

CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Thursday 24th November 2016

Time: 2.00pm – 2.55pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M Smith (Chairwoman), D Brown, E Cearns, J Hipkin, L Nethsingha, P Reeve, P Sales and J Scutt

Apologies: Councillors R Hickford, K Reynolds and M McGuire

127. DECLARATIONS OF INTEREST

None

128. MINUTES – 22nd SEPTEMBER 2016

The minutes of the meeting held on 22nd September 2016 were confirmed as a correct record and signed by the Chairwoman.

129. GREATER CAMBRIDGE CITY DEAL MODIFICATION TO THE JOINT ASSEMBLY AND EXECUTIVE BOARD STANDING ORDERS TO IMPROVE THE HANDLING OF PUBLIC QUESTIONS

The Committee received a report outlining proposed modified Standing Orders for the Greater Cambridge City Deal Joint Assembly and Executive Board. Members noted that the intention of the proposed changes was to improve the handling of public questions to these meetings, by allowing officers more time in which to prepare answers, without reducing the time between publication of the agenda and the deadline for submitting a question.

Discussing the proposed changes, members

- welcomed the proposals, including the imposition of a 300-word limit on the length of questions
- reported that in some cases, questioners had been submitting full-length reports as questions requiring an answer
- expressed surprise that the meeting did not usually adopt the approach used by the County Council of undertaking to provide a written response after the meeting where the reply could not conveniently be given orally, but noted that written replies were sometimes given
- suggested that the time limit at paragraph 7.2 of the two appendices should, for consistency, be expressed as 'five working days', not 'one week'
- pointed out the need to renumber the sub-sections of paragraph 11 in the appendices

- disagreed with the proposal to restrict questions to those relating to items that are on the agenda, commenting that the City Deal was already felt to be a distant and undemocratic organisation, and that its agendas often contained only a few items for discussion
- suggested that people should be able to ask questions about other items, such as those on the forward agenda plan, without depending on the exercise of the Chairman/woman's discretion to allow questions to be asked on 'a pressing issue'
- pointed out that many of the matters the City Deal was dealing with were of a strategic nature and took some time to formulate; the public should be encouraged to be engaged in this process. A lack of public engagement would do more harm than the expenditure of officer time in answering questions under current arrangements
- noted that under present arrangements, a team of officers was spending the 24 hours prior to a meeting preparing responses to all the questions which had been asked in the period up to 10am the day before the meeting, and up to three hours could be spent on questions at any one meeting
- urged that gender-neutral language be used in the Constitution, i.e. Chair or Chairperson rather than Chairman and/or Chairwoman
- welcomed the public's interest in City Deal business.

Councillor Reeve asked that his absolute opposition to this paper be recorded. He wished to see more public participation, not less, and in particular did not support the notion of restricting questions to the agenda for the meeting.

Members noted that both Cambridge City Council and South Cambridgeshire District Council had already approved the suggested changes to the terms of reference for the City Deal Assembly and Executive Board.

It was proposed by Councillor Hipkin and seconded by Councillor D Brown that the words 'if it is a pressing issue' be omitted from the last subsection of paragraph 11 of the two appendices. On being put to the vote, the amendment was approved by a majority.

The substantive motion was then put to the vote. The Committee agreed by a majority, Councillors Cearns, Nethsingha and Reeve voting against, and Councillor Reeve abstaining, that

the Committee recommend to Council that

the Standing Orders for the Greater Cambridge City Deal Joint Assembly and Executive Board be modified in accordance with the draft Standing Orders as set out at report Appendix 1 and Appendix 2 respectively, as amended.

The Committee further asked that the word 'Chairperson' be substituted for 'Chairman', and that 'one week' be changed to 'five working days'.

