

# CONSTITUTION AND ETHICS COMMITTEE



**Date: Tuesday, 24 April 2018**

**Democratic and Members' Services**

Quentin Baker

LGSS Director: Law and Governance

**14:00hr**

Shire Hall

Castle Hill

Cambridge

CB3 0AP

**Kreis Viersen Room**

**Shire Hall, Castle Hill, Cambridge, CB3 0AP**

## AGENDA

Open to Public and Press

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies for absence and declarations of interest</b>                                      |                |
|          | <i>Guidance on declaring interests is available at</i>   |                |
|          | <a href="http://tinyurl.com/ccc-conduct-code">http://tinyurl.com/ccc-conduct-code</a>          |                |
| <b>2</b> | <b>Minutes – 27th February 2018</b>  | <b>3 - 6</b>   |
| <b>3</b> | <b>Allocation of responsibilities to Policy and Service Committees</b>                         | <b>7 - 10</b>  |
| <b>4</b> | <b>Quorum arrangements</b>   | <b>11 - 14</b> |
| <b>5</b> | <b>Scheme of Delegation</b>  | <b>15 - 66</b> |
| <b>6</b> | <b>Arrangements for the appointment of Independent Person(s)</b>                               | <b>67 - 70</b> |
| <b>7</b> | <b>A Review of the complaints received under the Members' Code of Conduct to 12 April 2018</b> | <b>71 - 72</b> |

The Constitution and Ethics Committee comprises the following members:

Councillor Mac McGuire (Chairman) Councillor Kevin Reynolds (Vice-Chairman)

Councillor David Connor Councillor Lorna Dupre Councillor Roger Hickford Councillor Lucy Nethsingha Councillor Jocelyne Scutt and Councillor Peter Topping

*For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact*

Clerk Name:      Ruth Yule

Clerk Telephone: 01223 699184

Clerk Email:      ruth.yule@cambridgeshire.gov.uk

The County Council is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens. These arrangements operate in accordance with a protocol agreed by the Chairman of the Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccf-film-record>.

Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <https://tinyurl.com/ProcedureRules>.

The Council does not guarantee the provision of car parking on the Shire Hall site and you will need to use nearby public car parks <http://tinyurl.com/ccf-carpark> or public transport.

**CONSTITUTION AND ETHICS COMMITTEE: MINUTES**

**Date:** Tuesday 27th February 2018

**Time:** 2.00pm – 2.45pm

**Place:** Kreis Viersen Room, Shire Hall, Cambridge

**Present:** Councillors M McGuire (Chairman), D Connor, L Dupré, J Gowing (substituting for Cllr Hickford) and L Nethsingha

**Apologies:** Councillors R Hickford, K Reynolds, J Scutt and P Topping

**26. DECLARATIONS OF INTEREST**

None

**27. MINUTES – 30th JANUARY 2018**

The minutes of the meeting held on 30th January 2018 were confirmed as a correct record and signed by the Chairman.

**28. REVISED POLICY IN RELATION TO THE REGULATION OF INVESTIGATORY POWERS ACT 2000**

The Committee received a report setting out the revised policy for the Council's obligations under the Regulation of Investigatory Powers Act 2000 (RIPA), noting that the Council, as a public body, was required to have such a policy. Members noted that it was necessary to obtain Magistrates' Court approval for certain categories of surveillance, and failure to do so could result in any information obtained being inadmissible in Magistrates' Court proceedings. The Council's policy had been revised in the light of new guidance from the Surveillance Commissioner on the use of social media, for example in the course of child protection investigations.

In the course of discussion, members

- noted that coming across information on e.g. Facebook casually was not surveillance, but making a decision to look at Facebook systematically over a period did constitute surveillance
- requested that, when the Committee was in future asked to review a revised policy, it be made clear what had been altered, either by the use of track changes, or if that was not appropriate, by supplying a list of the changes. Members were advised that track changes was not appropriate in this case; the Monitoring Officer explained that the revision incorporated material from various sources, including changes that Central Bedfordshire Council (where he was also Monitoring Officer) had already made following a visit from the Information Commissioner
- noted that there had been a number of stylistic and wording changes to the Cambridgeshire policy, but the only material changes were those around the use of social media

- pointed out that the policy included, and had done for some years, the requirement that authority for any proposed directed surveillance be obtained from specific named officers
- expressed some concern that they were being asked to approve changes to a policy without knowing what the changes were.

It was proposed by Councillor Dupré and seconded by Councillor Nethsingha that consideration of the revised RIPA policy be deferred to the next meeting to enable a fuller explanation of the changes to be provided. On being put to the vote, the proposal met with no support.

It was resolved by a majority

that the Committee endorse and adopt the revised Regulation of Investigatory Powers Act (RIPA) Policy as a formal record of the Council's use of and compliance with RIPA.

## **29. THE RELATIONSHIP BETWEEN THE COMMERCIAL AND INVESTMENT COMMITTEE AND THE POLICY AND SERVICE COMMITTEES**

The Committee received a report setting out the current arrangements for the allocation of responsibilities to policy and service committees and inviting it to consider whether any review of the current approach was warranted. Members noted the principle that only one committee should be asked to take a decision on any particular matter; General Purposes Committee (GPC) had authority to determine which committee that should be in cases where the matter fell within the remit of more than one committee.

In the course of discussion, attention was drawn to the recent decision of the Commercial and Investment Committee to close the Cambridgeshire Catering and Cleaning Service (CCS); this closure would have a significant impact on rural schools, and also had implications for public health, yet there had been no consultation with other committees, which had no route for influencing the decision. One member had proposed that the Committee's decision be delayed until the Children and Young People Committee and the Health Committee could be consulted, but that motion had been defeated.

The Committee was reminded of the option of asking that a decision be reviewed under the Decision Review Procedure, but a member pointed out that such a request required the support of eight full members of GPC, which would in practice require cross-party co-operation. A member suggested that GPC should have a standing item at each meeting looking at future Policy and Service Committee agenda plans, especially for Commercial and Investment Committee, and consider where decisions of the Commercial and Investment Committee were likely to have implications for other Policy and Service Committees.

The Chairman summed up by saying that there was an argument for reviewing the current arrangements, suggesting that this might be considered initially by Group Leaders. Officers suggested that various options should be identified and presented to Group Leaders, followed by a further report to the Constitution and Ethics Committee.

It was proposed by the Chairman and seconded by Councillor Connor that the current approach to the allocation of responsibilities to policy and service committees be reviewed.

On being put to the vote, the motion was carried unanimously.

### **30. AGENDA PLAN**

The Committee considered its agenda plan, noting that an additional item had already been identified for its next meeting, namely a review of the current arrangements for making decisions in relation to commercially-traded services.

The question was raised of whether there should be a review of the quorum for committees, as changes to committee sizes meant that under current rules, the quorum for some committees could be as low as two members. It was agreed to add this to the agenda plan for 24 April 2018.

Chairman



**ALLOCATION OF RESPONSIBILITIES TO POLICY AND SERVICE COMMITTEES**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **24 April 2018**

*From:* **LGSS Director of Law & Governance  
and Monitoring Officer**

*Purpose:* **To consider whether the current approach, set out in the  
Constitution, for the allocation of responsibilities to policy  
and service committees is appropriate.**

*Recommendation:* **The Constitution and Ethics Committee is asked to  
consider the need for a change to the current  
arrangements for the allocation of responsibilities to  
policy and service committees, and to recommend, if  
appropriate, any revisions to the Constitution to Council.**

<b><i>Officer contact:</i></b>	
Name:	Michelle Rowe
Post:	Democratic Services Manager
Email:	<a href="mailto:michelle.rowe@cambridgeshire.gov.uk">michelle.rowe@cambridgeshire.gov.uk</a>
Tel:	01223 699180

## **1. Background**

- 1.1 When the Constitution and Ethics Committee met on 30 January 2018, questions were raised regarding the relationship of the Commercial and Investment Committee to other committees, particularly as concerned traded services and property management. The example was given of the Outdoor Education Service. As a traded service, it fell within the remit of the Commercial and Investment Committee, although the service itself was located and managed within the Children's Services directorate and arguably could have fallen within the remit of the Children and Young People Committee. However, for the reasons set out below it is advisable to have one committee acting as the decision-making committee and this will be determined by an analysis of the primary purpose or function.
- 1.2 The Monitoring Officer advised that Full Council had agreed the terms of reference for committees and there was a rationale to having decision making authority located in one committee even where a matter fell within the remit of more than one committee. The point being that it was not advisable to have a decision delegated to two committees because they might arrive at opposing decisions.
- 1.3 In addition, in relation to decisions concerning the council's property assets it is suggested that focussing all related decisions in one committee facilitates a more strategic approach to the management of the council's property holdings.
- 1.4 In cases where there is doubt or disagreement as to which committee should take a particular type of decision the General Purposes Committee has authority to determine which committee should consider the matter.
- 1.5 Alternatively, it is possible and will often be advisable for the decision making committee to seek the views of the committee(s) with overlapping interests. In this way the decision making is focussed but also benefits from the experience of other committees and members.
- 1.6 However, members sought greater clarity on the potential for decisions of the Commercial and Investment Committee to affect the area covered by another Policy and Service Committee, and requested a report to the Committee's next meeting.
- 1.7 The Constitution and Ethics Committee considered a report on 27 February 2018 covering the main issues detailed below. Following a detailed discussion, the Committee requested a review of whether the current approach for the allocation of responsibilities to policy and service committees was appropriate.

### Commercial and Investment Committee

- 1.8 Commercial and Investment Committee has delegated authority to ensure all traded activities operate within a commercial framework. It has oversight and operation of all property-related and traded service functions, which includes Cambridgeshire Catering Service, Cambridgeshire Music, Education ICT, Outdoor Education, Professional Centre Services, Property Services and Rural Assets.

### Other Policy and Service Committees

- 1.9 The Commercial and Investment Committee has a primary focus on the commercial and/or traded activities of the council.



## Decision Making

- 1.10 To ensure clear decision making, it is essential that a decision is taken by one Policy and Service Committee only. This was the expectation when the Committee System was first established. As such the General Purposes Committee has the authority to determine the most appropriate committee for considering any matter which falls within the remit of more than one committee

## Involving other Policy and Service Committees

- 1.11 There will be occasions when the service area of a Traded Service is covered by a different Policy and Service Committee. The Children and Young People Policy and Service Committee has delegated authority for exercising management, oversight and delivery of Learning Outside of the Classroom and environmental education. For example, if Commercial and Investment Committee is considering Cambridgeshire Music or Outdoor Education from a commercial perspective, it may wish to establish a time-limited task group involving representatives from Children and Young People Policy and Service Committee to consider the impact of any proposed changes to the Traded Unit on provision. This could also apply to any property decisions Commercial and Investment Committee might be asked to take.

