

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CENTRAL BEDFORDSHIRE COUNCIL** held in the Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 14 June 2012.

PRESENT

Cllr Mrs A Barker (Chairman)

Cllrs	P N Aldis	Cllrs	Mrs D B Green	Cllrs	J A G Saunders
	A R Bastable		Mrs D B Gurney		N J Sheppard
	R D Berry		Mrs C Hegley		I Shingler
	L Birt		P Hollick		M A Smith
	M C Blair		D J Hopkin		Miss A Sparrow
	D Bowater		J G Jamieson		B J Spurr
	A D Brown		K Janes		R C Stay
	Mrs C F Chapman MBE		R W Johnstone		A M Turner
	Mrs S Clark		D Jones		Mrs P E Turner MBE
	J A E Clarke		M R Jones		M A G Versallion
	N B Costin		D J Lawrence		P F Vickers
	I Dalgarno		Mrs J G Lawrence		N Warren
	A L Dodwell		I A MacKilligan		B Wells
	Mrs R J Drinkwater		D McVicar		R D Wenham
	P A Duckett		J Murray		P Williams
	Dr R Egan		Mrs M Mustoe		J N Young
	Mrs R B Gammons		T Nicols		A Zerny
	C C Gomm		R B Pepworth		
	Mrs S A Goodchild		B Saunders		

Apologies for Absence

Cllrs K C Matthews Cllrs Ms C Maudlin Cllrs A Shadbolt

Officers:	Mr J Atkinson	–	Head of Legal and Democratic Services
	Miss H Bell	–	Committee Services Officer
	Mr R Carr	–	Chief Executive
	Ms D Clarke	–	Interim Assistant Chief Executive (People & Organisation)
	Mr P Dudley	–	Assistant Director Children's Services (Learning & Strategic Commissioning)
	Mr A Fleming	–	Project Director - Business Services
	Mrs J Ogle	–	Director of Social Care, Health and Housing
	Ms M Peaston	–	Committee Services Manager
	Mr C Warboys	–	Chief Finance Officer & Section 151 Officer

C/12/19

Prayers

Prayers were taken by Reverend Cannon Michael Bradley.

C/12/20 **Minutes**

RESOLVED

That the minutes of the meeting held on 19 April 2012 be confirmed and signed by the Chairman as a correct record.

C/12/21 **Members' Interests**

(a) **Personal Interests:-**

Councillor M Jones declared an interest under Item 10 by virtue of a family member living in the area under consideration.

(b) **Personal and Prejudicial Interests:-**

Councillor B Saunders declared an interest under Item 10 by virtue of being a Member of Stotfold Town Council.

C/12/22 **Questions, Statements and Deputations**

There were none.

C/12/23 **Petitions**

No petitions had been received.

C/12/24 **Chairman's Announcements and Communications**

The Chairman commented on events which had taken place including;

- The unveiling of mosaics in Houghton Regis
- Attendance at Rushmere Park

The Chairman commented on events that were planned, to which she had been invited, in particular the Olympic torch relay which would be coming to Dunstable on 9 July 2012.

The Chairman recorded her thanks to the previous Chairman who, accompanied by Councillor Sparrow, had attended engagements on her behalf when there had been diary clashes.

C/12/25 **Leader's Announcements**

The Leader of the Council reported on

- the Best in Show award for Bedfordshire's Buildings

- the official launch of the Short-stay Medical Unit in Houghton Regis (formally known as the Poplars)
- the official launch of the Partnership in Excellence Palliative Service
- the creation of a Music Hub for Central Bedfordshire.

C/12/26

Executive Member Presentations

Cllr Spurr, Executive Member for Sustainable Communities Services provided an oral update on recent developments and successes within his Portfolio area, including;

- successful work undertaken on a dangerous structure in High Street North, Dunstable
- Albion Archaeology
- Highways investment
- the Council's success in securing £4.9 million from the Sustainable Transport Fund

Cllr Spurr responded to questions.

Cllr Mrs Turner, Executive Member for Economic Partnerships, provided an update on recent activities within her portfolio area including :

- Central Bedfordshire Together Board
- SEMLEP (South East Midlands Local Enterprise Partnership)
- The Central Bedfordshire Shadow Health and Wellbeing Board.

Cllr Mrs Turner responded to questions.

C/12/27

Recommendations from the Executive

(i) Medium Term Plan

The Council considered a recommendation from the meeting of the Executive held on 15 May 2012 seeking adoption of the Medium Term Plan, as set out in the Executive report.

RESOLVED

that the Medium Term Plan – Delivering Your Priorities, as set out in the Executive report at Appendix B, be adopted.

