

## **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