## **2. Group Leaders**

- 2.1 Group Leaders considered the request from the Constitution and Ethics Committee for a review of whether the current approach for the allocation of responsibilities to policy and service committees was appropriate.
- 2.2 At its meeting on 15 March 2018, the issue was discussed. Differing views were expressed with one Leader feeling that the committee system, as set out in the Constitution, was currently agile enough to cope with such issues. Others felt that it needed improving in order to provide sufficient time for other committees to contribute to the Commercial and Investment Committee's decision making process.

## **3. Next Steps**

- 3.1 The Constitution and Ethics Committee will need to consider the following:
- (i) if any change is needed to the Constitution to formally ask the Commercial and Investment Committee to consult with a Policy and Service Committee impacted by proposed change to a Traded Service or property first before taking a decision; or
  - (ii) whether the Constitution currently provides the opportunity for the above action to take place without a need to change the Constitution.

Source Documents	Location
Council's Constitution	<a href="http://tinyurl.com/Constitution-CCC">http://tinyurl.com/Constitution-CCC</a>
Constitution and Ethics Committee 27 February 2018	<a href="https://cmis.cambridgeshire.gov.uk/ccc_live/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/10/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccc_live/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/10/Default.aspx</a>



**QUORUM ARRANGEMENTS**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **24 April 2018**

*From:* **LGSS Director of Law & Governance  
and Monitoring Officer**

*Purpose:* **To consider the current quorum requirements as set out in  
the Constitution.**

*Recommendation:* **The Constitution and Ethics Committee is asked to review  
the current number for a quorum at committee meetings,  
as set out in the Constitution, and recommend any  
changes to Council, if appropriate.**

<b><i>Officer contact:</i></b>	
Name:	Michelle Rowe
Post:	Democratic Services Manager
Email:	<a href="mailto:michelle.rowe@cambridgeshire.gov.uk">michelle.rowe@cambridgeshire.gov.uk</a>
Tel:	01223 699180

## 1. **Background**

- 1.1 At its meeting on 27 February 2018, the Constitution and Ethics Committee raised the question of the quorum arrangements as set out in the Constitution. It was felt that the current arrangements might not be appropriate for some committees.
- 1.2 The Constitution states that the quorum of a meeting is one quarter of the whole number of voting members. Some Members expressed concern that this was too low for some committees.
- 1.3 The following table sets out the current quorum arrangements for committees where the quorum is one quarter of the whole number of voting members:

<b>Committee and Membership</b>	<b>Quorum</b>
General Purposes Committee (15)	4
Policy and Services Committees (10)	3
Planning Committee (8)	2
Audit and Accounts Committee (7)	2
Constitution and Ethics Committee (8)	2
Corporate Parenting Sub-Committee (5)	2
Staffing and Appeals Committee (8)	2

- 1.4 Some committees have different arrangements for a quorum:

<b>Committee and Membership</b>	<b>Quorum</b>
Health and Wellbeing Board (23)	8
Pension Fund Committee (11)	5 (one third + one)
Pension Fund Committee Investment Sub-Committee (7)	4 (one third + one)
Pension Fund Board (6)	2 (one third, with 1 each of employer & pensioner sides)

- 1.5 Each joint committee (Joint Development Control Committee – Cambridge Fringes; Greater Cambridgeshire Partnership Board and Assembly; LGSS Joint Committee; Cambridgeshire Police and Crime Panel; Cambridge City Joint Area Committee; LGPS ACCESS Joint Committee) has its own arrangements for a quorum, as set down in its terms of reference or standing orders.

## 2. **Group Leaders**

- 2.1 Group Leaders considered a request from the Constitution and Ethics Committee for a review of the number for a quorum at committee meetings.
- 2.2 At its meeting on 15 March 2018, the issue was discussed. Group Leaders were reminded of the substitution arrangements currently set out in the Constitution. However, it was felt that the current number for a quorum was too low, and would be a particular problem in bad weather impacting on those groups whose Members had to travel a greater distance to Shire Hall. Group Leaders were therefore of the view that the Constitution and Ethics Committee should review the current quorum requirements as set out in the Constitution.

Source Documents	Location
<p>Council's Constitution</p> <p>Constitution and Ethics Committee 27 February 2018</p>	<p><a href="http://tinyurl.com/Constitution-CCC">http://tinyurl.com/Constitution-CCC</a></p> <p><a href="https://cmis.cambridgeshire.gov.uk/ccclive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/10/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/10/Default.aspx</a></p>



**SCHEME OF DELEGATION**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **24th April 2018**

*From:* **LGSS Director of Law & Governance  
and Monitoring Officer**

*Purpose:* **To consider the scheme of delegation or such part of it as  
the Constitution determines it is for Council to agree (as  
set out in Part 3 of the Constitution).**

*Recommendation:* **The Constitution and Ethics Committee is invited to  
recommend to Council that it agree the scheme of  
delegation or such part of it as the Constitution  
determines it is for Council to agree (as set out in Part 3 of  
the Constitution).**

<b><i>Officer contact:</i></b>	
Name:	Michelle Rowe
Post:	Democratic Services Manager
Email:	<a href="mailto:michelle.rowe@cambridgeshire.gov.uk">michelle.rowe@cambridgeshire.gov.uk</a>
Tel:	01223 699180

## 1. BACKGROUND

- 1.1 Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules, 1. Annual Meeting of the Council, states that the annual meeting will agree the scheme of delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).
- 1.2 Council approved revisions to several sections of Part 3 of the Constitution at its last meeting:
- a) Terms of Reference for the Adults Committee (Part 3B-2)
  - b) Terms of Reference for the Children and Young People Committee (Part 3B-3)
  - c) Terms of Reference for the Economy and Environment Committee (Part 3B-4)
  - d) Terms of Reference for the Highways and Community Infrastructure Committee (Part 3B-6)
  - e) Communities and Partnership Committee (Part 3B-14)
  - f) Scheme of Delegation to Officers (Part 3D).

These sections are therefore not included in the appendix to the present report; they are available as appendices for agenda items 8a and 8b at Council on 20 March 2018, [https://cmis.cambridgeshire.gov.uk/ccc\\_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/654/Committee/20/Default.aspx](https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/654/Committee/20/Default.aspx), and have been incorporated into the published edition of the Constitution at <http://tinyurl.com/Constitution-CCC>.

- 1.3 **Appendix A** contains the rest of the scheme of delegation for comment, as set out in Part 3 of the Constitution but excluding the following procedural documents, which can be supplied on request and found within Part 3 of the Constitution (see link above):
- Part 3B-9, Standing Orders for Cambridgeshire Pension Fund Board
  - Part 3C-A, Standing Orders for Joint Development Control Committee for Cambridge Fringes, and the Plans of Cambridge Fringe Areas
  - Part 3C-B, Standing Orders for Greater Cambridge City Deal Executive Board and for Greater Cambridge City Deal Joint Assembly
  - Part 3F, Standing Orders of the LGPS ACCESS Joint Committee.

Source Documents	Location
Council's Constitution Part 3 – Responsibility for Functions  Council 20 March 2018, reports and minutes	<a href="http://tinyurl.com/Constitution-CCC">http://tinyurl.com/Constitution-CCC</a>  <a href="https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/654/Committee/20/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/654/Committee/20/Default.aspx</a>





## **Appendix A**

### **PART 3A – ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS – FULL COUNCIL AND COMMITTEES**

#### **1. Introduction**

This Part of the Constitution deals with the allocation of responsibility for undertaking the functions of the Council. Full Council is the primary decision-making body of the Council and as such is responsible for the exercise of all the functions that are the responsibility of the local authority.

However, in order to operate more effectively as an organisation, Full Council delegates many of its decision-making powers to committees, to officers, and to other local authorities.

#### **2. Council Functions**

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution
- (b) Approving or adopting the Policy Framework and the Budget
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a committee function which is covered by the Policy Framework or the Budget where the decision-making body is minded to make it in a manner which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget
- (d) Approving changes to any plan or strategy which form part of the Council's Policy Framework, unless:
  - i. that change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to him for approval, or
  - ii. Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy
- (e) Agreeing and/or amending the terms of reference for committees and deciding on their composition
- (f) Appointing the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees, and the Chairman/woman of the Health and Wellbeing Board.



- (g) Appointing the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee, who will also fulfil the respective roles of Leader and Deputy Leader of the Council
- (h) Appointing representatives to outside bodies unless the appointment has been delegated by the Council
- (i) Making appointments to the Fire Authority
- (j) Approving the annual Senior Officer Pay Policy Statement
- (k) Adopting a Members' Allowances Scheme
- (l) Changing the name of the area
- (m) Conferring the title of Honorary Alderman/woman
- (n) Confirming the appointment of, and dismissing, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer)
- (o) Making any request to the Local Government Boundary Commission for England for single-member electoral areas
- (p) Passing any resolution to change the County's electoral scheme
- (q) Making an order to give effect to recommendations made in a community governance review
- (r) Making, amending, revoking, re-enacting or adopting Bylaws and promoting or opposing the making of local legislation or personal Bills
- (s) Delegating functions to other local authorities as described in Article 10 of this Constitution
- (t) Amending the Scheme of Delegation to Officers set out in Part 3D of this Constitution
- (u) Approving the Council's Petitions Scheme set out in Part 4.1 of this Constitution
- (v) All other matters which, by law, must be reserved to Council.

### **3. Delegation of Functions by Full Council**

The functions which Full Council delegates to committees, to officers, and to other local authorities are set out below:

Part 3B – Committees of Council

Part 3C – Joint Committees

Part 3D – Scheme of Delegation to Officers.



## **Part 3B – RESPONSIBILITY FOR FUNCTIONS – COMMITTEES OF COUNCIL**

### **Committees**

In order to undertake its functions in a more efficient way Full Council establishes a number of Committees to which it delegates authority to oversee and make decisions relating to operation of its functions.

Full Council determines the size and the delegated authority of the committees and in some cases is responsible for the appointment of the Chairman/woman and Vice-Chairman/woman. The seats on committees are allocated in accordance with the rules on political proportionality and the Party Groups are responsible for nominating Councillors from the group to fill the seats.

This part describes the Committees that the Council has established and includes details of their membership and delegated authority for decision making.



