

CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Tuesday 30th January 2018

Time: 2.00pm – 2.35pm

Place: Council Chamber, Shire Hall, Cambridge

Present: Councillors M McGuire (Chairman), D Connor, R Hickford, S Kindersley (substituting for Cllr Dupré), L Nethsingha, K Reynolds, J Scutt and P Topping

Apologies: Councillor L Dupré

20. DECLARATIONS OF INTEREST

None

21. MINUTES – 26th SEPTEMBER 2017

The minutes of the meeting held on 26th September 2017 were confirmed as a correct record and signed by the Chairman.

22. CHANGES TO THE LGSS SCHEME OF DELEGATION

The Committee received a report setting out proposed changes to the Constitution arising from an earlier restructure of LGSS, in the course of which various services had been returned to the County Council from LGSS (Chief Finance Officer / Section 151 Officer delegations, Property Services, and Strategic Asset Management). The structure of the LGSS Management Board and various management job titles had also been changed. Unlike Milton Keynes and Northamptonshire, Cambridgeshire had continued to delegate the Monitoring Officer function to LGSS.

Members noted that the affected sections of the Constitution were the Scheme of Delegation to Officers (Part 3D); Article 2, Officers; and Part 7, Management Structure, as set out in appendices A and B, and in a third appendix, Appendix C, which was included in an amendment sheet circulated at the meeting. This sheet also set out proposed changes to the delegated responsibilities of the Director: Corporate and Customer Services (Part 3D, page 14) which had not been formulated at the time the report was published. Changes to Directorate names and job titles, as set out more fully in the subsequent agenda item (minute 23 refers), had also been incorporated in the revised sections.

In answer to a member's question, officers confirmed that the proposed revisions did not include any policy changes.

It was resolved unanimously

to recommend to Full Council to agree:

- a) the revised Scheme of Delegation to Officers, Constitution Part 3D, attached as Appendix A, which included the LGSS Scheme of Delegation
- b) the revised Article 11, Officers, attached as Appendix B

- c) the changes set out in the amendment sheet, including Appendix C, Constitution Part 7, Management Structure
- d) such other, minor, amendments to the Council's Constitution as might be necessary as a result of the new LGSS Target Operating Model and changes to job titles.

23. COUNTY COUNCIL – PROPOSED CHANGES TO THE CONSTITUTION

The Committee received a report inviting it to consider proposed amendments to the Council's Constitution and, if appropriate, to recommend them to Full Council. The changes were needed because of a restructuring and renaming of two service areas, Children, Families and Adults; and Environment and Economy. These were now respectively People and Communities, and Place and Economy. In the course of the restructure, responsibility for various functions had been redistributed, and job titles changed, particularly within Place and Economy.

Members noted that the report set out proposals to realign the terms of reference for the Economy and Environment Committee and the Highways and Community Infrastructure Committee to those of the four Assistant Directors in Place and Economy, and also set out various changes to the terms of reference for the Adults Committee, the Children and Young People Committee, and the Communities and Partnership Committee.

Discussing the proposed changes, members noted that none of them affected the delivery of services, and that the committees' responsibilities would continue unchanged until Council took a decision on the proposals at its meeting on 20th March 2018.

Noting that it was proposed to add safeguarding and mental health to the Adults Committee summary of functions, and safeguarding to the Children and Young People Committee summary, members asked why mental health had not been added to the functions of the Children and Young People Committee too. Officers undertook to raise this question with the Executive Director: People and Communities; members accepted that there might well be a reason for the omission (Post-meeting note: the Executive Director: People and Communities has confirmed that the revised terms of reference of both the Adults Committee and the Children and Young People Committee should include safeguarding and mental health.).

Action required

The question was raised of the relationship of the remit of the Commercial and Investment Committee with that of other committees; for example, the Outdoor Education Service was within the Commercial and Investment Committee's remit because it was a traded service, but the Service's work was entirely relevant to the Children and Young People Committee. The Monitoring Officer acknowledged the potential confusion around the work of cross-cutting committees, and reminded members that, where a matter fell within the remit of more than one committee, the General Purposes Committee had authority to determine which committee would consider the matter.

Members concurred on the need for greater clarity on the relationships between Commercial and Investment Committee and other committees, and requested that a report be brought to the next meeting of the Constitution and Ethics Committee.

It was resolved unanimously

to recommend to full Council the proposed amendments to the Constitution relating to the terms of reference of the Adults Committee, the Children and Young People Committee, the Economy and Environment Committee, the Highways and Community Infrastructure Committee, and the Communities and Partnership Committee, as set out in the five appendices of the report before Committee

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

The Committee received a report on Council activity under the Regulation of Investigatory Powers Act 2000 (RIPA) for 2016–17. Members noted that the focus of activity of the Trading Standards team had changed, leading to a reduction in the Council's use of RIPA powers, and no authorisations had been made under RIPA in the past year.

Members also noted that the Surveillance Commissioner had issued guidance on the use of social media and how it could inadvertently fall under RIPA. A revision of the RIPA policy was being undertaken, and would be brought to the Committee's next meeting.

It was resolved to note the report.

25. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 14 SEPTEMBER 2017

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 13 June 2017 to 14 September 2017. In the course of discussion, members commented on the lack of sanctions available against members who breached the code of conduct.

It was resolved to note the contents of the report.

Chairman