streamlining the processes and leading to increased efficiency.

It was noted that the submitted report together with the recommendations arising from this Group's deliberations would be before General Purposes Committee when it met on 3 June 2010. Members concurred that if the General Purposes Committee did not endorse the proposals, the recommendation proposed to be made to Council would not be submitted.

RECOMMENDED TO COUNCIL

that subject to the endorsement of General Purposes Committee, the Council's Constitution be amended at Part E2 section 7.1.5 and section 10 to remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC) as a subsidiary body of the General Purposes Committee.

NOTE: The General Purposes Committee met on 3 June 2010 and whilst supporting the recommendation to Council, proposed that another structure be put in the JCNC's place with specific meeting requirements. This proposal would have implications requiring amendments to the Constitution. As these amendments had not been before the Constitution Advisory Group for consideration, with the agreement of the Chairman of the Constitution Advisory Group and the Chairman of General Purposes Committee, the recommendation will not be submitted to Council on 24 June 2010 (see the paragraph above) and the matter will be referred to the next meeting of the Constitution Advisory Group for further consideration.

CAG/10/65

Changes to delegations authorised by the Leader, leading to amendments to the Constitution

The Advisory Group noted the changes to the Constitution authorised under her powers by the Leader of the Council (detailed in the Constitution at paragraph 3 of the Executive Procedure Rules) as set out below.

- that the Director of Children's Services be responsible for the administration and planning of the 14-19 Commissioning process including the administration and allocation of funding to commissioned post-16 Education and Skills providers in accordance with the functions transferred from the Learning and Skills Council to the Local Authority.

It was also noted that the Leader was shortly expected to approve the following correction:

- that the reference in the Director of Children's Services Delegated powers in 4.4.2 is to the whole of Section 18 of the Children Act 2004 and not only to Section 1.

(**Note:** The Leader authorised this amendment on 2 June 2010.)

AGREED

that the revisions to the Scheme of Executive Functions Delegated to Officers approved by the Leader, be noted.

CAG/10/66 Consultation Strategy - Council's Policy Framework

The Group recalled that at its last meeting consideration had been given to the Council's Policy Framework and further information had been requested about the Council's strategic approach to consultation.

The Group considered the current arrangements for consultation and whether a single document was needed to encompass the Council's approach to consultation. Comments were made that the current arrangements were sufficient, and that the Community Engagement Strategy provided clear guidance about consultation.

In view of these comments it was agreed that the reference in the Council's Policy Framework (part B2 of the Constitution refers) to a Consultation Strategy should be deleted.

RECOMMENDED TO COUNCIL

That the words "Consultation Strategy" in the Constitution at part B2 The Budget and Policy Framework, section 1.1.3.8, be removed.

CAG/10/67 Public Participation at Development Management Committee

The Group recalled that this matter had been deferred from the last meeting to enable professional advice to be given on the matter by an officer.

The Group noted that at the Town and Parish Conference on 4 November 2009 a question was asked about time limits for speakers at meetings. Research had been carried out which had established that Central Bedfordshire's arrangements were in line with best practice.

Members noted the advice of the officer at the meeting. Comments were made that the Chairman of Development Management Committee had the ability to use his discretion to allow a speaker to exceed the time allowed in the

published public participation scheme, and that from time to time the current Chairman chose to do so.

AGREED

1. **to propose no changes to the Constitution on the public speaking arrangements at Development Management Committee;**
2. **to draw to the attention of each successive Chairman of the Development Management Committee their ability as Chairman to vary the amount of time during which a speaker may address the Committee;**
3. **to ensure that the terms of the public participation scheme are clear to members of the public.**

CAG/10/68 Call-in of planning applications by Members to Development Management Committee

The Advisory Group considered a report proposing that the Constitution be amended to require the planning reason(s) to be provided when a ward member called-in an application to Development Management Committee. It was noted that Members tended to do so but currently there was no requirement for this stated in the Constitution. Providing the reason(s) enabled Members to have regard to it/them when considering the matter.

RECOMMENDED TO COUNCIL

that Part H section 4.3.95.1 of the Constitution be amended by the insertion of the words “ and supported by the planning reason(s)” after the words “on an agreed proforma” to require that the planning reason(s) be provided in writing when a ward member calls-in a planning application to be considered by Development Management Committee.

CAG/10/69 The Council's Petitions Scheme

The Group considered a report of the Head of Democratic Services recommending to Council the approval of a Petitions Scheme and amendment of the Constitution to comply with the Local Democracy, Economic Development and Construction Act 2009.

The report set out the current arrangements for petitions received by the Council and matters for consideration arising from the new legislation. It was noted that the current petitions scheme had been drafted in view of the legislation proposed at the time.

Members considered each matter relating to the proposed required petition scheme and debated the pertinent issues. Clarification was provided where

possible on the Council's Committee Management's facility to handle electronic petitions. It was suggested that piloting the proposed e-petition arrangements would enable them to be reviewed where needed.

AGREED

1. that the threshold for signatories for general petitions under the scheme should be 10;
2. that the threshold for petitions which must be debated at a full Council meeting should be 0.5% of the population of the Council's area (approximately 1,250 signatories);
3. that the threshold for petitions requiring senior officers to give evidence should be 0.25% of the population of the Council's area (approximately 600);
4. that the threshold for signatories for an e-petition should be 100;
5. that under the Council's petitions scheme lead petitioners be permitted a maximum of 5 minutes to present their petition to Executive or Council, and 3 minutes at other meetings, and that the provision for speaking under the Public Participation Scheme remain unchanged;
6. that the term "reviewing the adequacy of the response to the petition" is clarified as meaning reviewing the steps taken by the Council to process the petition;
7. that the timescale within which the lead petitioner must submit a request for a review by an overview and scrutiny committee should initially be 5 working days, and that this be reviewed in 12 months time.

RECOMMENDED TO COUNCIL

1. ***that the Chief Executive and all the Directors be nominated as the "senior officers" who will be subject to the requirement to give evidence at a meeting of the relevant Overview and Scrutiny Committee in response to a petition;***
2. ***that the Council's e-petitions facility, subject to satisfactory testing, be introduced with effect from 1 October 2010 or earlier;***
3. ***that the Public Petitions Scheme as set out at Appendix A to these minutes be approved;***

- 4. that the consequential amendments to Parts A4 and D2 of the Constitution as set out at Appendix B and Appendix C to these minutes be approved.**

CAG/10/70 Work Programme

The Group received and noted its programme of work.

It was noted that the item for the July meeting “Review of non-statutory non-executive committees and their roles” related to non-statutory bodies which the Council was not required to have.

CAG/10/71 Date of the next meeting

It was noted that the next meeting would be held on 29 July 2010 starting at 2.00pm in Room 13, Priory House, Chicksands.

The meeting concluded at 4.35pm.

Chairman.....

Date.....