## 1. GENERAL PURPOSES COMMITTEE

### Membership

Fifteen members of the Council. Subject to proportionality, the Committee shall include the Chairman/woman of the Adults Committee, the Children and Young People Committee, the Economy and Environment Committee, the Health Committee, the Highways and Community Infrastructure Committee, the Commercial and Investment Committee, and the Communities and Partnership Committee. The Chairman/woman and Vice-Chairman/woman of the General Purposes Committee shall be appointed by Full Council and shall be, ex officio, the Council Leader and Deputy Council Leader.

### Summary of Functions

The General Purposes Committee (GPC) is authorised by Full Council to co-ordinate the development and recommendation to Full Council of the Budget and Policy Framework, as described in Article 4 of the Constitution, including in-year adjustments.

In addition, the GPC is authorised to make decisions on the allocation of matters amongst committees where the function does not clearly fall within the remit of one particular committee.

The GPC has a number of specific functions including the following:

- Appointing members to a range of external bodies
- Oversight of 'corporate' or council-wide matters such as customer services unless reserved to Full Council.

Delegated Authority	Delegation/ Condition
In respect of the statutory and local plans, which form the Council's Policy Framework, authority to lead the development of draft proposals, consider and recommend them for approval by Full Council	In consultation with relevant Service Committees
Authority to lead the development of the Council's draft Business Plan (budget), to consider responses to consultation on it, and recommend a final draft for approval by Full Council	In consultation with relevant Service Committees
Authority to recommend cross-cutting policies for approval by Full Council, e.g. the policy on Disclosure and Barring Service checks for councillors	
Authority for eight members of General Purposes Committee to initiate a review of a decision taken by a Policy and Service Committee by submitting a request for review to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
Authority to determine an appeal against any decision by or on behalf of the Authority except for those appeals whose determination falls with the remit of another committee, officer or panel of the Council.	
Authority to nominate representatives to Outside Bodies other than the Cambridgeshire and Peterborough Fire Authority, the County Councils Network Council and the Local Government Association	
Authority to determine the Council's involvement in and representation on County Advisory Groups. The Committee may add to, delete or vary any of these advisory groups, or change their composition or terms of reference	
Authority to review annual reports and inspection reports not within the remit of another committee	
Authority for monitoring and ensuring that Service Committees operate within the policy direction of the County Council and making any appropriate recommendations	
Authority for monitoring and reviewing the overall performance of the Council against its Business Plan	
Authority to determine the most appropriate committee for considering any matter which falls within the remit of more than one committee	
Authority to respond to any consultations within the remit of more than one committee as and when required	
Authority for managing those functions relating to elections and local democracy which are not reserved to Full Council	
<p>Authority for oversight, operation and review of 'corporate' services, for example:</p> <ul style="list-style-type: none"> <li>the Council's internal and external communications policy and its implementation</li> <li>Information Governance including but not limited to Data Protection and Freedom of Information</li> <li>the Council's customer strategy and any matters dealt with by the Contact Centre, via digital channels or face-to-face</li> <li>the Council's response to its equalities duties</li> <li>the Council's Risk Management Strategy</li> <li>the Council's Emergency Planning arrangements</li> </ul>	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
<ul style="list-style-type: none"><li>Authorising budget virement which is not covered within the limits of virement contained in the Council's financial rules, provided there is no change in the approved policy framework of the Council. Virement limits are set out in the Constitution in Part 3D (Scheme of Delegation to Officers) and Part 4 (Financial and Contract Procedure Rules)</li></ul>	
<ul style="list-style-type: none"><li>Authorising proposals which are not covered by the finance limits of the Executive and Corporate Directors' delegated powers contained in A3 – A7, as set out in the table at Paragraph 10 of Part 3D of the Constitution, provided there is no change in the Council's approved budget and policy framework</li></ul>	
<ul style="list-style-type: none"><li>Responsibility for the discharge of all functions and exercise of all powers of the County Council not expressly reserved to the Full Council or to any other part of the County Council by statute or by this Constitution</li></ul>	



## 5. HEALTH POLICY AND SERVICE COMMITTEE

### Membership

Ten members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be appointed by Full Council.

Five non-voting co-opted District Councillors, one from each District Council in Cambridgeshire. District Councils shall be invited to nominate one member and one substitute. The usual rules for substitution as set out in the Council Procedure Rules shall apply.

### Overview of Functions

This committee has delegated authority to exercise the County Council's functions in respect of the following:

- The County Council's public health duty including health improvement, individual and community wellbeing, and reduction of health inequalities
- Responding as appropriate to central government consultation relating to policy or legislation falling within the remit of the Committee
- The review and scrutiny of any matter relating to the planning, provision and operation of the health services in Cambridgeshire
- To report to the Secretary of State for Health on any proposals for substantial change to any part of the NHS's services within Cambridgeshire.

Delegated Authority	Delegation/ Condition
Authority to exercise the powers conferred by Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012, and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) to review and scrutinise any matter relating to the planning provision and operation of the health service in its area.	
Authority to exercise the power under Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to report on a proposal for a substantial health service development or variation to the Secretary of State for Health	
Authority to delegate its functions under Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 to a joint overview and scrutiny committee when this is required by the Direction issued by the Secretary of State for Health in July 2003 or is conducive to the efficient scrutiny of proposals affecting more than one Social Services local authority area.	
Authority to appoint members to a joint overview and scrutiny committee established under the paragraph above. In this case the political balance requirements will apply to such appointments.	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
Authority to assist the Director of Public Health in the exercise of the Public Health statutory duties set out in <ul style="list-style-type: none"><li>• the Health and Social Care Act 2012</li><li>• the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012</li><li>• NHS Act 2006</li><li>• Criminal Justice Act 2003</li><li>• Licensing Act 2003</li><li>• Water Industry Act 1991</li><li>• Water Industry Act 1988</li><li>• Mental Health Act 1983</li><li>• Mental Capacity Act 2005</li></ul>	
Authority to oversee and undertake the Council's functions relating to the public health duty of the Council including health improvement, individual and community wellbeing, and the reduction of health inequalities	
Authority for approving all strategies associated with the committee portfolio area not reserved for approval by Full Council	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting any of the responsibilities falling with the remit of the Health Committee	





## **7. AUDIT AND ACCOUNTS COMMITTEE**

Seven members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Audit and Accounts Committee.

The Audit and Accounts Committee shall be entitled to appoint up to three people at any one time as non-voting co-opted members of the Committee. The Committee shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items. The Committee may not co-opt any person who is an active member of any political party, defined as any person who engages in political activities which would not be permissible if that person was an officer holding a politically-restricted post within the Council. Co-options may only be made if the person co-opted has particular knowledge or expertise in the functions for which the Committee is responsible.

The Committee will meet at least 4 times a year, and will maintain the technical capability to discharge the Audit and Accounts Committee responsibilities of the Council.

### **Summary of Functions:**

- To provide independent assurance of the adequacy of the risk management framework and the associated control environment.
- To provide independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakness of the control environment.
- To oversee the financial reporting process.
- To review matters relating to Internal Audit, external audit, risk management, governance, assurance statements, anti-fraud and anti-corruption arrangements.
- To enhance and promote the profile, status and authority of the Internal Audit function and to demonstrate its independence.
- To contribute towards making the authority, its committees and departments more responsive to the audit function.
- To review compliance with the relevant standards, codes of practice and corporate governance policies.
- To consider the extent to which the authority's control environment is successful in achieving value for money.



Delegated Authority	Delegation/ Condition
<p><b>1     <u>Audit Activity</u></b></p> <p>1.1     To approve the Internal Audit strategy and monitor its progress</p> <p>1.2     To approve, but not direct, Internal Audit's annual plan of work and monitor unscheduled work that could potentially divert audit resources away from a plan, and monitor performance against those plans, ensuring that there are no inappropriate scope or resource limitations.</p> <p>1.3     To consider the Annual Report and opinion of the Head of Audit and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements</p> <p>1.4     To consider summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary</p> <p>1.5     To consider reports dealing with the management and performance of the Internal Audit function.</p> <p>1.6     To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales</p> <p>1.7     To consider the Annual Audit Letter, relevant reports and the reports of those charged with governance</p> <p>1.8     To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales</p> <p>1.9     To comment on the scope and depth of the external audit work and to ensure it gives value for money</p> <p>1.10    To liaise with Public Sector Audit Appointments Limited over the appointment of the Council's External Auditor</p> <p>1.11    To consider the reports of inspection agencies relevant to the Council (such as Ofsted, the Information Commissioner's Office, etc.)</p> <p>1.12    To suggest work for Internal and External Audit</p> <p>1.13    To undertake an annual review of the effectiveness of the system of Internal Audit</p>	



<b>2</b>	<b><u>Regulatory Framework</u></b>	
2.1	To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations, codes of conduct etc.	
2.2	To review any issue referred to it by the Chief Executive or Executive Director or any Committee of the Council	
2.3	To monitor the effective development and operation of risk management and corporate governance throughout the Council	
2.4	To monitor council policies on "raising concerns at work" and anti-fraud and anti-corruption policies, including the Council's complaints process	
2.5	To oversee the production of the Council's Statement of Internal Control/Governance Statement and recommend its adoption	
2.6	To consider the arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice	
2.7	To consider the Council's compliance with its own and published standards and controls	
2.8	To report as appropriate to Full Council, relevant Policy and Service Committees and the Constitution and Ethics Committee on issues which require their attention or further action	
2.9	To bring to the attention of the General Purposes Committee any issue which may warrant further consideration or review	
<b>3</b>	<b><u>Accounts</u></b>	
3.1	To review and approve the annual Statement of Accounts	
3.2	Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council	
3.3	To consider the External Auditor's report to those charged with the governance issues arising from the audit of the accounts	



<b>4</b>	<b><u>Risk Management</u></b>	
4.1	To consider the effectiveness of the Council's risk management arrangements	
4.2	To seek assurances that action is being taken on risk-related issues	
4.3	To be satisfied that the Council's assurance statements, including the Statement of Internal Control, properly reflect the risk environment and any actions required to improve it	



## 8. CONSTITUTION AND ETHICS COMMITTEE

### Membership

Eight members of the Council, including the Vice-Chairman/woman of Council, who shall chair the Committee. The Vice-Chairman/woman of the Committee shall be elected by the Committee.

### Hearings Sub-Committees

The Monitoring Officer in consultation with the Chairman/woman of Constitution and Ethics Committee shall appoint, as and when necessary, Hearings Sub-Committees to consider and determine complaints against County Councillors alleging that they have breached the Members' Code of Conduct.

