

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 7 June 2012

PRESENT

Cllr P Hollick (Chairman)
Cllr R C Stay (Vice-Chairman)

Cllrs P N Aldis
J A E Clarke
J G Jamieson
M R Jones
Mrs J G Lawrence

Cllrs Mrs J G D J Lawrence
K C Matthews
J Murray
B Saunders
N Warren

Members in Attendance: Cllr D Jones

Officers in Attendance: Mr J Atkinson – Head of Legal and Democratic Services
Ms D Clarke – Assistant Chief Executive (People & Organisation)
Mr B Dunleavy – Democratic Services Manager
Mrs C Jones – Head of HR Policy and Development
Mr L Manning – Committee Services Officer

GPC/12/2 **Minutes**

RESOLVED

that the minutes of the meetings of the General Purposes Committee held on 11 and 19 April 2012 be confirmed and signed by the Chairman as a correct record.

GPC/12/3 **Members' Interests**

(a) **Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr M R Jones	7	Son is resident of Fairfield.	Present

Cllr D J Lawrence	9	Trustee and Vice-Chair of Bedford Borough Council's Pension Fund Committee (which acts on behalf of Central Bedfordshire Council's pension fund).	Present
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(b) **Personal and Prejudicial Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr B Saunders	7	Member of Stotfold Town Council.	Absent (sought clarification on issues at the beginning of the discussion then left the meeting room)

GPC/12/4 **Chairman's Announcements and Communications**

None.

GPC/12/5 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/12/6 **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/12/7 **Community Governance Review - Stotfold Parish (Area of Fairfield)**

The Committee considered a report by the Head of Legal and Democratic Services regarding the Community Governance Review currently being undertaken for the area of Fairfield within Stotfold parish.

Mindful that the membership of the Committee had recently increased, and to ensure that new Members were fully aware of the background to the Committee's previous discussions on 8 December 2011, copies of all

documents considered by the Committee at that meeting were attached as appendices to the report. A copy of the relevant minute from the Committee's meeting on 8 December was also attached. In addition the Committee had before it the results of a secondary consultation carried out at the request of the Committee on 8 December together with an analysis of the comments received and representations from Stotfold Town Council. The Committee was also provided with the following general background information relating to the Review process:

- Criteria for undertaking a review
- Initial/secondary consultation
- Timing
- Recommendations and decisions
- Reorganisation Order
- Alternative styles for parishes
- Electoral arrangements
- Publicising draft proposals.

The officer's report reminded Members that the Committee had originally resolved to carry out a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007 at its meeting on 4 August 2011. Members were aware that this decision followed the submission of a petition to Central Bedfordshire Council by the Fairfield Community Action Group. The petition had called upon the Council to undertake a Governance Review and create a new community council for the representation of the residents of Fairfield. The petition had been considered by the Committee and accepted as a valid petition under the Act.

To comply with the terms of the Governance Review the Council was required to consider representations made by local people and interested parties. The Committee had, therefore, undertaken a consultation with the Stotfold parish electorate and interested parties under which all respondents were invited to agree or disagree with the proposal to create a new Fairfield Community Council. The results, together with an analysis of the comments received, representations from Stotfold Town Council and a further submission by the Action Group had been considered at the Committee's meeting on 8 December 2011. The Committee had noted that 73% of those responding had supported the creation of a new community council for the area of Fairfield. Nonetheless, as an alternative to the creation of a separate community council, the Committee had also considered the possibility of creating a separate Fairfield ward within Stotfold parish and it had been resolved that the Head of Legal and Democratic Services explore the concept of warding the parish and report his findings.

A second consultation exercise had therefore been carried out with the Stotfold parish electorate and all interested parties to establish whether they agreed or disagreed with the concept of warding the whole parish using the existing polling districts as the basis. The results of the second consultation revealed that 60% of those responding did not support the concept of warding.

In view of the level of local support for the creation of a separate community council for Fairfield, rather than the warding of the existing Stotfold parish, the Head of Legal and Democratic Services recommended to the Committee in his report that a new parish council be formed. The meeting noted that the Head of Legal and Democratic Services had recommended that the new body be a parish rather than community council, as had been requested by the Action Group, as the existing 71 local councils within Central Bedfordshire were parishes or towns and the use of the term 'community', whilst permitted under the Local Government Act 1972, would cause confusion.