130. COUNCIL – ORAL QUESTIONS BY MEMBERS

The Committee received a report inviting it to review the current arrangements set out in the Constitution for oral questions at full Council, and to make any recommendations for amendment that it thought appropriate. Members noted that the matter of questions had arisen at Council on 18 October, when a question had been put to the Council's representative on the City Deal Executive Board which could only be answered by expressing an opinion, rather than providing a fact. The Chairman of Council had asked the Constitution and Ethics Committee to consider the rationale of questions at Council to the Council's representative on the Cambridge City Deal Executive Board.

Discussing the matter, members expressed a range of views, including

- it was important that the exercise of devolved powers be subject to scrutiny
- questioners should be permitted to ask questions that sought the reasons behind a course of action; if the reasons proved to be political, that did not indicate a deficiency in the question
- it was not appropriate to frame a question in the terms of 'does Councillor X agree with me'; the Chairman already had the power to disallow such questions
- pointed out that the disputed question could have been asked and answered in the form of a factual question, without 'do you agree'
- Council had recently agreed the need for a protocol for the Council's appointee on the Combined Authority to report to Full Council; something similar should be done for City Deal representatives; in the absence of such a protocol, questions at Council were the only available route to question City Deal representatives
- some service committees already encouraged representatives on outside bodies to report their activities to the relevant service committee
- noted that it would be relatively straightforward to ask the City Deal to provide a short report to Council, along the lines of the Fire Authority report to Council, and for questions on that report to be asked at the Council meeting.

The Committee concluded that no change was required to the present constitutional arrangements for member questions at Full Council, but that a protocol should be drawn up similar to that being developed for the Combined Authority. **ACTION**

131. SUMMARY OF ACTIVITY IN RELATION TO THE REGULATION OF INVESTIGATORY POWERS ACT 2000

The Committee received a report of Council activity under the Regulation of Investigatory Powers Act 2000 (RIPA) for the financial year 2015-16, as required by the Council's RIPA policy. It noted that

- only one authorisation for directed surveillance has been granted; this had enabled Trading Standards officers to disrupt a number of counterfeit sellers
- the Monitoring officer and the three authorising officers had attended a RIPA awareness-raising course given by an external training provider.

Members welcomed the Council's restraint in its use of covert surveillance, and officers' attendance at training. The Committee noted the report.

132. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 15 NOVEMBER 2016

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 16 September to 15 November 2016. Members noted that two new complaints had been received during this period, and of the seven complaints already open at the start of the reporting period, two had been resolved by local resolution, two were still being investigated, and three matters on hold were being progressed to an initial assessment.

In the course of discussion, members

- suggested that the report, as a public document, should include more information about the letter to the Councillor, and whether the Councillor had acted on the contents of that letter. The Monitoring Officer confirmed that, for both complaints, a letter had been sent from the Independent Person to the Councillor, asking him to send an apology to the individual whom had upset. The Monitoring Officer was unable to confirm whether that letter had been sent by the Councillor, or had been received by the complainant
- recommended that all group leaders talk to their members about the matters raised in this report, reminding them of the code of conduct, and of the importance of all Councillors dealing with members of the public – and each other – sensitively
- suggested that it could be helpful if Member Services were to offer support to members asked to write what could be a difficult letter. The Monitoring Officer undertook to pursue this suggestion.

ACTION

The Committee noted the report.

133. FORWARD AGENDA PLAN

In the course of reviewing its agenda plan, the Committee

- noted the addition of the remuneration of members of the Independent Remuneration Panel to the agenda for 26 January
- noted that SMT would be discussing the Openness Regulations at its meeting on 8 December [subsequently rearranged to 22 December]
- asked about the Committee's role in developing the constitution of the combined authority. Members were advised that the combined authority was responsible for creating its own constitution, as a separate local authority. This would be done by the shadow authority, which would be holding its first meeting in Peterborough on 14 December, in public
- urged that the Committee revisit the question of the use of language in the Constitution to ensure that non-gender specific language be used (chair or chairperson, in contrast to the gender-specific usage of chairman/chairwoman).

134. DATE OF NEXT MEETING

It was noted that the next meeting was due to take place at 2pm on Thursday 26th January 2017.

Chairwoman