Hearings Sub-Committees shall comprise three members of the Constitution and Ethics Committee including either the Chairman/woman or Vice-Chairman/woman. The membership of the committee shall, as far as practicable, be politically proportionate.

Delegated Authority	Delegation/ Condition
Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution, including the codes and protocols	Subject to the receipt and consideration of a report prepared by the Monitoring Officer
Authority to hear and determine complaints against members alleging breaches of the Members' Code of Conduct	Delegated to Hearings Sub-Committee
Authority to issue a sanction against a member found to be in breach	Delegated to Hearings Sub-Committee
<p>Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the County Council including:</p> <ul style="list-style-type: none"> <li>• Approving and issuing guidance to Members</li> <li>• Making recommendations to Full Council regarding the suggested amendment of the Members' Code of Conduct</li> <li>• Approving training to be provided to members in the Code of Conduct</li> <li>• Monitoring the operation of the Code of Conduct</li> </ul>	
Authority to approve the granting, to any County Council employee, of a dispensation in relation to disqualification from political activities	Local Government and Housing Act 1989



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements	
Authority to select and to appoint persons as members of the County Council's Independent Remuneration Panel	
Authority to receive and approve proposals regarding the Council's exercise of powers covered by the Regulation of Investigatory Powers Act	
Authority to issue dispensations to any member in respect of statutory and non-statutory disclosable interests	Delegated to Monitoring Officer



## 9. PENSION FUND COMMITTEE

### Membership

Representatives of	Number of seats	Term of Appointment	Method of Appointment
<b>Cambridgeshire County Council Members</b>	6	4 years from County Council elections	Determined by Cambridgeshire County Council Full Council.
<b>All other local authorities, police and fire</b>	2	4 years	Nominations determined by a leaders/chief executives' group. Selection would be linked to the respective employers' election cycle. Details of process to be agreed by the Chairman/woman.
<b>All other employers</b>	1	4 years from 2014	Nominations to be determined by eligible employers. Details of process to be agreed by the Chairman/woman.
<b>Active scheme members</b>	1	4 years from 2014	Determined by Unison. Where Unison fails to nominate a Committee Member for any period of 6 months or more, nominations will be requested from all eligible active scheme members and a representative will be picked following interviews. Details of process to be agreed by the Chairman/woman.
<b>Deferred and pensioner scheme members</b>	1	4 years from 2014	Determined by Unison. Where Unison fails to nominate a Committee Member for any period of 6 months or more, nominations will be requested from all eligible deferred and pensioner scheme members and a representative will be picked following interviews. Details of process to be agreed by the Chairman/woman.
<b>Total Committee Members</b>	11		

Substitutes: Full Council may appoint substitute members to the Pension Fund Committee in accordance with the scheme of substitution.

The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Pension Fund Committee.



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
<p>Authority to set the pension fund's objectives and determine and maintain appropriate strategies, policies and procedures with ongoing monitoring in relation to the following areas:</p> <ul style="list-style-type: none"><li>• Funding Strategy – ongoing monitoring and management of the liabilities including ensuring appropriate funding plans are in place for all employers in the Fund, overseeing the triennial valuation and interim valuations, and working with the actuary in determining the appropriate level of employer contributions for each employer.</li><li>• Investment strategy – to determine the Fund's investment objectives and to set and review the long-term high level investment strategy to ensure these are aligned with the Fund's specific liability profile and risk appetite and to oversee the delivery of the investment strategy by the LGPS ACCESS Joint Committee.</li><li>• Administration Strategy – the administration of the fund including collecting payments due, calculating and paying benefits, gathering from and providing information to scheme members and employers.</li><li>• Communications Strategy – determining the methods of communications with the various stakeholders including scheme members and employers.</li><li>• Discretions – determining how the various administering authority discretions are operated for the Fund.</li><li>• Governance - the key governance arrangements for the Fund, including representation.</li><li>• Risk Management Strategy – to include regular monitoring of the Fund's key risks and agreeing how they are managed and/or mitigated.</li></ul>	Regulations under the Superannuation Act 1972
Authority to approve and apply the policy on, and to take decisions relating to, employers joining and leaving the Fund. This includes which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.	As above
Authority to agree the terms and payment of bulk transfers into and out of the Fund in consultation with the S.151 Officer.	As above
Authority to consider and approve business plans at least annually and monitor progress against them and to monitor compliance with the Myners Principles on an annual basis.	As above





<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
Authority to develop and maintain a training policy for all Pension Fund Committee and sub-committee members and for all officers of the Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring attendance at training events.	Regulations under the Superannuation Act 1972
Authority to select, appoint, monitor and where necessary terminate advisors to the Fund not solely relating to investment matters.	As above
Authority to approve and issue Administering Authority responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.	As above
Authority to consider and determine where necessary, alternative investment strategies for participating employers.	As above
Authority to oversee the work of the Investment Sub-Committee and consider any matters put to them by the Investment Sub-Committee.	As above
Authority to set up Sub-Committees and Task and Finish Groups including jointly with other LGPS Administering Authorities.	As above
Authority to review and amend the Strategic Investment policies on an appropriate regular basis, in consultation with the S.151 Officer.	As above
Authority to manage any other strategic or key matters pertaining to the Fund not specifically listed above.	As above
Production of an annual report for consideration by the Council.	
<p>In relation to pooled asset arrangements under the LGPS ACCESS Joint Committee:</p> <ul style="list-style-type: none"> <li>• Determining the requirements of the Administering Authority in relation to the provision of services by LGPS ACCESS to enable it to execute its investment strategy effectively;</li> <li>• Receiving and considering reports from the LGPS ACCESS Joint Committee in order to ensure that the Fund's investor rights and views are represented appropriately; and</li> <li>• Ensuring arrangements are in place to identify and manage the risks and costs associated with investment pooling.</li> </ul>	



## 9.1 PENSION FUND COMMITTEE INVESTMENT SUB-COMMITTEE

The Pension Fund Committee shall establish an Investment Sub-Committee with the following membership and powers:-

### Membership

All Investment Sub-Committee Members shall be drawn from Committee membership. The Chairman/woman and Vice-Chairman/woman of the Investment Sub-Committee shall be the Chairman/woman and Vice-Chairman/woman of the Committee respectively.

Representatives of	Number of seats	Term of Appointment	Method of Appointment
<b>Cambridgeshire County Council Members</b>	4	As above	Determined by Cambridgeshire County Council representatives on the Committee. Details of process to be agreed by the Chairman/woman.
<b>All other employers</b>	2	Up to term of office ceasing in accordance with Committee membership or six years whichever is later	Determined by non-Cambridgeshire County Council employer representatives at the Committee. Details of process to be agreed by the Chairman/woman.
<b>Scheme member representative</b>	1	Up to term of office ceasing in accordance with Committee membership or six years whichever is later	By agreement between Active and Deferred/Pensioner Representatives on Committee. Details of process to be agreed by the Chairman/woman.
<b>Total</b>	<b>7</b>		

**Substitutes:** the Pension Fund Committee may appoint substitute members to the Investment Sub-Committee in accordance with the scheme of substitution. Similarly, substitutes for the representatives of All other employers and of Scheme members may be appointed by eligible employers and by Unison respectively.

Delegated Authority	Statutory Reference/ Condition
Authority to implement the Fund's investment strategy including setting benchmarks and targets for the investment pool operator and reviewing performance against those benchmarks.	Regulations under the Superannuation Act 1972
Authority to review and maintain the asset allocation of the Fund within parameters agreed with the Pension Fund Committee.	As above



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
Authority to appoint and terminate investment managers to the Fund and to monitor the performance of investment managers leading to review and decisions on termination where necessary where this is not undertaken by the LGPS ACCESS Joint Committee.	As above
Authority to appoint and monitor and where necessary terminate external advisors and service providers solely relating to investment matters, for example, the Fund Custodian, independent investment advisers, investment consultants and investment managers where this is not undertaken by the LGPS ACCESS Joint Committee.	Regulations under the Superannuation Act 1972
Authority to set benchmarks and targets for the Fund's investment managers where this is not undertaken by the LGPS ACCESS Joint Committee.	As above
Authority to monitor the risks inherent in the Fund's investment strategy in relation to the Fund's funding level.	As above
Authority to monitor and review: <ul style="list-style-type: none"><li>• Legislative, financial and economic changes relating to investments and their potential impact on the Fund;</li><li>• The investment management fees paid by the Fund and to implement any actions deemed necessary;</li><li>• The transactions costs incurred by the Fund across its investment mandates and raise relevant issues and concerns with the investment providers as necessary;</li><li>• The investment providers' adoption of socially responsible investment considerations, on an annual basis, including corporate governance matters and a review of compliance with the UK Stewardship Code.</li></ul>	As above
Authority to receive reports from investment providers.	As above
Authority to undertake any task as delegated by the Pension Fund Committee.	As above



## 9.2 PENSION FUND BOARD

The Council shall establish a local pension board with the following membership and powers:-

### Membership

Representatives of	Number of seats	Term of Appointment	Method of Appointment
Employers	3	4 Years or until qualification for membership ceases	At least two representatives to be appointed by Cambridgeshire County Council Full Council  One representative appointed via an open and transparent selection process.
Scheme Members	3	4 Years or until qualification for membership ceases	To be appointed via an open and transparent selection process.
Total	6		

Delegated Authority	Statutory Reference/ Condition
Authority to assist the administering authority in securing compliance with (i) the Principal 2013 Regulations, (ii) any other legislation, and (iii) requirements imposed by the Pensions Regulator in relation to the Scheme.	Local Government Pension Scheme (Amendment) Regulations 2014 (Regulation 106(1)(a) & (b))
Authority to assist the administering authority in ensuring the effective and efficient governance and administration of the Scheme.	As above (Regulation 106(1)(b))

The Chairman/woman and Vice-Chairman/woman of the Board shall be elected by the Pension Fund Board.



## 10. PLANNING COMMITTEE

### Membership

Eight members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Planning Committee.

Delegated Authority	Delegation/Condition
Authority to exercise the Council's powers and functions in relation to: <ul style="list-style-type: none"><li>• Development Control</li><li>• The Planning (Hazardous Substances) Regulations 1992</li><li>• Applications under the Commons Registration Act 1965 and the Commons Act 2006</li><li>• Rights of Way</li></ul>	See Scheme of Delegation to Officers and to Area Committees
To undertake the Council's functions in relation to Minerals and Waste Local Development Documents	Subject to approval of the policy framework by Full Council  See Scheme of delegation to Officers



## 11. STAFFING AND APPEALS COMMITTEE

### Membership

Eight members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be selected and appointed by the Staffing and Appeals Committee.

