



CONSTITUTION

INTRODUCTION

Local Councils, unlike principal authorities are not required by law to adopt a constitution, however they do need to adopt Financial Regulations and to have other governing documents such as Standing Orders, a Member Code of Conduct and a Publication Scheme.

Biggleswade Town Council have resolved to voluntarily adopt a constitution which will contain the Statutory Governance documents it needs to publish, as well as a number of other parts which represent best practice and will help to make its dealings more transparent to local people and businesses. The purpose of the constitution is to enable local people to understand how their Town is being governed and how they can become involved in decision making. This first Constitution was adopted June 2016, and contains a number of constituent parts previously adopted by Council, as set out in the Index.

As you look down the contents page, you may see some gaps. This is because the Council is gradually reviewing and revising its governance documents and adding policies as they are developed.

The Constitution also doubles as a handbook for Councillors. It is available to them in hard copy or electronic format.

You will find the documents listed in pdf format below.

CONTENTS OF CONSTITUTION	Issue No.	Date
Contents Page	1	Jun 2016
1. Summary and Explanation	1	Jun 2016
2. Standing Orders	1	Nov 2015
2a. Standing Orders for Contracts	Draft	
3. Financial Regulations	1	Jan 2015
Committee terms of Reference and Delegation		
4. Council	Draft	
5. Finance & General Purposes Committee	Draft	
6. Public Land and Open Spaces Committee	Draft	
7. Personnel Committee	Draft	
8. Town Centre Management Committee	Draft	
8a. Biggleswade Joint Committee	1	?
9. Corporate Strategy	Draft	Jun 2016
Council Policies:		
10. Complaints Code & Vexatious Policy.	In progress	
11. Customer Care Policy	In progress	
12. Environmental Policy	1	May 2016
13. Equality Policy	2	Apr 2016
14. Information and Data Protection Policy	In progress	
15. IT, Website & Email Policy	1	Sep 2012
16. Community & Social Policy	In progress	
17. Community Engagement Policy	1	May 2016
18. Quality Policy	1	May 2016
19. Protection of Children & Vulnerable Adult Policy	1	May 2016
20. Volunteers Policy	In progress	
21. Grants & Funding Policy	1	
22. Treasury Management Policy		
23. Procurement Policy	In progress	
24. Pensions Discretion Policy	1	Apr 2014
25. Communications & Marketing Policy		
26. Economic Development Policy		
27. Civic Centre Policy		
28. Markets Policy & Regulations	Draft	
29. Training and Development Policy	Draft	
30. Business Continuity Policy/Emergency Plan		
31. Allotments Policy		
32. Street Lighting Policy		
33. Flag Flying Policy	In progress	
34. Business Plan	Draft	
35. Budget 2016/17	2	Jan 2016
36. Medium Term Financial Strategy	In progress	
Codes and Protocols:		
37. Members' Code of Conduct	2	?
38. Officers' Code of Conduct	1	Jun 2016
39. Management Structure		
40. Committee Structure		
41. Protocol on Member/Officer Relations	1	Jun 2016
42. Policy Decisions		
43. Appendix 1 Glossary of Terms & Acronyms	1	May 2016
44. Appendix 2 Document Retention Policy		
45. Appendix 3 Asset Register	1	
46. Appendix 4 Employee Handbook & Personnel Policies	1	Jun 2016

47. Appendix 5	Publication Scheme & Information Guide	Draft	May 2016
48. Appendix 6	Mayor's Allowance Scheme		
49. Appendix 7	Risk Management Scheme	2	Apr 2016
50. Appendix 8	Town Centre Strategy & Masterplan	1	Jul 2011
51. Appendix 9	Biggleswade Green Infrastructure Plan	1	Aug 2010

SUMMARY AND EXPLANATION

BACKGROUND – LOCAL GOVERNMENT

Before considering the detail of how Biggleswade Town Council operates, it is useful to consider briefly where local government has come from and how it is changing.

In Britain there is no codified constitutional document setting out the rights and responsibilities of local authorities and their relationship with national government. Instead, there is a set of institutions and practices, some centuries old, that have been created and adopted in response to changing circumstances and which have gradually been given a statutory framework.