(ii) Minerals and Waste Core Strategy

The Council considered a recommendation from the meeting of the Executive held on 15 May 2012 seeking approval of the Minerals and Waste Core Strategy.

RESOLVED

that the Minerals and Waste Core Strategy (as amended by the Focused Changes) be approved and submitted to the Secretary of State for examination.

(iii) Capital Expenditure Slippage 2011/12 to 2012/13

The Council considered a recommendation seeking approval to carry forward capital expenditure planned for 2011/12 into the 2012/13 Capital Programme.

A revised recommendation (1) was tabled at the meeting.

RESOLVED

- 1. a total of £22.289M, within which there is a Central Bedfordshire Council contribution of £13.596M of capital expenditure included in the Council's approved Capital Programme, be carried forward from the financial year 2011/12 to 2012/13;**
- 2. that the Council's Code of Financial Governance be amended to allow the Executive to approve transfers to expenditure from one financial year to another in order to manage slippage in expenditure on the approved Capital Programme and that the Council's Constitution be updated to record this change.**

C/12/28

Recommendations from the General Purposes Committee

(i) Community Governance Review

The Council considered recommendations from the meeting of the General Purposes Committee held on 7 June 2012 concerning the Community Governance Review of Stotfold Parish (Area of Fairfield) which had been circulated separately to the agenda.

RESOLVED

- 1. that a Reorganisation Order under Section 86 of the Local Government & Public Involvement in Health Act 2007 be made to create a parish in the Fairfield Park area of the current Stotfold parish and a parish council in that area to be named Fairfield Parish Council be established;**
- 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 the minutes of General Purpose Committee, 7 June 2012; 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:**
 - Central Bedfordshire Council Executive Member for Corporate Resources**
 - Central Bedfordshire Council Chairman of the General Purpose Committee**
 - The existing 3 Central Bedfordshire Council 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.

(ii) The Localism Act 2011 and Ethical Standards

The Council considered recommendations from the General Purposes Committee held on 7 June 2012 concerning the Localism Act 2011. The recommendations had been circulated separately to the agenda.

An amendment to the motion before Council was moved and seconded and further to discussion was subsequently withdrawn. In response to the views expressed, the Vice-Chairman of General Purposes Committee indicated that he would ensure that the Committee considered further the requirements relating to the withdrawal by a Member from a meeting, in particular the Development Management Committee, when they had a disclosable pecuniary interest.

RESOLVED

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.**

C/12/29

Revised Calendar of Meetings

The Council considered the report of the Executive Member for Corporate Resources seeking approval of the revised Calendar of Meetings for the Municipal Year 2012-2013. This reflected a number of changes to the Council’s meeting arrangements including:

- the new General Purposes Committee and its schedule of meetings
- the abolition of the Standards Committee from 1 July 2012
- meetings in public of the Central Bedfordshire Shadow Health and Wellbeing Board.

RESOLVED

That the proposed Calendar of Meetings 2012/13 as set out at Appendix A as attached to the report be approved subject to minor amendments being delegated to the Executive Member for Corporate Resources.

C/12/30 Appointments to the Bedfordshire Police and Crime Panel

The Council considered a report of the Leader concerning appointments to the Bedfordshire Police and Crime Panel to enable local authority membership of the Panel to be notified to the Secretary of State in line with the Home Office deadline.

RESOLVED

- 1. that Councillors P Hollick, I Mackilligan, B Spurr (from the Conservative Group) and J Murray (from the Independent Group) be appointed as Central Bedfordshire Council's representatives on the Police and Crime Panel for the period until the Council's Annual Meeting in 2015;**
- 2. that from the Annual Meeting in 2015, the appointments to the Police and Crime Panel be made for a 4 year term.**

C/12/31 Appointments to the Joint Health Overview and Scrutiny Committee review of NHS Bedfordshire Healthier Together Programme

The Council considered a report of the Monitoring Officer advising of those members of the Social Care, Health and Housing Overview and Scrutiny Committee that had been appointed to the Joint Health Overview and Scrutiny review of acute health service provision across the East of England region.

RESOLVED

that the appointment of Councillors R Drinkwater, N Sheppard and M Smith as members of the Joint Health Overview and Scrutiny Committee and Councillors D Gurney and S Goodchild as substitutes, be noted.

C/12/32 Report of the Bedfordshire and Luton Combined Fire Authority

A report from the meeting of the Bedfordshire and Luton Combined Fire Authority held on 22 February 2012 was submitted.

RESOLVED

that the report of the Bedfordshire and Luton Combined Fire Authority be noted.

C/12/33 **Report of the Police Authority**

A report of the Bedfordshire Police Authority held on 14 June 2012 was submitted.