When determining the remuneration policy for Cambridgeshire County Council employees, the Committee shall be advised by the Head of Paid Service and the LGSS: Director of People, Transformation and Transactions, or their nominees. The Committee may, having sought the advice of the LGSS Director of People, Transformation and Transactions, choose to be advised by an external independent adviser.

N.B. The Chairman/woman of the Committee shall be authorised to approve the co-option of representatives from partner agencies onto the Committee in a non-voting capacity, where this is considered relevant to the appointment being made.

### Summary of Functions

The Committee has delegated authority to exercise the Council's functions in respect of all matters, save those otherwise reserved to other bodies, relating to the employment of the Council's officers and contractors including determining the terms and conditions of employment.

Delegated Authority	Delegation/ Condition
Authority to determine the policy regarding the remuneration of Statutory and Non-Statutory Chief Officers (including Deputies) of Cambridgeshire County Council; and to implement and make decisions pursuant to and in accordance with that policy	Subject to the approval of Full Council where required
Authority to undertake the selection of and to appoint Statutory and Non-Statutory Chief/Deputy Chief Officers in accordance with Officer Employment Procedure Rules  For the avoidance of doubt the term Statutory and Non- Statutory Chief /Deputy Chief Officers has the same meaning as that contained in S.2 (6), (7) and (8) of the Local Government and Housing Act 1989	Subject to the approval of Full Council where required
Authority for making arrangements with other authorities for the placing of staff at the disposal of those authorities. (S.113 LGA 1972)	Chief Executive and Directors
Authority for the approval of pay, terms and conditions of service and training of employees except for approving the annual Senior Officer Pay Policy Statement which is reserved to the Full Council	Chief Executive
Authority to recommend to Council the Chief Officer Pay Policy Statement	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
Authority for oversight of the Council's functions in connection with employee relations including arrangements for consultation/ negotiation with Trades Unions	
Authority to approve proposals from the Head of Paid Service in relation to the overall staffing structure/restructure of the Council	Chief Executive
Authority to oversee the work of the Service Appeals Sub-Committee and consider any matters put to them by the Service Appeals Sub-Committee	



## 11.1 SERVICE APPEALS SUB-COMMITTEE

The Staffing and Appeals Committee shall establish Service Appeals Sub-Committees as required with the following membership and powers:

### Membership

Any three members (including substitutes) of the Staffing and Appeals Committee, subject to political proportionality.

The Monitoring Officer in consultation with the Chairman/woman of the Staffing and Appeals Committee shall make arrangements for convening the sub-committee including invitation of Members to form the Service Appeals Sub-Committee as and when required.

### Overview of Functions

The Sub-Committee has delegated authority to hear and determine all appeals arising in relation to decisions made by the County Council in the course of its activities other than those undertaken by another body. The remit of the Sub-Committee includes appeals by service users.

Delegated Authority	Delegation/ Condition
Authority to determine appeals against the non-payment of discretionary awards to students	
Authority to determine complaints about curriculum and related matters under the terms of Section 409 of the Education Act 1996	
Authority to determine appeals against decisions not to provide free or subsidised home to school or college transport	
Authority to consider appeals in relation to the licensing of approved premises for marriages and other civil ceremonies	
Authority to discharge the guardianship provisions under the Mental Health Act 1983	
Authority to determine appeals against decisions of the Authority to remove a person from acting as the Local Authority's representative on the governing body of a school or other educational establishment	





## 12. CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD

### Introduction

The Cambridgeshire Health and Wellbeing Board (HWB) is established as a committee of the County Council under section 102 of the Local Government Act 1972. Its remit is to work to promote the health and wellbeing of Cambridgeshire's communities and its focus is on securing the best possible health outcomes for all residents.

### Membership

- Five County Councillors (to include the Chairman/woman, or Vice-Chairman/woman or any member of the following: Adults, the Health, and the Children and Young People Policy and Service Committees)
- Five nominated District Council representatives (supported by Senior District Council officer with Observer Status)
- Three representatives of the Clinical Commissioning Group (CCG) (nominated by the CCG Governing Body)
- Five representatives for NHS providers (a mix of non-executive directors and executives, one each from Cambridge University Hospitals NHS Foundation Trust; Cambridgeshire and Peterborough NHS Foundation Trust; Cambridgeshire Community Services NHS Trust; Hinchingsbrooke Health Care NHS Trust; Papworth Hospital NHS Foundation Trust)
- One representative of the local HealthWatch\*
- Director of Public Health\*
- Executive Director: People and Communities\*
- Chief Finance Officer (Section 151 Officer)
- Representative of NHS Commissioning Board\*

\* Statutory members of the HWB. There is also a statutory requirement for at least one Local Authority Councillor, and at least one representative of the CCG, to be a member of the HWB.

### Powers and functions

Delegated Authority	Statutory Reference/ Condition
Authority to respond to consultations about commissioning plans issued by clinical commissioning groups in connection with Section 26 of the Health and Social Care Act 2012	Section 26, Health and Social Care Act 2012
Authority to encourage persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner	Section 195, Health and Social Care Act 2012



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
Authority to provide any advice, assistance and support it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006	Section 195, Health and Social Care Act 2012 Section 75, NHS Act 2006
Authority to prepare the Joint Strategic Needs Assessment (JSNA)	Section 116, Local Government and Public Involvement in Health Act 2007 Section 196, Health and Social Care Act 2012
Authority to prepare the Joint Health and Wellbeing Strategy based on the need identified in the Joint Strategic Needs Assessment and overseeing the implementation of the Strategy	Section 116A, Local Government and Public Involvement in Health Act 2007. Section 196, Health and Social Care Act 2012
Authority to discharge any other functions specifically reserved to be undertaken by the Health and Wellbeing Boards as set out in legislation, guidance, circulars and directives received from national government.	



### 13. COMMERCIAL AND INVESTMENT POLICY AND SERVICE COMMITTEE

#### Membership

Any ten members of Council, subject to political proportionality.

#### Summary of Functions

The Committee has delegated authority to exercise the County Council's functions in respect of the following:

- Creating a commercially focused organisation through the development and implementation of innovative, growth focused, commercial strategy.
- Providing strong leadership which builds a robust commercial culture.
- Encouraging the development of new opportunities through establishing a risk appetite that stimulates the evaluation of new emerging markets and opportunities.
- Oversight and operation of all property-related and traded service functions.

Delegated Authority	Delegation/ Condition
To systematically review all services to ensure that current delivering vehicles remain fit for purpose. All reviews to review markets, partnership opportunities, other delivery vehicles, rationale for in-house delivery.	
To ensure all traded activities operate within a commercial framework.	
To plan, develop and implement, a commercial strategy and other initiatives in order to maximise the potential of the Council's existing commercial activities, to support the development of a commercial culture within the organisation and to ensure commercial opportunities are maximised.	
To lead the development of new, and growth in existing, income streams that generate sufficient surplus for investment in further opportunities and to help offset costs of other activities.	
To lead the development of key relationships for the Council with external organisations to enable the delivery of effective outcomes through new business ventures and collaborations.	
To lead the planning and design for a variety of services where new partnerships and delivery vehicles can be developed to support the delivery of the best possible outcomes.	
To review the Council's asset portfolio to identify opportunities and develop policies to reduce the financial impact on the Council's operating position and strengthen its financial sustainability.	



Delegated Authority	Delegation/ Condition
To recommend to Council and monitor the Council's Asset Strategy.	
To recommend to Council the Council's Asset Management Plan, annually, and as a consequence:	
<ul style="list-style-type: none"> <li>- Consider and recommend Asset Plans as they fall due for review</li> <li>- Approve annual budget proposals from applicable Asset Plans</li> <li>- Monitor the delivery of the asset plans throughout the year</li> </ul>	
To consider and evaluate investment proposals.	
To monitor all commercial and property investment proposals included within the Business Plan to ensure successful delivery.	
To consider and approve all asset disposals.	
To approve the granting of variations, renewal, and termination of leases, licenses, dedications, and easements.	
To consider and approve the use of Council owned assets by the local community and other interested parties.	
To consider, evaluate, and agree potential property disposals and investment opportunities.	
To consider business cases for the sale of assets to the Council's Property Special Purpose Vehicle (SPV) for inclusion within the Business Plan.	
To exercise all and any of the council's rights as shareholder of the Property SPV This Land Limited and its subsidiaries (formerly Cambridgeshire Housing & Investment Company (CHIC)). The committee may authorise its Chairman/woman and Vice-Chairman/ woman to exercise these rights in appropriate circumstances including urgency.	
To work with officers to facilitate/promote the development of proposals for sharing property with partner organisations.	
To consider and recommend property rationalisation proposals for inclusion within the Business Plan.	
To approve property rationalisation proposals that are in accordance with the Business Plan.	
To consider and make recommendations to Council for property rationalisation proposals that are outside of the agreed Business Plan.	



## **Part 3C – JOINT COMMITTEES**

### **Introduction**

Full Council is empowered to establish Joint Committees together with other local authorities, and to delegate functions to those Joint Committees. This part contains a list of the Joint Committees which have been established by Full Council and sets out their composition, purpose and delegated functions. In addition, where there are special procedural rules these are also listed.



**A. TERMS OF REFERENCE FOR JOINT DEVELOPMENT CONTROL COMMITTEE FOR CAMBRIDGE FRINGES**

**1. Parties**

Cambridge City Council  
Cambridgeshire County Council]  
South Cambridgeshire District Council  
(‘the Councils’)

**2. Status**

The Joint Development Control Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

**3. Membership**

6 Members appointed by Cambridge City Council  
4 Members appointed by Cambridgeshire County Council  
6 Members appointed by South Cambridgeshire District Council

**4. Terms of Reference**

4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.

4.2 The Committee shall discharge the functions in respect of major developments<sup>1</sup> and related applications falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix 3 and ancillary developments relating to such Major Developments referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question and

a) In respect of “City Deal Infrastructure schemes” referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal Infrastructure scheme in question. A “City Deal Infrastructure scheme” is

---

<sup>1</sup> A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

- (a) the mining and working of minerals;
- (b) waste development;
- (c) the provision of dwelling-houses where
  - (i) the number of dwelling-houses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.



defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal Infrastructure scheme; and
- is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.

4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including all of the NIAB site; Glebe Farm; City Deal infrastructure schemes. Only the City and County members shall be entitled to vote on Clay Farm-Showground; and Bell School.

