

CONSTITUTION AND ETHICS COMMITTEE



Date: Thursday, 19 November 2015

Democratic and Members' Services

Quentin Baker

LGSS Director: Law, Property and Governance

14:00hr

Shire Hall
Castle Hill
Cambridge
CB3 0AP

**Kreis Viersen Room
Shire Hall
Cambridge
CB3 0AP**

AGENDA

Open to Public and Press

- | | | |
|----------|--|----------------|
| 1 | Apologies and Declarations of Interest | |
| | <i>Guidance for Councillors on declaring interests is available at http://tinyurl.com/ccc-dec-of-interests</i> | |
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The Constitution and Ethics Committee comprises the following members:

Councillor Mandy Smith (Chairwoman) Councillor David Brown Councillor Paul Bullen
Councillor Edward Cearns Councillor Roger Hickford Councillor John Hipkin Councillor Mac
McGuire Councillor Lucy Nethsingha Councillor Peter Reeve Councillor Kevin Reynolds
Councillor Jocelynn Scutt

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

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CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Tuesday 15th September 2015

Time: 2.00pm – 3.55pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M Smith (Chairwoman), A Bailey (substituting for Cllr D Brown), P Bullen, R Hickford, M McGuire, L Nethsingha, P Reeve, K Reynolds, J Scutt and A Taylor

Apologies: Councillor D Brown and J Hipkin

75. DECLARATIONS OF INTEREST

None

76. MINUTES – 23rd JUNE 2015 AND ACTION LOG

The minutes of the meeting held on 23rd June 2015 were confirmed as a correct record and signed by the Chairwoman. The action log was noted.

77. ALLOCATION OF SEATS AND SUBSTITUTES TO POLITICAL GROUPS

The Committee received a report inviting it to consider arrangements for allocating seats and substitutes to political groups in accordance with political balance rules.

Members noted that there had been a number of occasions over the past year on which seats had had to be reallocated unexpectedly. This had given rise to the question whether there could be a standing delegation to the Monitoring Officer and Chief Executive, in consultation with Group Leaders, to make the necessary adjustments. Officers had researched this suggestion, but had established that the Local Government and Housing Act 1989 required that reviewing the allocation of seats to political groups be a decision of Council. The present practice whereby Council, on a case-by-case basis, delegated the making of minor adjustments following a foreseeable by-election could continue, but it could not be extended or changed to a standing delegation.

It was resolved unanimously to note the report.

78. CONTRACT PROCEDURE RULES

The Committee received a report inviting it to consider a variation of the Contract Procedure Rules to amend the value limit at which procurement opportunities must be published. Members noted that recent changes to the Public Contracts Regulations 2015 meant that the Council would need to amend its current Contract Procedure Rules to reflect these changes, in particular the requirement to advertise on a national portal called Contracts Finder and to publish contract award notices.

In order to support the local economy, the Council currently required that contracts above £10,000 be advertised on Source Cambridgeshire (but without requiring

publication of a contract award notice), and that at least one quotation normally be from a local provider for all requirements above £2,000. To reduce the number of limits and procedures and bring them into line with the revised regulations, it was proposed to raise the threshold at which an advert must be placed on the Tender Advertising Portal from £10,000 to £25,000, but to require that two quotations, rather than one, be from a local provider wherever possible. It was also proposed to harmonise other contract procedure rules thresholds such as exemptions from £30,000 to £25,000.

In the course of discussion, members

- expressed concern at the impact on local small and medium-sized enterprises (SMEs) of the proposal to raise the advertising threshold, even with the amended requirement to obtain two local quotations rather than one.
- asked whether there were not many contracts at £10,000 or whether there was a lack of compliance with procedures; members were advised that there was a lack of compliance and that only a low proportion of opportunities above £10,000 and below £25,000 were being advertised.
- suggested that continuing the current requirement to advertise on Source Cambridgeshire above £10,000 would not place any additional burden on staff beyond what they were already expected to do, as there would be no need for them to publish a contract award notice below £25,000; it would however help to support local small and medium-sized enterprises (SMEs).
- noted that 'local' in this context referred to the area covered by the Cambridgeshire Local Enterprise Partnership (LEP).
- urged that opportunities above £10,000 continue to be advertised on Source Cambridgeshire with the addition of advertising above £25,000 on Contracts Finder.
- noted that ways of interfacing between Source Cambridgeshire and Contracts Finder were being explored, but that any subsequent change in Contracts Finder could have an adverse effect on the link to Source Cambridgeshire.

