

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 14b, Priory House, Monks Walk, Shefford on Thursday, 2 December 2010

PRESENT

Cllr S F Male (Chairman)

Cllrs D Jones
M R Jones

Cllr A Shadbolt

Apologies for Absence: Cllrs Mrs C F Chapman MBE
D J Lawrence

Members in Attendance: Cllrs D Bowater
K C Matthews

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|------------------------|---------------|---------------------------------------|
| Officers in Attendance | Mr J Atkinson | Head of Legal and Democratic Services |
| | Mr I Brown | Interim AD Assets |
| | Mr P Fraser | Head of Partnerships & Performance. |
| | Mrs E Malarky | Head of Policy |
| | Ms M Peaston | Committee Services Manager |

CAG/09/89 **Apologies for Absence**

Apologies for absence were received from Councillors Mrs Chapman and D Lawrence.

CAG/09/90 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 October 2010 were approved as a correct record and signed by the Chairman.

CAG/09/91 **Order of the agenda items**

In view of officer commitments, the order of the agenda was amended to bring forward item 4 Reference to Strategic Plan in Section 12 and item 7 Amendments to the Delegations to the Director of Customer and Shared Services before item 3 Leighton Linslade Partnership Committee.

CAG/09/92 **Leighton-Linslade Partnership Committee**

The Advisory Group considered a report of the Head of Partnerships and Performance further to a request for terms of reference to be included in the Council's Constitution for the new Leighton-Linslade Partnership Committee, which would replace the Town Development Committee and the Town Centres Management Committee.

Cllr Matthews was present as the Portfolio Holder for Economic Growth, Skills and Regeneration and he indicated his support for the proposal.

Councillors Bowater, D Jones, Male and Shadbolt indicated that they had a personal but not a prejudicial interest in this matter.

Further to discussion, a suggestion was made that the proposed amendment to the Constitution include additional wording at section 6.1 so that the paragraph reads:

“6.1 The annual budget shall be developed by the Committee and recommended to the Town Council and Central Bedfordshire Council for approval only where Central Bedfordshire Council makes funding available in any financial year.”

AGREED TO RECOMMEND TO COUNCIL:-

- 1. that the existing Leighton-Linslade Town Centre Management Committee be replaced with the Leighton-Linslade Partnership Committee;**
- 2. that part J2 of the Constitution relating to the Leighton-Linslade Town Centres Management Committee be amended with new terms of reference as set out in Appendix A to these minutes.**

CAG/09/93 **Reference to Strategic Plan in Section I (2)**

The Advisory Group considered a report of the Head of Planning and Programme Management proposing a minor addition to the wording at Section I2 of the Constitution to include a very brief description of the Strategic Plan.

In view of the proposal including the words “medium term” a discussion ensued about whether this period should be defined. It was concluded that including the term did not add to the clarity of the amendment and it should therefore not be included.

Consideration was also given to whether this amendment fell within the category of amendments delegated to the Monitoring Officer after consultation with the Constitution Advisory Group (Part A5 paragraph 2.3 refers). The Advisory Group considered that it did so and that the amendment should be made by the Monitoring Officer and circulated to all members of the Council with the next quarterly circulation of amendments to the Constitution.

AGREED:-

1. that Section I2 of the Constitution be amended by the addition of a new paragraph to follow paragraph 4.2, as set out below, with all the paragraphs after it to be re-numbered;

4.3 Strategic Plan: The Strategic Plan sets out the Council’s vision for Central Bedfordshire, its values and priorities.

2. that this amendment fell within the category of amendments to the Constitution described in part A5 paragraph 2.3 of the Constitution and would therefore be made by the Monitoring Officer without further reference to Council, and advised to all Members through the next quarterly circulation of amendments to the Constitution.

CAG/09/94 **Licensing and Regulation Committees**

The Advisory Group considered a report of the Committee Services Manager proposing that the Licensing Committee and the Regulation Committee should become one committee, called the Licensing Committee.

It was noted that two separate committees had been created at a legacy authority in view of the expectation of a heavy workload for the Licensing Committee at the time that new liquor licensing legislation had come into force. This approach had been replicated in the Constitution for Central Bedfordshire Council, but there was no longer a need for two separate committees, although the term "Licensing Committee" was legally required for the body which carried out the Licensing remit.

