

CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Tuesday 24th April 2018

Time: 2.00pm – 3.00pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M McGuire (Chairman), D Connor, L Dupré, R Hickford, L Nethsingha, J Scutt and P Topping

31. DECLARATIONS OF INTEREST

None

32. MINUTES – 27th FEBRUARY 2018

The minutes of the meeting held on 27th February 2018 were confirmed as a correct record and signed by the Chairman.

33. ALLOCATION OF RESPONSIBILITIES TO POLICY AND SERVICE COMMITTEES

The Committee received a report inviting it to consider whether the current approach for the allocation of responsibilities to policy and service committees was appropriate, and to recommend to Council any revisions to the Constitution which it considered necessary. At the Committee's meetings in January and February 2018, the question had been raised of the relationship of the Commercial and Investment (C&I) Committee to other committees, particularly as concerned traded services and property management.

Members noted that the matter had subsequently been considered by Group Leaders. All Group Leaders had acknowledged the need for one Committee to own an issue, in the sense of taking a decision about it, but some had thought that the Constitution needed to be more prescriptive about the process of involving other committees in a decision. In the absence of consensus among Group Leaders, the question of whether it was necessary to change the Constitution to introduce a requirement for the C&I Committee to consult other committees had been brought back to the Committee for further consideration.

Councillor Scutt asked that her view be recorded, that decision-making should rest with the policy and service committee, not with the C&I Committee; the present arrangement elevated the selling of assets as superior to the provision of services. The C&I Committee should make a recommendation to the policy and service committee if it wanted to sell assets. The purpose of the County Council was to provide services to the people of Cambridgeshire.

Members noted that the question was of relatively recent origin, as until the establishment of the C&I Committee, such matters had gone through the General Purposes Committee (GPC). The C&I Committee's terms of reference included responsibility for traded activities, which is why it had come to make decisions about Cambridgeshire Catering and Cleaning Services (CCS), Cambridgeshire Music, and the Outdoor Centres.

Members further noted that responsibility for the provision of services on a non-commercial basis remained with the other relevant policy and service committees. Under the present constitutional arrangements, it was already possible for the C&I Committee to involve other policy and service committees in a decision, but it was up to the Chairman/woman of the C&I Committee to take the initiative in doing so.

The Committee discussed the issues raised at length. Points made in favour of keeping the present constitutional arrangements included:

- forward agenda plans were published for each policy and service committee; it was incumbent on every member and political group to make themselves aware of the decisions about to be made
- the need for a clear line of responsibility for decision-making was paramount; if additional committees were to be involved, there was a risk that different committees would reach differing decisions
- under the current arrangements, the C&I Committee could already seek the views of other committees.

Points raised in favour of changing the constitutional arrangements included:

- consultation between the C&I Committee and policy and service committees had in practice not gone beyond conversation between the chairs of committees. In the recent decision to close CCS, for example, no use had been made of the knowledge held by members of the Children and Young People Committee, and engagement by members not on the C&I Committee had been hampered by the confidential nature of the report
- without the engagement of other members, there was a risk of the C&I Committee taking decisions on the basis of less information than could have been available to it
- setting up a working group with another policy and service committee would not mean that there would be two committees trying to take a decision on a matter
- the remit of the C&I Committee was to make commercial decisions, not to consider the impact on partner agencies or schools.

The following amendment was proposed by Councillor Nethsingha and seconded by Councillor Dupre:

Constitution and Ethics Committee asks the Monitoring Officer to draw up proposals to require the Commercial and Investment Committee to consult with any service committee when changes to a traded service are proposed which would have an impact on that service committee.

On being put to the vote, the amendment was defeated.

It was proposed by the Chairman, seconded by Councillor Hickford, and agreed by a majority that

Having reviewed the current arrangements for the allocation of responsibilities to policy and service committees, the Constitution and Ethics Committee considered that there was no need to revise the Constitution to alter these arrangements.

Councillors Dupre, Nethsingha and Scutt asked that their votes against the motion be recorded.

34. QUORUM ARRANGEMENTS

Following concerns about quorum arrangements expressed at its meeting in February 2018, the Committee received a report setting out the current quorums for meetings of the Council and its committees. Members' attention was directed particularly to the arrangements for committees with a quorum of one quarter of the whole number of voting members; Policy and Service Committees, Planning Committee, and Audits and Accounts Committee were included in this group.

In discussion, members

- noted that no meeting of a Policy and Service Committee had ever been inquorate; in very severe weather, a meeting would probably be cancelled rather than take place with very few members present
- expressed the view that a committee should not be making decisions with fewer than half the full number of members present
- noted that there was no quorum prescribed in law for committees, but the statutory minimum quorum for full Council was one quarter, and one third for community councils
- suggested that a quorum of one half would not be unreasonable for committees, given that substitute members could be called upon to attend if a member was not available, but for full Council, where there were no substitutes, a quorum of one third would be more appropriate.

It was proposed by the Chairman and seconded by Councillor Connor and agreed by a majority

to recommend to full Council that the quorum for the committees listed in paragraph 1.3 of the report before Committee be raised from one quarter of the whole number of voting members to one half of the whole number of voting members.

It was proposed by the Chairman and seconded by Councillor Nethsingha and agreed unanimously

to recommend to full Council that the quorum for meetings of full Council be raised from one quarter to one third of the whole number of voting members.

35. SCHEME OF DELEGATION

The Committee received a report inviting it to recommend to Council that it agree the scheme of delegation or such part of it as the Constitution determined it was for Council to agree. Members noted that there was a requirement to bring Part 3 of the Constitution to every annual meeting of Council for approval.

Members commented that the City Deal had changed its name to the Greater Cambridge Partnership (GCP). Officers advised that the County's Constitution would be amended once the change of name had been incorporated in the governance documents published on the GCP website; Democratic Services was liaising with South Cambridgeshire colleagues who supported the GCP. Members noted that there would be changes to the Constitution arising from any decision to give the Police and Crime Commissioner responsibility for the fire service.

The Committee agreed that it would be sufficient to include a web link to the Constitution rather than reproducing Part 3 in the report to Council.

It was resolved unanimously

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).

36. ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)

The Committee received a report advising it of the resignation of Sean Brady as one of the Council's two Independent Persons, and of 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.

Members noted that the Council had originally appointed two Independent Persons in case one was unavailable or had a conflict of interests in a particular case. Once the Combined Authority's panel had been established, it would be possible to draw on the pool of independent persons in such circumstances, removing the need for the Council to have two Independent Persons.

It was resolved unanimously:

to not appoint a second independent person, at this stage, to replace Mr Sean Brady.

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

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 15 January 2018 to 12 April 2018.

Members were advised that the complaint which had been open at the date of the last report to Committee had now been concluded. The Independent Person and the Deputy Monitoring Officer had considered the matter, and decided that there had been no breach of the code, and no further action was required. The decision notice would be published on the Council's website.

It was resolved to note the contents of the report.

38. AGENDA PLAN

The Committee noted its agenda plan.

Chairman