In the light of this information, members asked whether it would be possible to advertise all opportunities from £10,000 upwards on Contracts Finder, but expressed concern that local providers might not find the Contracts Finder advert. The Committee was assured that it would be possible to advertise all opportunities on Contracts Finder, and to place a signpost to Contracts Finder on the Source Cambridgeshire website.

It was proposed by Councillor Hickford and seconded by Councillor Reeve and agreed unanimously that the Committee recommend to Full Council that:

1. Amendments be made to the Contract Procedure Rules, as set out in Appendix A in respect of exemption thresholds and as set out below for advertising thresholds in order to reflect the requirements of the Public Contracts Regulations 2015.
2. All contracts above £10,000 be advertised on the national Contracts Finder site with appropriate signposting from the local Source Cambridgeshire site and

contract award notices be published following the award of contracts above £25,000.

3. The Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

79. GRANT OF DISPENSATIONS UNDER THE MEMBERS' CODE OF CONDUCT

The Committee received a report inviting it to approve revisions to the Members' Code of Conduct incorporating the provisions of the Localism Act 2011 that requests for dispensations should be in writing. When the granting of dispensations had been discussed at its previous meeting, the Committee had proposed that the Code of Conduct be amended to allow for the possibility that such a request could be made and granted orally in exceptional circumstances, but it had subsequently been established that such a request had to be made and granted in writing.

Members noted the report's proposal that, while normally five days' notice would be required, in exceptional circumstances a written request for dispensation might be submitted to the Monitoring Officer up to 24 hours before the relevant meeting. The request and dispensation would still have to be in writing.

In the course of discussion, members

- expressed disquiet at the concept of an officer giving permission to an elected member to speak and suggested that such permission might come more appropriately from the Chairman/woman of Council in consultation with the Monitoring Officer. Members were advised that legislation referred only to notice being given to the Proper Officer, and did not permit the Chairman/woman to give permission to speak.
- noted that it could occasionally be appropriate for dispensation to be granted to all, or a large number of, members, for example to enable the budget to be discussed, or the recommendations of an independent remuneration panel.
- noted that a member who had been granted a dispensation had to declare the nature and existence of the dispensation at a meeting before the start of the relevant item of business.
- described as a 'catch-all' the provision whereby the Monitoring Officer could grant a dispensation when he/she 'considers that it is otherwise appropriate to grant a dispensation'; members were advised that this had been directly derived from the legislation.
- suggested that it might be appropriate for the granting of any dispensation to be reported subsequently to the Constitution and Ethics Committee.
- noted that the Monitoring Officer, speaking from memory, had received only one request for a dispensation in the past three years.

It was resolved by a majority to

1. Note that Section 33 (1) of the Localism Act 2011 required that requests for dispensations must be in writing.
2. Recommend to Full Council that:-
 - (a) amendments be made to the Members' Code of Conduct to permit the grant of dispensations to Members as set out in Appendix 1 of the report before Committee;
 - (b) the Monitoring Officer be authorised to grant dispensations under the Members' Code of Conduct; and
 - (c) the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

80. DECISION REVIEW PROCEDURE RULES

The Committee received a report setting out proposed changes to the Decision Review Procedure Rules; the Committee had considered the matter at its previous meeting and asked that the report be reviewed and resubmitted to its next meeting. Members were specifically invited to consider whether they wished to provide for greater flexibility in rescinding decisions.

