

<b>CENTRAL BEDFORDSHIRE SHADOW COUNCIL</b>
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<b>10 April 2008</b>
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<b>SUBJECT</b>	<b>CENTRAL BEDFORDSHIRE COUNCIL – PROPOSED GOVERNANCE ARRANGEMENTS</b>  (To approve the draft Constitution and make appointments to various Committees required for the new Shadow Authority)
<b>Report of:</b>	<b>Proper Officer of Mid Bedfordshire District Council</b>
<i>Contact Officer: Rob Mills (Tel: 0845 8496274) Kathrin John (Tel: 01462 611033)</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	The Bedfordshire (Structural Changes) Order 2008 provides for expenditure incurred by the Shadow Authority to be divided among and paid by the constituent authorities in such proportion as may be agreed by them and Bedford Borough Council.
<b>LEGAL</b>	The Shadow Authority has been established by the Bedfordshire (Structural Changes) Order 2008.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None
<b>HUMAN RIGHTS</b>	The draft Constitution provides in Article 13 that a principle of decision making shall be respect for human rights.

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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### RECOMMENDATIONS:

1. that the draft Constitution for the Shadow Authority, circulated separately, be approved and adopted for the period to 1 April 2009;
2. that the following Committees be established and that the required appointments be made at this meeting as follows:

(a)	<b>Scrutiny Committee</b>	<b>12 Members</b>	<b>4 each from BCC, MBDC and SBDC and in accordance with the rules relating to political proportionality (9 Conservative, 2 Liberal Democrat and one Labour or Independent member),</b>		
(b)	<b>General Purposes Committee</b>	<b>9 Members</b>	<b>3 each from BCC, MBDC and SBDC and in accordance with the rules relating to political proportionality (6 Conservative, 2 Liberal Democrat and one Labour or Independent member)</b>		
(c)	<b>Standards Committee</b>	<b>19 Members drawn from the existing Standards Committees of the constituent authorities</b>	<b>MBDC</b>	<b>Council Representatives</b>	<b>4</b>
				<b>Independent persons</b>	<b>3</b>
			<b>SBDC</b>	<b>Council Representatives</b>	<b>3</b>
				<b>Independent persons</b>	<b>3</b>
			<b>BCC</b>	<b>Council Representatives</b>	<b>3</b>
				<b>Independent persons</b>	<b>3</b>
(d)	<b>Appointments and Appeals Committee</b>	<b>4 Members</b>	<b>The Leader (or her nominee), Deputy Leader (or his nominee), 1 Conservative representative of Bedfordshire County Council and 1 Liberal Democrat representative</b>		

**3. that the Council appoint the Chairmen and Vice-Chairmen of the following Committees:-**

**(a) Scrutiny Committee; and**

**(b) General Purposes Committee.**

**4. that the provisional dates and times of meetings of the Shadow Authority and Scrutiny Committee, for the period to 1 April 2009, as set out in paragraphs 5 and 13 respectively of this report be approved.**

## Background

### The Implementation Order

1. The Bedfordshire (Structural Changes) Order 2008 was made on 27 March 2008 and came into force on 28 March 2008, implementing the Secretary of State's decision, announced in Parliament on 6 March 2008, to establish two new unitary authorities in Bedfordshire.
2. Part 2 of the Order provides for the establishment on 1 April 2009 of a single tier of local government for the Borough of Bedford and a single tier of local government – Central Bedfordshire Council (CBC) – for the remainder of the county, covering the existing districts of Mid Bedfordshire and South Bedfordshire. On that date Mid Bedfordshire District Council (MBDC), South Bedfordshire District Council (SBDC) and Bedfordshire County Council (BCC) will all cease to exist and the terms of office of the Councillors of those three authorities will end.
3. The Order sets out the transitional functions of the Shadow Authority, which in summary, require it to take all practicable steps to prepare for the assumption as Central Bedfordshire Council of local government functions and full local authority powers on 1 April 2009. It is important to note that the Shadow Authority does not have the full powers of a local authority at this stage and its functions are limited to those within the Order. Certain powers are reserved to the full Council, such as the approval of any Scheme of Members' Allowances, approval of the Budget for 2009/10 etc but the Order provides that all powers which are not required either by it or other statute to be reserved to Council, shall be delegated to the Shadow Executive.