Members sought clarification on a number of points. With regard to the arrangements under which the new parish council would be clerked and operated the Democratic Services Manager explained that the new parish council would be established with effect from 1 April 2013 with the first election of parish councillors being held on 2 May 2013. During this short interim period responsibility for the administration of the parish council would rest with Central Bedfordshire Council as the principle council and, specifically, the following persons:

- The Portfolio Holder for Corporate Resources
- The Chairman of the General Purposes Committee
- The three Central Bedfordshire Council ward Members representing Stotfold and Langford.

Central Bedfordshire Council would also provide and bear the cost of a temporary clerk to the parish and prepare an advertisement for a permanent clerk. The temporary clerk would be sourced from within the Council's Committee Services team and provide his or her services until the operation of the parish council was transferred to the new councillors on 9 May 2013. A locum clerk could be appointed by the parish if necessary until such time as a permanent holder could be found, possibly within three months of the transfer of responsibilities. The Democratic Services Officer advised that Members of the new Parish Council would sit on the interviewing panel for the appointment of the clerk.

The financial cost of operating a new parish council was raised and clarification sought on the level of precept proposed. In response the Democratic Services Manager stated that the sum was estimated to be approximately £90k pa, similar to the amount currently raised from Fairfield within the current Stotfold Town Council precept. The money raised would cover the cost of employing a parish clerk, the cost of forthcoming local elections, the appointment of a community youth worker and the creation of reserves. The proposed precept would go before Central Bedfordshire Council for consideration in February 2013 as part of the normal budget process.

With regard to the administrative area of the new parish the Democratic Services Manager stated that the map illustrating the proposed boundary of the new parish council was as originally submitted by the Action Group and had not been amended. Both consultation exercises had been carried out based on the boundary shown on the map. Stotfold Town Council had circulated three maps displaying its own preferred options.

With regard to access to the facilities provided on the Fairfield Estate the meeting was advised that the creation of a new parish council would not alter their status and such facilities would be available to the public at large as they were at present.

Given the clear local support for the creation of a Fairfield Parish Council, and in recognition of local determination and democracy, the Committee expressed its own support in favour of the creation a parish council for the area of Fairfield.

RECOMMENDED TO COUNCIL

- 1 that the Council makes a Reorganisation Order under Section 86 of the Local Government & Public Involvement in Health Act 2007; which creates a parish in the Fairfield Park area of the current Stotfold parish and establishes a parish council in that area to be named Fairfield Parish Council;**
- 2 that the Reorganisation Order referred to in 1 above be based on the following key principles:**
 - a) the boundaries of the parish are as shown on the map attached at Appendix A to these minutes and the parish is named the Parish of Fairfield;**
 - b) the parish council is called 'Fairfield Parish Council';**
 - c) the establishment of the parish council to take effect from 1 April 2013 with the first election to be held on 2 May 2013;**
 - d) the first term of office of elected councillors be for 2 years and the following elections be held on the ordinary day for elections in 2015 and every fourth year thereafter i.e. 2019, 2023 etc.;**
 - e) the size of the Council relating to the number of councillors to be elected to the parish is set at 7, providing a ratio of 270 electors to each parish councillor;**
 - f) the parish council is not split into separate wards;**
 - g) the amount of the initial precept of the new parish council for the 2013/14 financial year is £92,525;**
 - h) until the councillors elected to the new parish council come into office, the new parish is administered by the persons holding the offices listed below who are in post immediately on 1 April 2013:**
 - CBC Portfolio Holder for Corporate Resources**
 - CBC Chairman of the General Purpose Committee**
 - The existing 3 CBC ward members representing Stotfold and Langford;**

- 3 that the present size of Stotfold Town Council remains unchanged at 15 members pending a Community Governance Review across the whole of the Central Bedfordshire Council area in 2013.**

GPC/12/8 **The Localism Act 2011 and Ethical Standards**

The Committee considered a report by the Head of Legal and Democratic Services which set out the arrangements that were required to be in place to ensure that the Council was ready to implement the relevant provisions of the Localism Act 2011 on 1 July 2012. The Head of Legal and Democratic Services advised that the Secretary of State had yet to make the regulations required to bring the relevant parts of the Localism Act 2011 into force. However, the expectation was that the regulations would be made shortly and that the new provisions regulating ethical standards would come into effect as envisaged on 1 July 2012.