Local Government is in the public sector, but is not a local civil service. It is political in nature because the people that determine its direction are democratically elected by local people. Central government, however, has the capacity to direct and regulate Councils through legislation and fiscal means. Local Government is first and foremost a people business and service to the community is the cornerstone of its activity.

Local Government in England is a mixture of single and two tier principal authorities and Local Councils. County Councils and district Councils (sometimes called Borough Councils) have a split responsibility for service provision, a situation which existed in Bedfordshire until 31st March 2009. Metropolitan and unitary authorities are all purpose and Central Bedfordshire Council now has this responsibility. The term “Local Council” means a Parish or Town Council. They are, like all Councils an elected corporate body, but have a far more limited range of duties and powers than the principal Councils. However, the Town Council is the most local form of government and therefore plays a vital role at the community interface.

Local Government traditionally can only do what it is powered to do by statute, other acts are “ultra vires” (beyond the power of) which is the reverse of the position of an individual who can do anything which is not restricted by law. This position was widened for principal authorities and qualifying local Councils by the provisions of the Local Government Act 2000 which gave those Councils the power to undertake a wide range of duties which they considered were likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area.

The well being powers are now superseded by a General Power of Competence provided for by the Localism Act 2011. In brief, this provides for a principal Council or qualifying local Council to have the power to do anything that individuals generally may do but with certain limitations. Biggleswade Town Council are not yet eligible to adopt this general power of competence but are working towards it.

BACKGROUND – BIGGLESWADE TOWN COUNCIL

Biggleswade is a market town and civil parish located on the River Ivel in Bedfordshire. It has grown in population by nearly 10% over the past decade, primarily due to good transport links. It is situated along the A1 road between London and the North, as well as having a railway station on the main rail link North from London (the East Coast Main Line). New housing developments mean that expansion is predicted to continue into the foreseeable future.

As explained above, Biggleswade has two different tiers of local government, each democratically elected, independent of each other and with very different functions. Central Bedfordshire Council is the “Principal Authority” having the majority of functions of the former county and district Councils’ Biggleswade Town Council is known as a “Local Council”. The town is in the North East Bedfordshire Parliamentary constituency and the East of England European Parliament constituency. Four Central Bedfordshire Councilors represent the town on Central Bedfordshire Council.

Biggleswade Town Council is the fourth largest of 79 town and parish Councils within the Central Bedfordshire. It was established in April 1974, in the Local Government reorganisation which brought into being Mid Beds District Council and retained Bedfordshire County Council. The historic town had however been at the centre of Local Government from 1894 to 1974, through the former Biggleswade Urban District Council. A further reorganisation in April 2009 saw Bedfordshire County Council abolished and Mid Bedfordshire and South Bedfordshire merged to form a new unitary authority, Central Bedfordshire.

In 2006, Biggleswade Town Council moved to the former Magistrates’ Court in Saffron Road, which has been restored and refurbished to house an impressive Council Chamber and office accommodation.

The Town Council is responsible for a number of community facilities throughout the town, including the ancient Charter Market (held every Saturday & Tuesday in the Market Square), the Farmers’ Market (held on the third Wednesday of every month from 9.00 a.m. to 2.00 p.m. in the Market Square), two Cemeteries (Drove Road and Stratton Way), an allotment site at Kennel Farm Road, a number of car parks throughout the town and a variety of parks, play areas and recreation grounds. The Council is also responsible for a number of street lighting columns, with Central Bedfordshire Council owning the remainder.

HOW THE COUNCIL OPERATES

Biggleswade Town Council comprises 15 elected Councillors, who represent three different wards in the town, Stratton, Holme and Ivel. Council elections take place in May every 4 years, when a new Council is elected. The most recent ordinary election was held in May 2015. The terms of office of Councillors is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. The overriding duty of Councillors is to the whole community, but they have a special duty to their ward constituents, including those who did not vote for them.

Only registered voters of the town or those living or working there, or living within 3 miles of the parish boundary are eligible to hold the office of Councillor, providing they are 18 years of age or over and not disqualified.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties which includes the declaration of interests in matters considered by Council. The Council adopted its current Members Code of Conduct in June 2012. Central Bedfordshire Council is responsible for promoting and ensuring the standards of conduct by unitary, parish and town Councillors. Their Monitoring Officer deals with complaints about the behavior of Councillors under the Code.