## **5. Standing Orders**

5.1 The Committee shall be governed by the Standing Orders set out in Appendix 2, as amended from time to time.

## **6. Administration**

6.1 The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.

6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the Committee may meet. Decision notices shall be signed by the Head of Planning, Cambridge City Council.

6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.



## **Appendix 1**

### **Functions of the Committee**

1. The exercise of each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments, related applications and requests, Reserved Matters applications and City Deal infrastructure schemes, including but not limited to:
  - i. the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992
  - ii. the power to approve, authorise and direct the respective Councils to negotiate and enter in to agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.
2. The review, change, amendment or modification of the scheme of delegation to officers.





## **B. GREATER CAMBRIDGE CITY DEAL INTEGRATED GOVERNANCE FRAMEWORK**

The Greater Cambridge City Deal has five local partners, Cambridgeshire County Council, Cambridge City Council, South Cambridgeshire District Council, the Greater Cambridge Greater Peterborough Enterprise Partnership and the University of Cambridge. Its governance framework consists of an Executive Board with five members, supported by an Assembly with 15 members.

### **a) Greater Cambridge City Deal Executive Board**

#### **Summary of Functions**

The Greater Cambridge City Deal Executive Board has delegated authority to exercise the following functions:

- Authority to set and review the objectives to be achieved by the strategic investments made pursuant to the Greater Cambridge City Deal agreement dated 19 June 2014.
- Authority to:
  - Approve single position statements in relation to strategic City Deal issues.
  - Approve projects, including the allocation of project funding, which fall within the ambit of the City Deal agreement.
  - Approve the major priorities under the auspices of the City Deal.
  - Approve plans and strategies necessary or incidental to the implementation of the City Deal agreement.
  - Consider recommendations from the Greater Cambridge City Deal Joint Assembly.

#### **Terms of Reference and Standing Orders**

The Executive Board's Terms of Reference and Standing Orders are set out in Appendix 1.

### **b) Greater Cambridge City Deal Joint Assembly**

#### **Summary of Functions**

The Greater Cambridge City Deal Joint Assembly has delegated authority to exercise the following functions:

- Authority to advise the Greater Cambridge Executive Board in connection to the achievement of the objectives of the City Deal agreement.
- Authority to prepare and submit reports and/or recommendations to the Greater Cambridge Executive Board.

#### **Terms of Reference and Standing Orders**

The Joint Assembly's Terms of Reference and Standing Orders are set out in Appendix 2.



**Appendix 1**

**GREATER CAMBRIDGE CITY DEAL EXECUTIVE BOARD  
TERMS OF REFERENCE**

**1. Parties**

Cambridge City Council  
Cambridgeshire County Council  
South Cambridgeshire District Council  
The Greater Cambridge Greater Peterborough Enterprise Partnership  
The University of Cambridge

**2. Status**

The Greater Cambridge Executive Board has been established by Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council. It is a joint committee of the three Councils, established by Cambridgeshire County Council under section 102(1)(b) of the Local Government Act 1972 and by Cambridge City Council and South Cambridgeshire District Council under section 9EB of the Local Government Act 2000.

**3. Membership**

3 elected members with full voting rights (one from each of the three member Councils)  
2 non-voting members (one from the Local Enterprise Partnership and one from the University of Cambridge).

**4. Functions of the Executive Board**

- 4.1 The Executive Board is established to ensure that the objectives of the Greater Cambridge City Deal Agreement dated 19 June 2014 are met. To this end, the Board will have oversight of the strategic direction and delivery of the City Deal and its objectives.
- 4.2 The Executive Board will also be responsible for the commissioning of projects funded by money provided through the City Deal, and for overall control of that programme of investments. The scheme promoter for each individual project will be responsible for the delivery of that budget, under the oversight of the Executive Board. This shall also apply to circumstances in which funding is provided to the Board by the member Councils or by other parties, such as the Local Enterprise Partnership.
- 4.3 The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary for the Board to exercise its powers. The three Councils may also, from time to time, agree to delegate further functions to the Board. The Executive Board may further delegate to officers of the three Councils.



- 4.4 The Executive Board will consider any reports and recommendations from the Joint Assembly as appropriate.

## **5. Professional and administrative support**

- 5.1 Cambridgeshire County Council shall act as the accountable body for the Executive Board in respect of financial matters and its financial procedure rules will apply in this context.
- 5.2 Committee management and administrative support to the Executive Board will be provided by South Cambridgeshire District Council.
- 5.3 The lead role on projects shall be determined by the Board, subject to the principle that the lead authority should be the Council primarily responsible for the service in question for their area. The procurement and other rules of the lead authority will apply in respect of projects.

## **6. Standing Orders**

The Executive Board will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Costs**

- 7.1 The three Councils will each bear its own costs in relation to the operation of the Executive Board, with the exception of approved project delivery costs met from budgets managed by the Board.
- 7.2 Each Council makes a legally binding commitment that, should it withdraw from or modify its role within the Executive Board, it agrees to pay all additional costs that fail to be met by the other partner Councils that are reasonably attributable to that decision. This could include, for example, the costs that are locked in to projects that have already been committed to, or the costs of dissolving integrated officer and Member arrangements and re-establishing independent arrangements.
- 7.3 The firm intention is that the Executive Board will continue until it is either replaced by a Combined Authority, subject to the carrying out of a governance review following necessary legislative changes, or until the programme is completed. Recognising the very serious implications of withdrawal from the Board for the delivery of the City Deal programme, if a Council decides to withdraw from or modify its role within the Board, it commits to sharing this with the Committee at the earliest possible opportunity, and to entering into constructive discussions to avoid this happening or to reach a way forward.



**Appendix 2**

**GREATER CAMBRIDGE CITY DEAL JOINT ASSEMBLY  
TERMS OF REFERENCE**

**1. Parties**

Cambridge City Council  
Cambridgeshire County Council  
South Cambridgeshire District Council  
The Greater Cambridge Greater Peterborough Enterprise Partnership  
The University of Cambridge

**2. Status**

The Greater Cambridge City Deal Joint Assembly has been established by Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council. It is a joint advisory committee of the three Councils, established under section 102(4), Local Government Act, 1972.

**3. Membership**

3 elected members appointed by each of the three member Councils  
3 members nominated by the Greater Cambridge Greater Peterborough Enterprise Partnership  
3 members nominated by the University of Cambridge

**4. Functions of the Joint Assembly**

- 4.1 The Joint Assembly is established to advise the Greater Cambridge City Deal Executive Board with regard to the latter's role in achieving the objectives of the Greater Cambridge City Deal Agreement dated 19 June 2014.
- 4.2 The Assembly will act as a forum for discussion with a wider range of members and stakeholders across the Greater Cambridge area, so that the Executive Board benefits from a wider range of expertise in making its decisions.
- 4.3 To this end, the Assembly may receive and comment on ("pre-scrutinise") reports to the Executive Board, may offer advice to the Board on the discharge of its functions and may review its work.
- 4.4 The Assembly may develop its own work programme and submit reports or recommendations to the Executive Board for consideration, as appropriate.



**5. Professional and administrative support**

- 5.1 Committee management and administrative support to the Joint Assembly will be provided by South Cambridgeshire District Council.
- 5.2 Other professional support will be provided to the Assembly on an ad hoc basis as agreed between the three Councils.

**6. Standing Orders**

The Joint Assembly will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

**7. Costs**

The three Councils, the Greater Cambridge Greater Peterborough Enterprise Partnership and the University of Cambridge will each bear its own costs in relation to the operation of the Joint Assembly.



## **C. TERMS OF REFERENCE FOR THE LGSS JOINT COMMITTEE**

The LGSS Joint Committee is established pursuant to an agreement between Cambridgeshire County Council, Northamptonshire County Council, and Milton Keynes Council. The Joint Committee's remit is to have overall responsibility for the provision, to the Councils, of shared services through the LGSS arrangements.

The constitution of the Joint Committee is set out below, and the specific delegations to the Joint Committee and to the senior officers of the LGSS management team are set out in a scheme of delegation contained in Annex 'A'.

### **Constitution of the Joint Committee**

- 1 Each of the Councils shall appoint three Members (being elected members of that Council) as its nominated Members of the Joint Committee. The Members appointed shall have full voting rights.
- 2 Each Council may nominate one or more substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 3 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 4 Each of the Councils may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Secretary to the Joint Committee.
- 5 Each Council shall have three votes. These shall be exercised by the nominated Members who are elected members of the Council. In the absence of a Council's nominated Member, a vote may be exercised by the named substitute who is an elected member of the Council.
- 6 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.
- 7 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Secretary to the Joint Committee.
- 8 Meetings of the Joint Committee shall be held at the venue or venues as agreed by the Councils.



- 9 The appointment of a Chairman and a Vice Chairman shall be rotated between the Councils annually from 1st August each year as set out in the table below. The rotation process shall be repeated for subsequent years. The Members appointed as Chairman and Vice Chairman shall remain in their respective appointed roles until the first meeting taking place after the elapse of one year from their appointment unless either such Member ceases to be a Member of the Joint Committee.

	2015-16	2016-17	2017-18	2018-19
Joint Committee Chair	CCC	NCC	MKC	CCC
Joint Committee Vice Chair	NCC	MKC	CCC	NCC

10. The Joint Committee shall meet at least once every three months (quarterly) unless otherwise determined by the Joint Committee.
11. The Secretary to the Joint Committee may call additional meetings by providing at least five clear days' notice to Members of the Joint Committee, for the purposes of resolving urgent matters arising between the meetings of the Joint Committee. The Secretary to the Joint Committee must call a meeting of the Joint Committee if at least one Member of the Joint Committee from each Council requests it or the Head of Paid Service of each Council requests it.
12. Meetings shall be notified to Members of the Joint Committee by the Secretary to the Joint Committee.
13. The Secretary to the Joint Committee shall send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than five clear Business Days before the date of the relevant meeting. The Secretary to the Joint Committee shall send to all Members of the Joint Committee, to the Political Group Leaders of each Council and relevant officers of each Council, printed (or electronic if individually preferred) copies of the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant meeting.
14. The Secretary to the Joint Committee shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the Chairman or Vice-Chairman.
15. Meetings of the Joint Committee will commence at a time to be agreed by the Joint Committee.
16. A meeting of the Joint Committee shall require a quorum of one Member of each Council who are entitled to attend and vote. If there is a quorum of members present but neither the Chairman nor the Vice Chairman is present, the Members present shall designate one Member to preside as Chairman for that meeting.



17. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Council Members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman shall have a second or casting vote but before exercising this, the Chairman shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
18. Any Member of the Joint Committee may request the Joint Committee to record the votes of individual Members of the Joint Committee on a matter for decision.
19. A Member when speaking shall address the Chairman. If two or more Members wish to speak, the Chairman shall call on one to speak. While a Member is speaking other Members shall remain silent.
20. A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
21. Only one amendment to a proposal may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
22. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
23. The order of business shall be indicated in the agenda for the meeting.
24. When a motion is under debate by the Joint Committee no other motion shall be moved except the following:
  - 24.1 to amend the motion;
  - 24.2 to adjourn the meeting;
  - 24.3 to adjourn the debate;
  - 24.4 to proceed to the next business;
  - 24.5 that the question be now put;
  - 24.6 that a Member be not further heard;
  - 24.7 by the Chairman that a Member do leave the meeting;
  - 24.8 a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public;
  - 24.9 to postpone consideration of the item.





25. A Member may move without comment at the conclusion of a speech of another Member, "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chairman shall proceed as follows:
- 25.1 on a motion to proceed to next business; unless in his opinion the matter before the meeting has been insufficiently discussed put to the vote the motion to proceed to the next business
- 25.2 on a motion that the question be now put; unless in his opinion the matter before the meeting has been insufficiently discussed he shall first put to the vote the motion that the question be now put
- 25.3 on a motion to adjourn the debate or the meeting; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.
- 25.4 The ruling of the Chairman shall not be open for discussion.
26. Any member of the Councils who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he/she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the Chairman and comments will be recorded only on the direction of the Chairman. A Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.
27. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 29.
28. Members of the public wishing to address the Joint Committee (or a subcommittee of the Joint Committee) on Part I reports contained within the agenda for the meeting shall be given the opportunity to do so subject to:
- 28.1 the opportunity being extended to one person to speak in support of each agenda item and one person to speak against each agenda item when called to do so by the Chairman;
- 28.2 an indication of the desire to speak on the agenda item being made by the person just prior to the meeting and the name supplied to the Committee Secretary in attendance (by means of the register), the first person registering to have precedence in the event of more than one person wishing to speak either for or against the agenda item;
- 28.3 each person addressing the Joint Committee or subcommittee of the Joint Committee being limited to three minutes' speech;



- 28.4 an opportunity being provided for an expression of a contrary view, even though no prior notice has been given, when a member of the public has spoken for or against the item;
- 28.5 in the event of the person having registered to speak on an agenda item not wishing to take up their right to speak on the agenda item because it was deferred, that person will automatically be given the right to speak on the agenda item at the next meeting of the Joint Committee or sub-committee of the Joint Committee; the Chairman of the meeting having discretion to rule that a person wishing to address the meeting shall not be heard if, in his/her opinion, that issue or the organisation or the person wishing to make representation on that issue has received an adequate hearing.
29. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
30. The Joint Committee may delegate a function to a Sub-Committee or an officer.
31. Any contractual arrangements that relate to a Shared Service will be undertaken by one of the Councils on behalf of the other Councils and that Council will apply its own financial regulations and contract procedure rules until such time as the Joint Committee adopts its own financial regulations and contract procedure rules. The LGSS Director of the relevant Shared Service that is incurring the expenditure will normally determine which of the Councils' financial regulations and contract procedure rules will apply and in the event of any dispute or uncertainty the matter should be referred to the LGSS Managing Director for decision.
32. The Secretary to the Joint Committee shall provide governance and secretarial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils. The Councils shall make available committee officers to provide administrative services at the meetings of the Joint Committee.
33. The Lawyer to the Joint Committee shall provide legal advice and support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
34. The Finance Officer to the Joint Committee shall provide financial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.



## **D. CAMBRIDGESHIRE POLICE AND CRIME PANEL**

The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (Commissioners).

The Act also requires the local authorities in each police force area to establish a police and crime panel (panel), as a joint committee, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.

Peterborough City Council is the host authority for the Cambridgeshire Police and Crime Panel. The Panel's membership and procedures, as well as its terms of reference, can be viewed on the Peterborough City Council website.

### **TERMS OF REFERENCE**

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 4) To review and make a report on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint an Acting Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.



## **E. CAMBRIDGE CITY JOINT AREA COMMITTEE**

- A new Joint Area Committee will be formed to consider and determine significant transport issues within Cambridge City, and to advise on, but not determine, schemes of strategic importance within the Cambridge City Area.
- Decisions taken by the Joint Area Committee will be in accordance with the policies of Cambridgeshire County Council and Cambridge City Council and available budgets. A decision taken by the Joint Area Committee under delegated powers may be subject to reconsideration by a constituent authority where it conflicts with agreed policies or budgets of that authority.
- The powers of the Joint Area Committee comprise:
  1. Determining priorities for the Local Highway Improvement Initiative, having regard to the budget available.
  2. Having regard to available resource, consider and advise the Highways and Community Infrastructure Committee in relation to:
    - the need for traffic management
    - the need for parking regulation
    - the need for cycle and pedestrian schemes of more than local significance
    - the results of consultations
  3. Advise the County Council and City Council on on-street and off-street parking charges.
  4. Advise on priorities for Section 106 funding for traffic management and other transport schemes
  5. Determining objections relating to Traffic Regulation Orders of significance, when referred by the relevant member or officer under the County Council's scheme of delegation, with the exception of Traffic Regulation Orders sought as part of a City Deal Infrastructure scheme as defined in the Terms of Reference for Joint Development Control Committee for Cambridge Fringes.
  6. Determining objections\* relating to Statutory Notices, when referred by the relevant member or officer under the County Council's scheme of delegation, with the exception of Statutory Notices sought as part of a City Deal Infrastructure scheme as defined in the Terms of Reference for Joint Development Control Committee for Cambridge Fringes.

*\*This power is delegated to the Head of Highways in consultation with the Local Members*
  7. Resolving detailed design issues for traffic management proposals
- The Joint Area Committee will be made up of 12 members, comprising equal numbers from each constituent authority. Members to be appointed will be in a manner as deemed appropriate by the relevant authority in compliance with the law.
- The quorum of a meeting will be as follows:
  1. [3] members from Cambridgeshire County Council
  2. [3] members from Cambridge City Council



- The Committee to meet, in public, at least once a year and no more frequently than once every two months, and only if there is relevant business to discuss.
- The Chairman/woman of the Committee to alternate between the two authorities on an annual basis, and to be elected by the members of the Committee.
- A Vice-Chairman/woman to be elected by the Committee from the Council that does not hold the chair.
- Every decision on an item on the agenda shall be taken by a vote. If there are equal numbers of votes for and against, the Chairman/woman will have a second or casting vote.
- Administrative arrangements for the Committee are to be shared between the two authorities.
- The Committee will be open to the public to attend.
- Members of the public will be permitted to speak at meetings in accordance with the County Council's procedures for speaking at Council meetings.
- All papers will be made available to the public and published on the Councils' websites and conform with both authorities' Access to Information Rules.



## **F. LGPS ACCESS JOINT COMMITTEE**

### **1. Parties**

- Cambridgeshire County Council
- East Sussex County Council
- Essex County Council
- Hampshire County Council
- Hertfordshire County Council
- Isle of Wight Council
- Kent County Council
- Norfolk County Council
- Northamptonshire County Council
- Suffolk County Council
- West Sussex County Council

### **2. Status**

In order to ensure there is robust oversight of the joint pension fund investment pool, an Inter Authority Agreement has been entered into, with formal decision making responsibility exercised via a joint committee established under s.102 of the Local Government Act 1972.

### **3. Membership**

One Councillor from each of the eleven participating authorities. Each council's nominee must be an elected councillor and must be a serving member of the authority's Pensions Committee throughout the time of their appointment. They need not, however, be a member of the nominating council (i.e. they could be a member of another employing authority co-opted onto the pensions committee). Named substitutes shall be permitted.

### **4. Functions of the Joint Committee**

#### **Part 1 Functions in relation to the Operator**

1. **Specifying Operator services:** Deciding, in consultation with the Councils, the specification of services and functions that the Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
2. **Procuring the Operator:** Agreeing the method and process for the procurement and selection of the Operator.
3. **Appointing the Operator:** Making a recommendation to the Councils as to the identity of the Operator and the terms upon which the Operator is to be appointed.



4. **Reviewing the Performance of the Operator:** Keeping the performance of the Operator under constant review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the Officer Working Group to enable it to do so including but not limited to:
  - 4.1 the performance of the Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and Officer Working Group recommendations on any remedial action;
  - 4.2 sub-fund investment performance;
  - 4.3 investment and operational costs including the annual review of investment manager costs;
  - 4.4 Performance against the strategic business plan agreed by the Councils.
5. **Managing the Operator:** The Joint Committee shall:
  - 5.1.1 Make recommendations to the Councils on the termination or extension of the Operator Contract and
  - 5.1.2 Make decisions about any other action to be taken to manage the Operator Contract including the giving of any instruction or the making of any recommendation to the Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply).
6. **Appointment of Advisers**
  - 6.1 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the procurement and that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.
  - 6.2 The Joint Committee shall decide which tasks shall be performed by the Client Unit and which Council shall manage the Client Unit including the employment arrangements for employees in the Client Unit.

## **Part 2 Functions in relation to management of Pool Assets**

7. The Joint Committee shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.



### **Part 3 Functions Concerning Pool Aligned Assets**

8. Making recommendations to the Councils about Pool Aligned Assets (including proposals concerning the migration of investments-such as passive investments via life fund policies-to become Pool Aligned Assets) in accordance with the IAA or any other delegation to the Joint Committee by the Councils.

### **Part 4 Functions concerning Business Planning and Budget**

9. Make recommendations to the Councils about the annual strategic business plan for the Pool
10. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 of the IAA.
11. Keep the structures created by the IAA under review from time to time and make recommendations to the Councils about:
  - 11.1 the future of the Pool;
  - 11.2 any changes to the IAA; and
  - 11.3 as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.
12. The Joint Committee is required to commence the first review of the IAA by the second anniversary of its first meeting.
13. The Joint Committee is required to undertake a review of the Pool and the IAA:
  - 13.1 to be completed 18 months before the expiry of each and every Operator Contract including as a result of the exercise of any option to terminate the Operator Contract;
  - 13.2 whenever a Council gives notice of withdrawal under clause 12 of the IAA.





## **Part 3E – DELEGATION AND EXERCISE OF SHAREHOLDER RIGHTS IN LGSS LAW LTD**

### **1. Introduction**

LGSS Law Ltd is a company jointly owned by Northamptonshire County Council (NCC) and Cambridgeshire County Council (CCC) which was established by the two councils to provide legal services to the owner councils and to other organisations within the public and not for profit sectors.