- a) Procedures for investigating and making decisions about complaints, including identifying any sanctions that might be imposed**

The Committee considered proposed arrangements for the handling of complaints relating to Members' conduct (attached at Appendix A to the report of the Head of Legal and Democratic Services) and to a flowchart of the process (attached at Appendix B to the report) as from 1 July 2012. A proposed amendment to paragraph 4 of Appendix A, which required the Monitoring Officer to notify the Member concerned that a complaint had been made against them and update that Member on its progress, was circulated at the meeting.

The Committee noted that the complaints procedure envisaged that hearings would be conducted by a Standards Sub-Committee and the meeting was, therefore, asked to appoint a panel of Members from amongst the Committee's membership from whom the Sub-Committee could be appointed as and when required. It was suggested that each Sub-Committee be composed of three members and that they be appointed by the Monitoring Officer. It was further noted that co-opted members would have no right to vote and that there was no automatic requirement for a town or parish council representative to take part when a Sub-Committee considered a complaint about a town or parish councillor.

The Head of Legal and Democratic Services advised that, under the Act, there were, technically, no sanctions available for application against a Member though he had listed four possible measures in paragraph 11 of Appendix A which could be used, these being to:

- Censure the Member
- Publish the Sub-Committee's findings in respect of the Member's conduct

- Report the Sub-Committee's findings to the Council (or to the parish council) for information
- Instruct the Monitoring Officer to (or recommend that the parish council) arrange training for the Member.

A Member suggested that an additional measure could be added in the form of a referral to the respective group leader for action to be taken. However, other Members were of the opinion that, whilst group leaders could be advised of the outcome of a Sub-Committee decision, it would be inappropriate to expect them to undertake action as this would introduce an unwanted political element. It was also commented that some Members were not members of a political group and so this measure would not be universally applicable. Nonetheless the Committee acknowledged the usefulness of introducing such a measure albeit without the requirement for action to be taken by the group leaders.

The meeting gave full consideration to the role of Standards Sub-Committees in the complaints procedure and the point at which they should participate in the process. The Head of Legal and Democratic Services stated that the Act permitted the Monitoring Officer, in consultation with an independent person, some discretion on this issue. Following discussion the meeting was of the opinion that consideration of minor, trivial or vexatious complaints should be left to the Monitoring Officer, in consultation with an independent person, and the early involvement of Members in the form of a Sub-Committee should only occur in relation to the more serious complaints, such as those dealing with potential criminal conduct. Members were, however, of the opinion that the decision to involve a Sub-Committee at an early stage should be left to the Monitoring Officer in consultation with an independent person.

In response to a Member's query the Head of Legal and Democratic Services stated that efforts were being made to determine the outstanding Code of Conduct complaints by 30 June. However, as the Council continually received new complaints the likelihood of determining them all under the old arrangements was unlikely.

b) Appointing independent persons whose views can (and in some cases must) be sought about complaints relating to the Code of Conduct

The Committee considered the requirement under the Localism Act to appoint at least one independent person who had to be consulted in connection with the investigation and determination of complaints.

The Head of Legal and Administrative Services advised the meeting that, since preparing his report, the government had relaxed the restriction preventing the existing independent members of the Standards Committee serving as independent persons, although this relaxation was for a transition period only. Some disappointment was expressed by Members that existing independent members remained

ineligible to continue their service in the longer term mindful of the experience and knowledge which they held.

The meeting noted that the Monitoring Officers of Central Bedfordshire, Bedford, Luton and Milton Keynes Councils had met to consider how the councils could collaborate in preparing for the Act's implementation. Arising from the discussions it had been proposed that the four councils should appoint a joint panel of at least eight independent persons who would be available to undertake this role for any of the authorities. It was noted that the fire authorities of Bedfordshire and Buckinghamshire had also expressed an interest in taking part.