Discussing the report, members pointed out that the Audit and Accounts Committee was undertaking a review of the process by which the Cambridge Library Enterprise Centre (CLEC) proposals had emerged and been developed; it was likely that the report would include reference to the decision review process, and could recommend different changes to the review process from those recommended in the report presently before Committee. Some members suggested that it would be better to defer the matter until Council had received the Audit and Accounts Committee report. Other members expressed concern that the decision review arrangements in the Constitution had been shown to be unsatisfactory, and it was important to rectify this before another request for decision review arose.

It was proposed by Councillor Bullen and seconded by Councillor Scutt that the question of changes to the Decision Review Procedure Rules be deferred until after Council had considered the Audit and Accounts Committee report on CLEC. On being put to the vote, this proposal was defeated.

The Committee then considered each of the questions posed in the report recommendations in turn.

- In relation to 1(a), it did not wish to vary the list of committees subject to the decision review process.
- In relation to 1(b), some members were of the view that a committee should not be able to rescind a decision which was already subject to a review request, because this would be to override the wishes of those requesting the review; others maintained that a committee should be able to rescind its own decision, and that a decision which had been rescinded by the relevant committee should be added to the list of decisions which might not be reviewed.

- In relation to 1(c), there was discussion about what constituted new information, including whether for example it was information that had not been in the public domain at the time the original decision had been made, or was information that had not been known to the Committee; it was observed that a decision proving unpopular did not constitute new information.

Looking at the question of bringing the Committee Procedure Rules into line with the Council Procedure Rules on rescission of a previous decision, the Committee considered what might be a reasonable number of members required to move rescission, given that one third of the members had to sign the notice of motion to rescind a decision of Council. Some suggested that a combined threshold of new information and a specified number of members required to sign the motion would be appropriate, others urged that the Committee await the findings of the Audit and Accounts Committee report, as it could well cover the question of rescinding decisions.

It was proposed by Councillor McGuire and seconded by Councillor Bailey that the Committee defer consideration of recommendation 1(c) and request the Monitoring Officer to provide further information on what constituted new information, with examples. On being put to the vote, the motion was agreed by a majority.

Action required

It was resolved by a majority:

1. that the Committee:
 - a) did not wish to recommend revision of Article 6 and Rule 2 of the Decision Review Rules (Decisions which may be subject to review) to vary the list of committees which were currently subject to the decision review process
 - b) wished to recommend revision of Rule 3 of the Decision Review Rules (Decisions which may not be reviewed) to cover the position where a decision was rescinded prior to the consideration of a decision review request.
2. To recommend to full Council that, subject to 1 b) above:
 - a) Part 4.5 of the Constitution (Decision Review Rules) be amended as set out in Appendix A of the report before Committee
 - b) Article 6 of the Constitution (The Decision Review Process and Statutory Scrutiny Function) be amended as set out in Appendix B.
3. That the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

81. SCHEME OF DELEGATION TO OFFICERS

The Committee received a report informing it of the current conditions and limitations on the exercise of delegated powers by officers of the Council contained within the Scheme of Delegation and Schemes of Authorisation. Members noted that when exercising delegated powers under the existing Scheme of Delegation,

officers were required to ensure that local Members be kept informed of matters affecting their divisions. From the discussion at the Committee's previous meeting, it had however become clear that existing rules were not being complied with, which had led to the present recommendation that the Committee endorse the proposal for steps to be taken to raise officers' awareness of this requirement, and of the requirement to publish decisions taken under delegated powers.

Discussing the report, members expressed support for the recommendations, commenting that the Monitoring Officer's guidance needed to be firm. Members noted that he proposed to raise the matter with the Corporate Leadership Team, send a briefing note to officers, make use of the Chief Executive's intranet blog, and arrange for the requirements to be included in new officers' induction sessions. The Democratic Services Manager had already emailed SMT the relevant sections of the Constitution to the Strategic Management Team and asked them to disseminate the requirements to their management teams.

Members asked that the awareness-raising include asking officers to ensure that local members were informed in advance of press releases affecting their divisions.