Further to a discussion as to whether the loss of a committee would impact on the proportionality requirements across the Council, the Advisory Group determined that a recommendation should be made to Council at its January 2011 meeting for only one committee, but that the recommendation should be implemented only after the May 2011 local election.

AGREED TO RECOMMEND TO COUNCIL

1. **that one committee called the Licensing Committee should carry out the functions of both the Licensing Committee and the Regulations Committee, but that this should not come into effect until after the May 2011 local election;**
2. **that Part E2 of the Constitution relating to the Licensing Committee and the Regulation Committee be replaced with new terms of reference as set out at Appendix B to these minutes.**

CAG/09/95 **Leader's Term of Office**

The Advisory Group recalled that at the meeting of Council on 25 November 2011, a resolution had been passed to adopt the "new style" leader and cabinet executive arrangements for Central Bedfordshire Council.

A consequential change to this was that the Leader of the Council would remain in office until the day of the first annual meeting of the Council after the election. It was noted that the Constitution should reflect this, and that the Monitoring Officer had been authorised by Council to make any necessary consequential changes to the Constitution following consultation with the Constitution Advisory Group.

A discussion ensued and it was considered appropriate, as the Constitution provided guidance for unforeseen circumstances, wording should be included which would limit the power of a Leader during the transition if they had not been re-elected to the Council. Members considered various circumstances when this might be appropriate.

The Advisory Group wished to take the advice of the officers on appropriate wording for inclusion in the Constitution. The officers were asked to circulate appropriate wording to members of the Advisory Group after the meeting. When consensus on the wording had been reached, an amendment to the Constitution would be recommended by the Advisory Group to Council.

AGREED

- 1 to endorse the proposed amendment of Part C1 paragraph 3 by the Monitoring Officer under his delegated powers (Part A5, paragraph 2.3 of the Constitution refers) to provide for the Leader remaining in office until the day of the first annual meeting of the Council which follows his/her election as Leader, as set out in **Appendix C** to these minutes;
2. that an additional amendment to the Constitution be drafted by the officers and circulated to all members of the Advisory Group seeking consensus on wording to be recommended to Council to provide for a limit to the powers of a Leader, during the transition period, who remained in post after an election until the first annual meeting of the Council, but who had not been re-elected to the Council.

CAG/09/96

Amendments to the Delegations to the Director of Customer and Shared Services

The Advisory Group considered a report of the Assistant Director Assets (Interim) which sought to amend the delegations to the Director of Customer and Shared Services in respect of assets, including :

- the requirement to secure the approval of a ward member before disposing of land in accordance with the Council's policy
- the level of the delegated authority to the Director for capital disposals
- the addition of a delegation to cover the transfer of the Council's interest in land to Trust Schools and Academies.

The Advisory Group noted that the delegation at Part H3 paragraph 4.5.29 had the qualification "subject to approval of the relevant Portfolio holder and ward member(s)". Views were expressed that this placed unwonted pressure on the ward member(s) and that the qualification should require only consultation with the ward member(s), following which the Portfolio holder's approval would be sought.

The Advisory Group noted that the delegated authority for the value of capital disposals had been set in line with the financial threshold for key decisions, as set out in the Constitution (Part C2 paragraph 1.2 refers). Members were unclear as to the meaning of the proposal on this matter as set out in the report and asked that this be redrafted to achieve greater clarity. The recommendation should then be e-mailed to all members of the Advisory

Group, and if there was consensus, referred as a recommendation of the Advisory Group to Council on 20 January 2011. If consensus was not achieved, the matter should be brought before the Constitution Advisory Group for further discussion.

It was noted that the February 2011 meeting of Council would be setting the budget and therefore that it would not be appropriate to make a recommendation on this matter to that meeting.

The Advisory Group noted the recommendation to insert the word "current" to describe the Asset Management Plan in Part H3 paragraph 4.5.27 but considered that this did not add to the clarity of the paragraph.

The Advisory Group noted that the Council would be required, under recent legislation, to transfer its interest in land used for operating a school if that school became a Trust School or an Academy. Members were concerned that guidance should be sought on whether for example a school with considerable land assets would be able to benefit from all of them while another school with little or no land would be unable to access any land benefits. Until the matter was clearer the Advisory Group was reluctant to add a delegation to the appropriate Director in relation to land transfers under the Academy and Trust Schools legislation.