### Proposed Governance Arrangements

3. The purpose of this report is to invite the Council to approve the Governance arrangements for the Shadow Authority in accordance with the provisions of the Order and other statutory requirements.

### The Shadow Authority

4. It is proposed that the Shadow Authority meets on two further occasions over the next year to deal with matters that only it can determine under the relevant legislation. As stated above, the Implementation Order delegates the preparatory work for unitary status to the Shadow Executive.
5. The following provisional meeting dates are proposed:-

Thursday 19 June 2008	Members' allowances for 2008/09	
Thursday 26 February 2009	1.	Unitary policy framework and budget;

	2.	Council tax for 2009/10
	3.	Members' Allowances Scheme for 2009/10, both pre-2009 election and post-election.
	4.	CBC Constitution.

6. It is proposed that future meetings of the Shadow Authority will start at 6.30pm and that they be held in MBDC's Council Chamber at Priory House, Chicksands, having regard to the space requirements for 124 Councillors.

### **The Shadow Executive**

7. A report regarding the creation of a leader and cabinet executive and proposed appointments to the Shadow Executive is included elsewhere on this agenda.
8. It is anticipated that the work of the Shadow Executive will be supported by member-level transitional task forces (TTFs) which will provide overview and advice on policy development including pre-scrutiny of issues, costed options and policy proposals in respect of major services in transition. The TTFs will be appointed by the Shadow Executive and will be advisory in nature with no decision making powers. They will provide for wide involvement of both executive and non-executive members.

### **Scrutiny**

9. The Shadow Authority is required, as part of its executive arrangements, to appoint at least one overview and scrutiny committee with power to scrutinise matters that are the responsibility of the Shadow Executive, in accordance with the provisions of Section 21 of the Local Government Act 2000.
10. As indicated above, non-executive members will make an active contribution to policy formulation through the TTFs. These task forces will be undertaking their own pre-scrutiny of detailed policy proposals, which will then feed into the emerging budget and policy framework for the new unitary authority.
11. It is proposed that a single scrutiny committee should support and facilitate the work of the shadow authority and the shadow executive by focusing primarily on:-
- (a) receiving and reviewing progress reports (written or verbal) by each of the task force chairmen, with the relevant executive portfolio holder likewise invited to contribute at all meetings;
  - (b) reporting its comments and/or recommendations back to the shadow executive after each meeting.

This will enable the committee independently to monitor the effectiveness of the transitional arrangements and the overall progress towards unitary status on 1 April 2009. Terms of reference and procedure rules in respect of the committee, including call-in powers, are set out in the draft Constitution referred to later in this agenda.

12. Mirroring the composition of the Shadow Executive, it is proposed that the committee should comprise four members of each of the three authorities. However in order to meet statutory requirements the Committee will need to be constituted on the following politically proportional basis:-:

<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour or Independent*</b>
9	2	1

\* If the Labour Group is allocated the seat upon the Scrutiny Committee, the seat upon the General Purposes Committee should be allocated to the Independent Group and vice-versa.

13. The following provisional dates are suggested for the Committee, all commencing at 6.30pm.
  - (b) Thursday, 11 September 2008
  - (c) Thursday, 11 December 2008
  - (d) Thursday 19 February 2008 (budget review)
14. The Council is requested to approve the establishment of the Scrutiny Committee and to appoint its Chairman, Vice-Chairman and members at this meeting.

### **Standards Committee**

15. The Implementation Order applies to the Shadow Authority all the provisions of the Local Government Act 2000 relating to the conduct of local government members and employees. This includes the duty on the authority to adopt a Members' Code of Conduct following the national model (see separate report) and the duty on its members to undertake to comply with it and register their personal interests.
16. There is also a duty on the Shadow Authority to establish a Standards Committee, separate from those of the three existing authorities, to be responsible for upholding standards of conduct; dealing with cases referred to it in respect of members' conduct specifically as a Shadow Authority member (including under the new 'local filter' regime); and considering requests for dispensations in respect of prejudicial interests.