NCC and CCC each owns 50% of the shares in LGSS Law Ltd.

### **2. Shareholder rights**

This Council nominates as its shareholder representative the Council's Monitoring Officer, who shall exercise the delegated authority in consultation with the elected member for the time being holding the post of Chairman/woman (or Vice-Chairman/woman) of the LGSS Joint Committee.

The Council delegates to that Officer all and any rights associated with the ownership of the shares and authorises that Officer to exercise those rights subject to the following conditions and reservations:

- i) The Monitoring Officer shall at all times exercise the delegated rights in accordance with the ten Solicitors Regulation Authority (SRA) Principles and Code of Conduct. If in doubt as to the requirements of the SRA Principles and Code of Conduct, the Officer shall take appropriate independent legal advice before exercising the delegated authority.
- ii) The Monitoring Officer shall exercise the delegated authority under this provision in accordance with the Code of Conduct for Officers and elected members of NCC/CCC and with all other relevant policies to the extent that those do not conflict with the SRA Code of Conduct and in circumstances where a conflict between the SRA Code of Conduct and any other Code shall arise, the SRA Code of Conduct shall take precedence.

In the event that the Chairman/woman or Vice-Chairman/woman of the LGSS Joint Committee is unable for any reason to take up the role of Consultee Member for their council, the Joint Committee is authorised to nominate another elected member of the same council to undertake that role.



**ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **24 April 2018**

*From:* **LGSS Director of Law & Governance  
and Monitoring Officer**

*Purpose:* **To note the proposal from the Cambridgeshire and  
Peterborough Combined Authority to set up a panel of  
Independent Persons for Member Complaints from  
amongst Constituent Council Independent Persons.**

*Recommendation:* **The Committee is recommended to not appoint a second  
independent person, at this stage, to replace Mr Sean  
Brady.**

<b><i>Officer contact:</i></b>	
Name:	Michelle Rowe
Post:	Democratic Services Manager
Email:	<a href="mailto:michelle.rowe@cambridgeshire.gov.uk">michelle.rowe@cambridgeshire.gov.uk</a>
Tel:	01223 699180

## **1. BACKGROUND**

### **1.1 Legal framework**

- 1.1.1 Chapter 7 of the Localism Act 2011 sets out the duty of a local authority to promote and maintain high standards of conduct by members and co-opted members of the authority.
- 1.1.2 Section 28 of the Act, on codes of conduct, requires an authority to provide for the appointment of at least one independent person whose views will be sought and taken into account in connection with the process for dealing with allegations that members have breached the code.
- 1.1.3 Section 28 sets out those persons who would not be considered to be independent, who include members, co-opted members and officers of the authority and their relatives and close friends. However, it provides that the person(s) appointed do not cease to be independent as a result of being paid allowances or expenses for performing the duties of the appointment.
- 1.1.4 Section 28 also sets out the conditions for the process of appointing such persons. These conditions are that
  - i. the vacancy has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
  - ii. the person has submitted an application to fill the vacancy to the authority, and
  - iii. the person's appointment has been approved by a majority of the members of the authority.

### **1.2 Local implementation**

- 1.2.1 At an early stage of making arrangements to implement the Localism Act 2011, the Standards Committee concluded that it would be sensible to appoint two independent persons, in case one was not available, or already had prior knowledge of a complaint or the parties to the complaint. Full Council in July 2012 authorised 'the Monitoring Officer, in consultation with the Chairman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of a suitable candidate to be recommended to Full Council for appointment as an Independent Person'.
- 1.2.2 A panel composed of members of the Constitution and Ethics Committee conducted the recruitment exercise, advertising the posts in the local press and on the Council's website, shortlisting applications, and interviewing shortlisted candidates. The panel recommended to Constitution and Ethics Committee in September 2012 that Sean Brady and Gillian Holmes be appointed, and the Committee recommended their appointment to Council.
- 1.2.3 On 16 October 2012, Full Council agreed to appoint Sean Brady and Gillian Holmes to the role of Independent Person for Cambridgeshire County Council with immediate effect for a period of one year, and to delegate to the Constitution and Ethics Committee the power to extend these appointments for up to a further three years thereafter. The Committee exercised that power on 7 November 2013, extending the appointments to 15th October 2016.

- 1.2.4 Because independent persons are not members or co-opted members of Council, their remuneration falls outside the Members' Allowances Scheme, and can be determined without reference to an Independent Remuneration Panel. The current independent persons receive an annual allowance of £500 each.
- 1.2.5 The 2012 recruitment exercise had been conducted jointly with the Cambridgeshire and Peterborough Fire Authority, who also appointed Sean Brady and Gillian Holmes to the role of Independent Person in October 2012 with an expiry date of October 2016.
- 1.2.6 At its meeting on 19 April 2016, the Committee received a report inviting it to consider what arrangements for the appointment of an Independent Person or Persons should be recommended to Council in preparation for the expiry of the current appointments on 15 October 2016. Members were advised that it would be possible for Council to reappoint the existing two people for a further period; there was no requirement in legislation that the posts be advertised again. Both were willing to continue to serve if required, and many other authorities had adopted this course.
- 1.2.7 Following a detailed discussion, the Committee resolved unanimously to recommend to Council that
- (i) Council extend the current appointment of Sean Brady and Gillian Holmes as Independent Persons to 30 October 2019.
  - (ii) the level of remuneration to each independent person remain at £500 a year plus expenses.

## 2. CURRENT ISSUES

- 2.1 Mr Sean Brady resigned as an independent person in October 2017, which leaves the Council with one independent person.
- 2.2 The Cambridgeshire and Peterborough Combined Authority, at its meeting on 31 January 2018, agreed the following:
- Request the Legal Counsel and Monitoring Officer to seek to set up a panel of Independent Persons for Member Complaints from amongst Constituent Council Independent Persons;
- 2.3 The establishment of a countywide panel agreed by the Combined Authority will ensure that arrangements are in place to deal with any conflicts of interest which might arise. The Combined Authority's Legal Counsel and Monitoring Officer will be working with the Monitoring Officers of constituent councils to establish a panel to draw from.
- 2.4 Given the arrangements detailed in Section 2.3, it is not proposed to appoint, at this stage, to appoint a second independent person to replace Mr Sean Brady.

Source Documents	Location
Chapter 7 of the Localism Act 2011	<a href="http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7">http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7</a>
Combined Authority – 31 January 2018	<a href="https://cmis.cambridgeshire.gov.uk/ccs_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/706/Committee/42/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccs_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/706/Committee/42/Default.aspx</a>



**Agenda Item No: 7**

**A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 12 APRIL 2018**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **24 April 2018**

*From:* **LGSS Director of Law & Governance and Monitoring Officer**

*Electoral division(s):* **All**

*Purpose:* **To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 15 January 2018 to 12 April 2018.**

*Recommendation:* **It is recommended that the Constitution and Ethics Committee note the contents of this report.**

<b><i>Officer contact:</i></b>	
Name:	Michelle Rowe
Post:	Democratic Services Manager
Email:	<a href="mailto:michelle.rowe@cambridgeshire.gov.uk">michelle.rowe@cambridgeshire.gov.uk</a>
Tel:	01223 699180

## 1. INTRODUCTION

- 1.1. The Localism Act ("the Act") places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2. The requirements of the Act are supported by Article 2 of the Constitution, Members of the Council, and by Part 5.1, Members' Code of Conduct. The Constitution and Ethics Committee's terms of reference give it authority to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution and Ethics Committee with an overview of the complaints received under the Code of Conduct from 15 January 2018 to 12 April 2018.

## 2. OVERVIEW OF COMPLAINTS

- 2.1. Since 15 January 2018 one new complaint against a Member has been received by the Monitoring Officer but has not yet concluded. The complaint which was open at the date of the last report will be concluded by 24 April, and a verbal update will be provided at the meeting.
- 2.3. The publication of details of complaints only takes place after conclusion of the complaint to reduce speculation on limited information, ensure there is no compromise of any assessment or investigation, and that the Data Protection Act 1998 is complied with.

Source Documents	Location
Decision Notices	Held by LGSS Law Limited and published on the Council's website at <a href="http://www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member/">www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member/</a>



<p><b>CONSTITUTION AND ETHICS COMMITTEE</b></p> <p><b>AGENDA PLAN</b></p>
---

<b>DATE</b> <b>28.06.18</b>	<b>AGENDA ITEMS</b>		
	1.	Election of Vice-Chairman/woman	R Yule
	2.	Declaration of Interests	R Yule
	3.	Minutes	
	4.	Incorporating the granting of dispensations into the Members' Code of Conduct	Q Baker
	5.	Annual report on whistleblowing incidents	Q Baker
	6.	Quarterly report on investigation of complaints*	S Rix
	7.	Agenda Plan	R Yule

<b>DATE</b> <b>27.09.18</b>	<b>AGENDA ITEMS</b>		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.		
	6.	Quarterly report on investigation of complaints*	S Rix
	7.	Agenda Plan	R Yule

<b>DATE</b> <b>29.11.18</b>	<b>AGENDA ITEMS</b>		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.	Quarterly report on investigation of complaints*	S Rix
	6.	Agenda Plan	R Yule

<b>DATE</b> <b>31.01.19</b>	<b>AGENDA ITEMS</b>		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.	Appointment of Independent Person(s) (current appointment is to 30 October 2019; see Council minutes for 10 May 2016)	Q Baker
	4.		
	5.		
	6.	Summary of activity in relation to the Regulation of Investigatory Powers Act 2000**	S Edge
	7.	Quarterly report on investigation of complaints*	S Rix
	8.	Agenda Plan	R Yule

<b>DATE</b> <b>28.02.19</b>	<b>AGENDA ITEMS – reserve date</b>		
	1.	Declaration of Interests	
	2.	Minutes	
	3.		

<b>DATE</b> <b>04.04.19</b>	<b>AGENDA ITEMS</b>		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.	Annual report on whistleblowing incidents	Q Baker
	6.	Quarterly report on investigation of complaints*	S Rix
	7.	Agenda Plan	R Yule

\* Council report on agenda item 7, July 2012, refers

\*\* Extract from minutes of Standards Committee 3rd July 2009:

The Committee noted that the Council had approved a number of changes to procedures relating to the exercise of powers under the Regulation of Investigatory Powers Act (RIPA) 2000. This included presenting an annual monitoring report on the use of the powers to the Standards Committee. The Committee's terms of reference had been amended to facilitate this.