RESOLVED

that the report of the Bedfordshire Police Authority be noted.

C/12/34 **Motions**

Notice had been received from Councillor Aldis of a Motion under Procedure Rule No 17 as follows:

“That as a positive contribution towards tackling obesity in children, reducing the impact of child poverty and promoting inclusion and celebrating the Olympic legacy this Council provides free swimming for all pupils of statutory school age for the school summer holiday period at swimming pools in this authority’s area.”

The motion was duly seconded by Councillor David Jones.

An amendment to the motion was proposed by Councillor Spurr and seconded by Councillor Mrs Hegley as follows:

- Insert a comma after the word "legacy", and replace all that follows with the following: "the Executive Member for Sustainable Communities be asked to explore the possibilities for making special arrangements to encourage children to learn to swim during this school summer holidays."

Councillor Aldis, with the agreement of Councillor David Jones, indicated that he was willing to accept the proposed amendment to the motion and accordingly the amended motion was put to the vote with the following result:

RESOLVED

“That as a positive contribution towards tackling obesity in children, reducing the impact of child poverty and promoting inclusion and celebrating the Olympic legacy, the Executive Member for Sustainable Communities be asked to explore the possibilities for making special arrangements to encourage children to learn to swim during this school summer holidays”.

C/12/35 **Written Questions**

A written question had been submitted under Rule No 13.3 by Councillor Aldis, as follows:

“There was recently a prosecution against a Dunstable resident who is a market trader in various parts of the district for allegedly dumping household items outside a Tidy Tip. The perpetrator was denied access as he had a van.

While the strength of the evidence was disputed by each side the magistrates decided the defendant was not guilty as he maintained from the outset some 12 months earlier.

This case prompts concerns about the veracity of the evidence and the methodology in which it was obtained. There was no photographic evidence and some statements were made a year after the offence was said to have taken place.

Will there be an investigation into all the circumstances surrounding this case and whether the prosecution was in the best interests of this Authority?

What is the total number of prosecutions that this Council initiates for environmental crimes and what is the success rate?”

The following reply was received:

“There will be no investigation into the circumstances surrounding this case.

- Officers from the Environmental Protection Team received the complaint from one of the Councils' Waste Services Contract Officers who had witnessed the incident.
- The complaint was investigated following established procedures with appropriate evidence being gathered and a prosecution file being submitted to Legal Services for assessment as to whether the evidence gathered was of a satisfactory standard, and whether it was appropriate for the Authority to pursue a prosecution.
- On consideration of the nature of the offence and the available evidence the legal advice was that it was appropriate to prosecute.
- The Magistrates were clear that they found all witnesses to be credible, indicating that they believed the witness's evidence but felt that there were weaknesses in relation to identification, noting the legal guidance provided upon the issue.
- Following the verdict, Legal Services produced a summary of the two learning points in this case. These are already being acted upon and they do not warrant any further investigation.

Since April 2009 the Council has undertaken 40 environmental crime prosecutions investigated by the Environmental Protection Team, of which 4 were withdrawn and 1, this particular case, was unsuccessful.”

C/12/36

Open Questions

1. Councillor Zerny asked about Queensbury Upper School since it had been place in Special Measures.

The Executive Member for Children's Services advised of work being undertaken in partnership with the school.

2. Councillor D Jones asked a question on the frequency of grass cutting throughout Central Bedfordshire.

The Executive Member for Sustainable Communities advised on the programme of grass cuts on the roadside areas of Central Bedfordshire and current issues.

3. Councillor Aldis asked for an update on the BEaR project

The Deputy Executive Member for Sustainable Communities advised on the latest position with the procurement process for the award of the BEaR contract. It was anticipated that Executive would consider a report in November concerning the award of contract.

4. Councillor Bowater commented on the recent Ofsted inspection result at Gilbert Inglefield Academy School and requested that the Executive Member for Children's Services pass on his gratitude to all those involved in achieving this result.

5. Councillor Zerny asked for an update on funding per school pupil, further to a motion agreed at a previous Council meeting held on 19 January 2012.

The Executive Member for Children's Services advised that he had written to the Secretary of State and in response he had been advised that Government were unable to review the formula for the funding per pupil for Central Bedfordshire in the immediate future.

C/12/37

Overview & Scrutiny Annual Report 2011/12

The Council received the Overview and Scrutiny Annual report 2011/12 which presented a summary of the activities undertaken by the Overview and Scrutiny Committees during the year 2011/12.

RESOLVED

that the Overview and Scrutiny Annual Report 2011/12 be noted.

(Note: The meeting commenced at 6.30 p.m. and concluded at 8.35 p.m.)

Chairman

Dated