The Advisory Group considered that a report should be submitted to the Executive to clarify this matter.

AGREED:-

1. to note that the minor amendment of Part H3 paragraph 4.5.29 under "Qualifications, if any" was a matter falling within the delegated authority of the Monitoring Officer and that the Advisory Group concurred to its redrafting as follows:-
"subject to the approval of the relevant Portfolio holder following consultation with the ward member(s)";
2. to note that the amendment to Part H3 paragraph 4.5.29 would be included in the quarterly circulation to all Members of amendments to the Constitution;
3. that the proposal to amend the delegation to the relevant Director regarding the value for capital disposals at H3 paragraph 4.5.19 be redrafted to achieve greater clarity and circulated to all members of the Advisory Group, following which, if there was consensus, the matter would be a recommendation of the Advisory Group to Council on 20 January 2011;

(Note: After the meeting this matter was resolved and a recommendation accordingly placed before Council on 20 January 2011, which approved it.)

4. that the proposal to add the word "current" before "Asset Management Plan" in Part H3 paragraph 4.5.27 be not approved for recommendation to Council;
5. that the proposed additional delegation to the appropriate Director for transfer of land in relation to Trust Schools and Academies be not approved, and that the appropriate Portfolio holder be asked to draw the Executive's attention to this matter.

CAG/09/97 Reports to Council by Officers

Further to comments which had been made prior to the last Council meeting when a report of the Monitoring Officer had been included on the agenda, the Advisory Group considered the question of including reports of the statutory officers on the Council agenda.

Currently there was no specific provision for reports of the statutory officers to be included. The Advisory Group considered that it should be made clear in the Constitution that the statutory officers could provide reports to Council, and that provision should be made for this to be after the Leader's Announcements.

The Advisory Group endorsed the proposal that, under his delegated authority (Part A5 paragraph 2.3 of the Constitution), the Monitoring Officer would amend the Constitution to provide for consideration of reports by the statutory officers, as set out below:-

Part B5 insert a new paragraph after paragraph 3.2.1.5 as follows:-
Reports of the statutory officers (Head of Paid Service, Section 151 Officer and Monitoring Officer), if any.

All the paragraphs which follow in that section would be re-numbered.

CAG/09/98 Constitution in PDF Form

Members recalled that at their last meeting, they had asked for the electronic book-marked PDF version of the Constitution to be e-mailed to them and they would comment on it at this meeting.

Comments were made that this provided an e-version comparable to the paper version in terms of ease of searching. The e-version was useful in that it could be saved and used on a laptop.

A request was made that this version be provided on the Council's website. It was also noted that hyperlinks throughout the document providing cross-referencing would make it even more accessible.

AGREED

that the officers be asked to facilitate the website version of the Constitution.

CAG/09/99 Date of Next meeting

It was noted that the next meeting, scheduled for 21 March 2011, would be held in reserve.

(Note: The meeting commenced at 2.00 p.m. and concluded at 3.55 p.m.)

Chairman.....

Date.....

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Appendix A

J2 JOINT ARRANGEMENTS

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| <p>Leighton-Linslade Partnership Committee</p> | <p>1. Purpose</p> <p>1.1 To serve as a partnership forum for all those involved in initiatives impacting on the Parish to consult with each other and co-ordinate their activities so as to realise their aspirations for the Parish and the town centre.</p> <p>1.2 To set the broad direction of the partnership, taking into account the needs of the town centre's customers, employees, residents, visitors, traders, property owners and developers.</p> <p>2. Objectives</p> <p>2.1 Work towards improving the economic, social, environmental and cultural vitality of Leighton Buzzard and Linslade.</p> <p>2.2 Prepare and maintain a Town Centre Strategy and Action Plan to help and encourage appropriate town centre and town development, for approval by the Town Council and Central Bedfordshire Council (CBC).</p> <p>2.3 To deliver the Big plan recognising the context of the Local Development Framework and related planning processes including:</p> <ul style="list-style-type: none"> informing and advising the relevant committees of the local authorities on all aspects of their responsibilities for the town centre and its environs; consulting, co-ordinating and communicating the infrastructure needs of Leighton Buzzard and Linslade to the relevant local authorities; and |
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- working in partnership with relevant bodies to achieve the delivery of new infrastructure.