It was resolved unanimously:

1. To note the current conditions and limitations on the exercise of delegated powers by officers of the Council within the Scheme of Delegation and Schemes of Authorisation, as outlined in paragraph 4.
2. To endorse the proposal for the Monitoring Officer to take appropriate steps to raise awareness of the requirements to:-
 - a. consult/inform Local Members on the exercise of delegated powers as provided in the Schemes of Delegation and Authorisation; and
 - b. Publish delegated decisions in accordance with the requirements of The Openness of Local Government Bodies Regulations.

82. FORWARD AGENDA PLAN

The Committee reviewed its forward agenda plan. The Chairwoman explained that the item 'Code of Conduct: declaration of membership of the Freemasons' had been moved from November to January to reduce the pressure on January's agenda, but in view of concerns expressed at the delay in dealing with a request from Council, it would be restored to the committee agenda for November.

The Committee authorised the Chairwoman and Monitoring Officer to review the agenda plan and make any further moves necessary to achieve agendas of manageable length.

83. DATE OF NEXT MEETING

It was noted that the next meeting was due to take place at 2pm on 19th November 2015.

Chairwoman

CONSTITUTION AND ETHICS COMMITTEE ACTION LOG –MINUTES OF 15 SEPTEMBER 2015

MIN.NO.	TITLE OF REPORT / MINUTE AND ACTION REQUESTED	ACTION BY	COMMENTS
78.	CONTRACT PROCEDURE RULES		
	<p>Resolved to recommend to Full Council that:</p> <ol style="list-style-type: none"> 1. Amendments be made to the Contract Procedure Rules, as set out in Appendix A in respect of exemption thresholds and as set out below for advertising thresholds in order to reflect the requirements of the Public Contracts Regulations 2015. 2. All contracts above £10,000 be advertised on the national Contracts Finder site with appropriate signposting from the local Source Cambridgeshire site and contract award notices be published following the award of contracts above £25,000. 3. The Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals. 	<p>M Rowe</p> <p>G de Silva</p> <p>G de Silva</p> <p>Q Baker</p>	<p>Agreed by Council on 13.10.15</p>
79.	GRANT OF DISPENSATIONS UNDER THE MEMBERS' CODE OF CONDUCT		
	<p>Resolved to recommend to Full Council that:</p> <ol style="list-style-type: none"> (a) amendments be made to the Members' Code of Conduct to permit the grant of dispensations to Members as set out in <u>Appendix 1</u> of the report before Committee; (b) the Monitoring Officer be authorised to grant dispensations under the Members' Code of Conduct; and (c) the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any 	<p>M Rowe</p>	<p>Agreed by Council on 13.10.15</p>

MIN.NO.	TITLE OF REPORT / MINUTE AND ACTION REQUESTED	ACTION BY	COMMENTS
	other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.		
80.	DECISION REVIEW PROCEDURE RULES		
	Decision on revision of Rule 17 of the Committee and Sub Committee Procedure Rules (Previous Decisions and Motions) deferred pending provision by the Monitoring Officer of further information on what constituted new information, with examples	Q Baker	On Committee agenda 19.11.15
	Resolved to recommend to full Council that	M Rowe	Agreed by Council on 13.10.15
	a) Part 4.5 of the Constitution (Decision Review Rules) be amended as set out in <u>Appendix A</u> of the report before Committee		
	b) Article 6 of the Constitution (The Decision Review Process and Statutory Scrutiny Function) be amended as set out in <u>Appendix B</u> .		
81.	SCHEME OF DELEGATION TO OFFICERS		
	Monitoring Officer to take appropriate steps to raise awareness of the requirements to:-	Q Baker	a. Email sent to Strategic Management Team on 07.09.15 asking them to remind their Management Teams of the need to keep Local Members informed
	a. consult/inform Local Members on the exercise of delegated powers as provided in the Schemes of Delegation and Authorisation; and		b. On Council's website at http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Committee.aspx?committeeID=90
	b. Publish delegated decisions in accordance with the requirements of The Openness of Local Government Bodies Regulations.		
82.	FORWARD AGENDA PLAN		
	Chairwoman and Monitoring Officer to review the agenda plan and make any further moves necessary to achieve agendas of manageable length	Q Baker/ Cllr Smith	See agenda plan, item 11