17. It is suggested that, for simplicity, the Standards Committee should, so far as practicable, comprise all those existing elected and independent (but not town/parish) members of the MBDC (7 members) and SBDC (6 members) Standards Committees, together with 3 elected and 3 independent members nominated by Beds CC from its existing Standards Committee (which comprises 5 elected and 5 independent members but at present obviously covers the entire County area). A total membership of 19 members will give scope to form the sub-committees that will be required (probably from May 2008) to undertake the new, arrangements for local investigation and hearings of code of conduct complaints. The Committee should elect its own independent Chairman at its first meeting. There is no requirement for political proportionality.
18. The Standards Committee would only need to meet if there were business specifically relating to the Shadow Authority to deal with during the transition period. It is suggested that meetings of the Committee be held at 6.30pm. However any sub-committees established to deal with complaints under the new local filter regime would probably need to be held during the daytime. The existing Standards Committees of the three authorities will continue to deal with their current responsibilities and any referred cases until 1 April 2009.

### **Other Committees**

19. No committees other than Scrutiny and Standards are essential during the period to 1 April 2009. However it may be prudent to establish the following committees in the event that there is business which requires to be transacted:-

### **Appointments and Appeals Committee**

20. The timing of appointments to the Central Bedfordshire Management Team has yet to be determined. At the time of writing, the issue of staffing regulations by central government is awaited which will influence how senior appointments will be made. However in the interim it is proposed that an Appointments and Appeals Committee is established comprising 4 members with political proportionality (3 Conservatives (one from each Authority) and 1 Liberal Democrat) to deal with any appointments at deputy chief officer level and above. Such a Committee is required to include at least one member of the Executive and it is suggested that the Committee could comprise the Leader of the Shadow Executive (or her nominee), the Deputy Leader of the Shadow Executive (or his nominee), a representative from Bedfordshire County Council (Conservative) and a Liberal Democrat representative (to be drawn from any of the three constituent authorities). The Leader or Deputy Leader would be able to nominate the Portfolio Holder relevant to the appointment to be made to act in their place, should they so wish.

21. All appointments below deputy chief officer level must be made by the Interim Head of Staff.
22. The Committee would also have powers to hear appeals of any staff appointed to CBC, under similar arrangements.

### **General Purposes Committee**

23. It is also proposed that a General Purposes Committee should be established in the event that it is necessary to make decisions upon any non-executive functions relating to the transitional functions of the Authority which may arise which, by statute, cannot be dealt with by the Shadow Executive or delegated to an officer (for example certain electoral matters relating to Central Beds or audit/corporate governance arrangements if necessary). It is suggested that a committee of 9 members be established, comprising 3 each from BCC, MBDC and SBDC and on the following politically proportional basis:-

<b>Conservative</b>	<b>Liberal Democrat</b>	<b>Labour or Independent</b>
6	2	1*

\* If the Labour Group is allocated the seat upon the Scrutiny Committee, the seat upon the General Purposes Committee should be allocated to the Independent Group and vice-versa.

### **Draft Constitution**

24. The draft Constitution for Central Bedfordshire has been circulated separately with the Agenda.
25. A full Constitution has been prepared based on the Model Constitution issued by the former DETR, the Constitution of Bedfordshire County Council and certain aspects of the Constitutions of Mid and South Bedfordshire District Councils. However, as Members will understand, whilst the Constitution contains the usual provisions in terms of Articles, Responsibility for Functions, Procedure Rules etc given the very limited functions of the Shadow Authority, the model Constitution is not wholly appropriate in the circumstances of the Central Bedfordshire Shadow Council.
26. As will be appreciated it has been necessary to formulate the draft Constitution within an extremely tight timescale. Members are therefore assured that following approval by the Shadow Council the draft Constitution will be re-formatted, page indexes added and typographical errors will be corrected.

27. A fuller constitution for CBC post 1 April 2009 will be formulated with a view to submitting the document to the Shadow Authority early in 2009 for approval.

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<b><i>Background Papers:</i></b>	The Bedfordshire (Structural Changes) Order 2008  Constitutions of Bedfordshire County Council, Mid Beds and South Beds District Council
<b><i>Location of Papers:</i></b>	Committee Section, Mid Beds District Council, Priory House, Chicksands, Shefford, Beds.
<b><i>File Reference:</i></b>	N/A