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2.4. Co-ordinate the activities of the various town centre service providers and those responsible for meeting the needs of the town centre including:

- identifying appropriate funding opportunities for the furtherance of town initiatives;
- undertaking and co-ordinating marketing and promotional work for the town centre; and
- leading on all matters relating to the physical environment of the Town e.g. Christmas lights, floral displays, hanging baskets etc.

2.5. Establish sub-committees and task groups to progress/deliver specific proposals in town development strategies.

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3. Membership,

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3.1 The core membership to comprise:

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- 5 Central Bedfordshire Council appointed Councillors; and
- 5 Leighton-Linslade Town Council appointed Councillors.

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5 Central Bedfordshire Council appointed Councillors¶
5 Leighton-Linslade Town Council appointed Councillors¶

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3.2 Representatives of local interest groups will be invited to attend its meetings as non-voting members.

3.3 CBC Councillors should be from wards within Leighton-Linslade, or immediately adjacent to.

3.4 All Councillors should have the interests of the town as a priority, not their own wards.

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| | <p><u>4. Chairman</u></p> <p><u>4.1. The Chairman and Vice-Chairman shall be elected from and by the Committee's core membership.</u></p> <p><u>4.2. The elected Chairman and Vice-Chairman will hold the post for a period of one year, after which they can stand for re-election.</u></p> <p><u>5. Secretariat</u></p> <p><u>5.1. Leighton-Linslade Town Council administers the Committee, which is governed by the Town Council's Standing Orders.</u></p> <p><u>6. Decision-making arrangements</u></p> <p><u>6.1. The annual budget shall be developed by the Committee and recommended to the Town Council and Central Bedfordshire Council for approval where Central Bedfordshire Council makes funding available in any financial year.</u></p> <p><u>6.2. Thereafter, the Committee will make decisions at its meetings. Decisions will be made by consensus whenever possible. However, if no consensus can be reached, a majority vote, based on one vote per core member, will carry the decision, with the Chairman having the casting vote if the vote is equal.</u></p> <p><u>6.3. The Committee will delegate operational decision-making to smaller working groups as necessary and appropriate.</u></p> |
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¶ At least 50% of the membership of the committee.
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- Deleted:** A Councillor appointed by Central Bedfordshire Council will take on the role of Chairman and a Councillor appointed by the Town Council will take on the role of Vice-Chairman.¶
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- Deleted:** Only members of the committee can vote.¶
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| | 9. Notes: | |

Appendix A

2. The Licensing Committee

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

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2.1 Terms of Reference

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

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

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2.2 Limitation of Powers

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

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

3. The Licensing Sub-Committee

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| Appointed by: | The Licensing Committee under Section 9 of the Licensing Act 2003 |
| No of Members: | 3 Members appointed by the Monitoring Officer as and when necessary from a panel comprising all Members of the Licensing Committee |
| Chairman and Vice-Chairman appointed by: | The Sub-Committee at each meeting |
| Quorum | 2 |

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| Frequency | As and when required |
| Venue | As set out in the approved Calendar of Meetings ¹ 1 unless otherwise agreed by the Chairman, Monitoring Officer or Committee by resolution. |
| Co-opted Members | None |
| Code: | The Licensing Code of Good Practice. Licensing Hearings Procedure. |

3.1 Terms of Reference

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

3.2 Limitation of Powers

None

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4. The Regulation Committee

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

4.1 Terms of Reference

- 4.1.1 To exercise those licensing functions of the Council (as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto (except those relating to the Licensing Act 2003 and Gambling Act 2005 which are delegated to the Licensing Committee) and detailed in Annex C and D below) which are not delegated to a sub-committee or officers.
- 4.1.2 To exercise functions in relation to the Health and Safety at Work Act 1974, except where those functions are discharged in the Authority's capacity as an employer.

4.2 Limitation of Powers

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

- 4.2.1 The making of Designation Orders in accordance with the provisions of Section 13 of the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.

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3. Leader

3.1 The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until the day of the first post-election annual meeting which follows his/her election as Leader unless:-

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3.1.1 he/she resigns from the office, or otherwise ceases to be a councillor before the next election;

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3.1.2 he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

3.1.3 he/she is removed from office either by resolution of the Council in accordance with the Procedure Rules set out in Part B5 of the constitution or in the event of a change in the overall political control of the Council.

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3.1.3 he/she is no longer a councillor; or