All Councillors meet together as the full Council on the second and fourth Tuesday each month (except only one meeting in December), including the annual Council meeting in May. Here Councillors decide the Council's overall policies, set the budget each year and deal directly with the more major issues. Planning matters are also dealt with directly by Council.

Each year at the annual meeting Councillors elect a Town Mayor, who also holds the statutory position of Chairman, and a Deputy Mayor.

The Council appoints committees which deal with the more detailed or routine items of business. Certain decisions may be delegated by full Council to these committees, all items are dealt with as recommendations to be ratified at a meeting of full Council. Council also establish working parties, which do not have decision making powers but look at the detail of future policy or services in a depth which would not be possible in the formal arena. The Council has four committees with separate responsibilities: Public Land & Open Spaces, Finance & General Purpose, Personnel and Town Centre Management.

The Council are also members of Biggleswade Joint Committee with Central Bedfordshire Council, the purpose of which is to serve as a forum for all those involved in initiatives impacting on Biggleswade Town to consult each other and co-ordinate their activities.

HOW DECISIONS ARE MADE

All formal meetings of Council and its committees are subject to statutory notice being given, and the Council publishes an annual programme each year. Meetings are always publicised on the web site

and notice boards. All formal meetings are open to the public and press. Reports to those meetings and relevant background papers are available for the public to see.

Occasionally, Council or committees may need by law to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public. Minutes from all formal meetings, including the confidential parts are public documents, (with exception of Part 2 papers).

THE COUNCIL'S STAFF

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Town Clerk heads up this paid service and has specific duties as the "Proper Officer" to ensure that the Council acts within the law. The Town Clerk is also designated as "Responsible Financial Officer" to ensure that financial best practice is followed, or these duties may be given to another officer. A code ensures high standards of conduct and a protocol governs the relationships between officers and members of the Council.

The staff currently employed by the Council include Town Clerk, Deputy Town Clerk, Office Manager, Administrators, Working Foreman, several ground staff & the Market Superintendent.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution but you will be told of them when you use the service.

Citizens have the right to:

- Vote at local elections if they are registered;
- Contact their local Councillor about any matters of concern to them;
- View a copy of the Constitution;
- Attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- Speak in the appropriate part of Council and committee meetings;
- Film, photograph or make an audio recording of the meeting for the benefit of those not attending, providing it is not disruptive.
- Present a petition to the Council;
- Complain about any aspect of the Council's services. (If a complaint in the usual way does not bring satisfaction, the Council has a formal Complaints procedure);
- Complain to the Central Bedfordshire Council's Monitoring Officer if they have evidence which shows that a Councillor has not followed the Council's Code of Conduct;
- Inspect the Council's accounts and make their views known to the external Auditor who checks the Council's book-keeping and expenditure.
- View and in most cases obtain copies of documents set out in the Council's publication scheme.

The Council welcomes participation by its citizens in its work and welcomes interested people at its meetings.

ROLES AND FUNCTIONS OF ALL COUNCILLORS

All Councillors, whatever their formal position on the Council (or party political system), share common roles and responsibilities.

(a) Key Roles

All Councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- represent their communities and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities;
- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and represent the ward as a whole;
- participate in the governance and management of the Council;
- be available to represent the Council on other bodies;
- maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- Councillors will not disclose information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- Unless specifically authorised to do so by the Council or a Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

ROLE AND FUNCTION OF THE MAYOR

The Mayor will be the civic head of the Council and first citizen of the Town. and will be a symbol of the Authority and an expression of social cohesion. The Mayor will have a key role in promoting the town and will act as the Town Council's representative at official events.

The Mayor will have the statutory role to chair meetings of Full Council and, in doing so, will facilitate good decision making and promote political neutrality.

The Mayor will be elected by the Council at its Annual Meeting for the forthcoming year. The Council may elect a Mayor for a further term.

DEPUTY MAYOR

The Council will appoint a Deputy Mayor at the time the Mayor is elected, who shall assume the role of the Mayor when the Mayor is not present, or unable to fulfil that function.