GREATER CAMBRIDGE CITY DEAL EXECUTIVE BOARD DELEGATIONS

To: **Constitution and Ethics Committee**

Meeting Date: **19th November 2015**

From: **LGSS Director of Law, Property & Governance**

Electoral division(s): **Abbey; Arbury; Bar Hill; Bassingbourn; Bourn; Castle; Cherry Hinton; Coleridge; Cottenham, Histon and Impington; Duxford; East Chesterton; Fulbourn; Gamlingay; Hardwick; King's Hedges; Linton; Market; Melbourn; Newnham; Papworth and Swavesey; Petersfield; Queen Edith's; Romsey; Sawston; Trumpington; Waterbeach; West Chesterton; Willingham.**

Forward Plan ref: **Key decision: No**

Purpose: **To consider clarifications of the delegations made to the Greater Cambridge City Deal Executive Board and to recommend that Council makes the appropriate changes to its Constitution to reflect this.**

Recommendation: The Committee is recommended to endorse and propose to Council that:

- a) a City Deal infrastructure scheme is one arising from the Greater Cambridge City Deal which 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 the County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating Authorities;
- b) the responsibility for making decisions regarding Traffic Regulation Orders for City Deal infrastructure schemes is confirmed as being delegated to the Greater Cambridge City Deal Executive Board;
- c) the responsibility for making decisions around and exercising Compulsory Purchase Order powers for City Deal infrastructure schemes is confirmed as being delegated to the Greater Cambridge City Deal Executive Board;
- d) the responsibility for making decisions around Side Roads Orders for City Deal infrastructure schemes is confirmed as being delegated to the Greater Cambridge City Deal Executive Board;
- e) the responsibility to promote Transport and Works Act Orders for City Deal infrastructure schemes is confirmed as being delegated to the Greater Cambridge City Deal Executive Board;
- f) the responsibility for considering planning applications for City Deal infrastructure schemes is delegated to the Joint Development Control Committee for Cambridge Fringes; and
- g) the Terms of Reference of the Joint Development Control Committee for Cambridge Fringes, the Economy and Environment Committee, the Highways and Community Infrastructure Committee, and the Cambridge City Joint Area Committee be amended accordingly.

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1. BACKGROUND

- 1.1 Full Council on 16 December 2014 approved the formation of the Greater Cambridge City Deal Joint Assembly and Executive Board, and agreed to delegate certain functions to the Executive Board as the decision-making body for the Greater Cambridge City Deal.
- 1.2 The Executive Board Terms of Reference includes the following wording in paragraph 4.3, which sets out the scope of the delegated responsibilities:

“The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge City Deal and to undertake any actions necessary, incidental or ancillary to achieving those objectives, and, accordingly, the three Councils shall make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three Councils.”

2. MAIN ISSUES

- 2.1 In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements, and particularly the delivery of the infrastructure investment programme on a very tight timescale, it is considered necessary to clarify the delegations that are considered to have been made.
- 2.2 The wording under paragraph 1.2, drawn from the Executive Board Terms of Reference, makes clear that the Executive Board is empowered to undertake any actions necessary, incidental or ancillary to achieving the objectives of the City Deal. Officers have considered the functions that could be considered to be covered by this wording, and have made recommendations in each case to provide clarification. These functions are:
- Traffic Regulation Orders (TROs)
 - Compulsory Purchase Orders (CPOs)
 - Side Roads Orders (SROs)
 - Transport and Works Act Orders (TWAOs)
 - Grant of Planning Consent
- 2.3 In each instance a recommendation is made for further action that would provide this clarity.