The Head of Legal and Democratic Services emphasised that, whilst the proposal for a joint panel had been drawn up prior to the decision to allow independent members to continue to serve on a transition basis, he was of the opinion that that the joint panel concept provided the best way forward for dealing with this matter in the medium/long term and would enable the Council to comply with the officer timetable which saw the advertisement for, interview and selection of independent persons completed by 18 July. In response Members concurred with the creation of the proposed joint panel and agreed that the Chairman should be appointed as the Council's representative in the selection process with the Vice-Chairman as his substitute.

c) Establishing a register of interests relating to Members and Co-opted Members of this Council and members of town and parish councils within Central Bedfordshire.

The meeting considered the requirement under the Localism Act for the Council's Monitoring Officer to establish and maintain a register of Members' interests for both Central Bedfordshire and the town and parish councils which fell within its boundary. The Committee also considered the government's decision to reintroduce the concept of pecuniary interests to replace the existing 'personal interests' introduced under the Local Government Act 2000.

The Head of Legal and Democratic Services advised that, since preparing his report, a draft schedule defining 'disposable pecuniary interests' had recently been made available by the Secretary of State. Copies of the draft schedule were circulated at the meeting together with an extract from the Council's current Code of Conduct. The extract set out paragraph 10 of the Code which defined 'personal interests', thus enabling Members to compare the existing 'personal interests' with the forthcoming 'disclosable pecuniary interests'. The meeting noted the strong overlap in content. Following a Member's query regarding the absence of the equivalent 'disclosable pecuniary interest' to certain categories of 'personal interest' the Head of Legal and Democratic Services indicated that he would report further on this matter at the next meeting of the Committee by which time the final schedule of 'disclosable pecuniary interests' should have been forthcoming.

The Head of Legal and Democratic Services then advised that the Council could decide, under the Act, to register other interests besides 'disclosable pecuniary interests'. The Head of Legal and Democratic Services proposed the creation of a list of those other interests which Members would need to include on the register but which would not prevent them from participating in a meeting when an item related to the interest was under discussion. The Head of Legal and Democratic Services further proposed that, as the current situation remained unclear, the Committee should be authorised to determine what other interests, if any, should be incorporated into the new Code of Conduct. The meeting concurred with the officer's proposals.

Some concern was expressed by Members regarding aspects of the Act's registration requirements. It was felt that some Members, and in particular town and parish councillors who currently made an annual statement of interests, could inadvertently fail to advise of changes to their pecuniary interests. Comment was also made that, once a 'disclosable pecuniary interest' had been disclosed to the Monitoring Officer, the Act did not require Members to declare the interest at a meeting. It was felt that the absence of a mechanism to remind Members of their interests could, again, lead to some participating in a debate in contravention of the Act. The meeting supported the introduction of a process to prevent this from occurring.

In response to a query the Head of Legal and Democratic Services undertook to establish whether or not Members with 'disclosable pecuniary interests' were permitted to speak on an item and then leave the meeting as Members with a personal and prejudicial interest were under the current legislation.

A Member sought clarification on the disclosure of pecuniary interests at joint committee meetings. In response the Head of Legal and Democratic Services explained that a Member attending such meetings did so as a representative of the council which appointed him or her and the Member had to comply with the requirements of that council. The meeting felt that the recommendation to Council should be amended reflect this.

RESOLVED

- 1 that the arrangements for handling complaints, as set out at Appendix B to these minutes, be approved;**
- 2 that, subject to first receiving the necessary training, all members and substitutes of the General Purposes Committee serve on the panel from which Standards Sub-Committees will be appointed by the Monitoring Officer, as and when required;**
- 3a that the proposed collaboration with Bedford, Luton and Milton Keynes Councils to appoint a joint panel of independent persons be approved;**

- 3b that the Chairman of the General Purposes Committee take part in the independent person selection process on behalf of Central Bedfordshire Council, and that the Vice-Chairman of the Committee act as his substitute should the Chairman be unavailable.**

RECOMMENDED TO COUNCIL

that, subject to the Secretary of State making the requisite regulations (“the Regulations”) which bring the relevant provisions of Chapter 7 of the Localism Act 2011 (“the Act”) into force with effect from 1 July 2012, the following arrangements shall apply:

- a) The Code of Conduct approved by the Council on 19 April 2012, amended as necessary to give effect to the Regulations, shall be adopted with effect from 1 July 2012;**
- b) In accordance with sections 29 and 30 of the Act, Schedule 1 of the Code of Conduct shall incorporate the disclosable pecuniary interests specified in the Regulations;**
- c) The General Purposes Committee shall be authorised to determine what other interests (if any) should be incorporated into the Code of Conduct, including arrangements for the recording of gifts and hospitality accepted by Members;**
- d) Members shall be required (as now) to disclose when they are present at meetings of the Council, the Executive and all Committees, Sub-Committees and Joint Committees of the Council if they have a pecuniary or other interest in an item of business on the agenda of the meeting and the nature of that interest and, where the interest constitutes a disclosable pecuniary interest, to withdraw from the meeting during the consideration of that item of business;**
- e) The Standards Committee shall be dissolved on 30 June 2012 and from 1 July 2012 the General Purposes Committee shall assume responsibility for overseeing the Council’s duty to promote and maintain high standards of conduct.**
- f) The Monitoring Officer shall make any consequential amendments to the Council’s Constitution following consultation with the Chairman of the General Purposes Committee.**

GPC/12/9 **Local Government Pension Scheme - Discretions Policy**

The Committee considered a report by the Assistant Chief Executive (People and Organisation) regarding the requirements of the Local Government Pension Scheme Regulations for each employer to issue a written policy statement on how it would exercise the discretions provided by the Scheme as well as to keep them under review and to revise them as necessary.

Members noted that, whilst the Council had already determined its policy with regard to some discretions, it had relied on the policy decisions of the legacy authorities for others. However, it was now necessary for the Council to determine its own policy regarding the latter in order to ensure compliance with the Regulations. To this end a proposed Policy Statement was attached at Appendix A to the report for adoption.

The Committee noted that the majority of the proposed policy decisions within the draft Statement were in line with those originally adopted by the legacy authorities. However, new policy decisions regarding two discretions involving 'ill health' were included as the discretions related to more recent changes to the Regulations.

The meeting welcomed the proposed Policy Statement subject to amendments.

RESOLVED

- 1 that the Policy Statement on Employing Authority Discretions, attached at Appendix A to the report of the Assistant Chief Executive (People and Organisation), be approved and adopted subject to the following amendments:**

Regulation A74 – After 'Central Bedfordshire Council will' delete the remainder of the proposed Policy and insert 'generally seek recompense from the pension fund. This will be dealt with on a case by case basis.';

Regulation A76 (2) & (3) - After 'Central Bedfordshire Council will' delete the remainder of the proposed Policy and insert 'generally seek recompense from the pension fund. This will be dealt with on a case by case basis.';

- 2 that Councillor D J Lawrence, as a Trustee and Vice-Chair of Bedford Borough Council's Pension Fund Committee, be authorised to offer the amended Policy Statement for use as a guidance document to that Committee.**

GPC/12/10 **Dates of Meetings 2012/13 and 2013/14**

Members considered a report by the Head of Legal and Democratic Services which set out revised meeting dates for the Committee during the remainder of the current municipal year and the beginning of the next.

Members were reminded that on 19 April 2012 Council had approved extended terms of reference for the General Purposes Committee including a provision for a meeting of the Committee to be held in each committee cycle. To reflect this provision a list of proposed meeting dates had been drawn up for adoption. In addition the start time for two of the meetings had been brought forward from 10.00 a.m. to 9.30 a.m. to allow the relevant members of the Committee to attend Cabinet on those mornings.

The meeting noted that any changes agreed by the Committee would be placed before Council on 14 June 2012 as part of a wider revision to the calendar of meetings.

RESOLVED

- 1 that the proposed meeting dates for the General Purposes Committee during the remainder of 2012/13 and the beginning of 2013/14 be approved;**
- 2 that the proposed new start time of 9.30 a.m. for the meetings of the Committee due to be held on 2 August and 6 December 2012 be approved.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.40 a.m.)

Chairman

Dated