Definition of City Deal infrastructure schemes

- 2.4 In order to delineate the boundaries of the City Deal Board delegated authority it is necessary to define what is considered to constitute a ‘City Deal infrastructure scheme’. This definition will then be used to determine which body holds the responsibility for making the decision concerned. The following definition is proposed:

“A City Deal infrastructure scheme is one arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- i. Has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme.*
- ii. Is, or has been funded in whole or in part by funds received by the County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating Authorities.”*

Traffic Regulation Orders

- 2.5 TROs, established under the Road Traffic Regulation Act 1984, are legal instruments that are used to regulate parking in particular. They are designed to regulate, restrict or prohibit the use of roads by vehicles or pedestrians. There is a statutory requirement to undertake a public consultation where a TRO is needed, with the outcome of that consultation being considered when the decision is made on whether or not to grant a TRO.
- 2.6 Generally speaking any major transport infrastructure scheme that includes the public highway will require at least one TRO. This is expected to be the case for most, if not all, of the schemes delivered through the City Deal.
- 2.7 Outside of the City Deal arrangements, decisions relating to TROs in Cambridgeshire are made by either the Cambridge City Joint Area Committee or the Council’s Highways & Community Infrastructure Committee. These Committees decide upon objections to TROs following public consultations.
- 2.8 The delegations made to the Executive Board are considered to include the power to make decisions regarding TROs when they relate to City Deal infrastructure schemes, including considering the outcomes of public consultations. However, to ensure that the processes around the delivery of the City Deal infrastructure programme are clear, it is recommended that the County Council confirms explicitly that this delegation has been made.

Compulsory Purchase Orders

- 2.9 A CPO is a legal instrument that allows certain bodies (including the partner Councils) to purchase land without the owner’s consent. It can be enforced if it is considered necessary in order to deliver public benefit, and can be particularly pertinent for transport infrastructure schemes. It is normal practice to seek CPOs on a contingency basis in parallel with negotiations with landowners to avoid delays to projects. Some City Deal infrastructure schemes will require the use of CPO powers in order to deliver the wider benefits that are expected to be associated with those schemes.
- 2.10 For the purposes of the City Deal, it is the County Council’s CPO powers that are most important. Outside of the City Deal arrangements, the County Council’s CPO powers are vested in the Economy & Environment Committee, which takes responsibility for promoting and exercising CPOs. The final decision to grant a CPO rests with the Secretary of State.

- 2.11 The decision made by the County Council to delegate responsibilities to the Executive Board is considered to include the power to promote and exercise CPO powers for City Deal infrastructure schemes in Cambridge City and South Cambridgeshire. To ensure that there is clarity around the processes involved in delivering the City Deal infrastructure programme, it is recommended that the County Council's CPO powers are confirmed as being delegated to the Executive Board.

Side Roads Orders

- 2.12 An SRO is an instrument established under the Highways Act 1980 that allows a Highway Authority (in the local context this refers to the County Council) to alter roads or other highways affected by a major transport infrastructure scheme. This deals with roads that are not specifically along the alignment of the scheme, but are impacted by or impact upon the scheme. It is likely to be the case that SROs are required for several City Deal infrastructure schemes. As with CPOs, the County Council acts as the promoter for SROs but the decision to grant these rests with the Secretary of State.
- 2.13 Outside of the City Deal arrangements, the responsibility for promoting SROs rests with the Economy & Environment Committee. The delegation made to the Executive Board means that this responsibility, where it relates to a City Deal infrastructure scheme, has been delegated to the Executive Board. It is recommended that this is explicitly confirmed by the County Council.

Transport and Works Act Orders

- 2.14 The Transport and Works Act 1992 established TWAOs as the default means of authorising the creation of a new railway, tramway or guided busway scheme, except for "nationally significant rail schemes in England". TWAOs can include within them TROs, CPOs and deemed planning consent. The County Council has the power to promote a TWAO, whilst the decision to grant a TWAO rests with the Secretary of State. As the prioritised City Deal infrastructure schemes are being developed at the moment, it is unclear if the final proposals for those schemes would require the granting of a TWAO.
- 2.15 The delegation made to the Executive Board is considered to include the responsibility for promoting TWAOs for City Deal infrastructure schemes. It is recommended that the County Council explicitly confirms that this delegation has been made.

Planning Consent

- 2.16 City Deal infrastructure schemes that are not within the highway will require planning consent in order to be delivered. Planning consent for transport schemes promoted by the County Council is considered by the County Council's Planning Committee, however the County Council has already delegated decisions on County Council applications to the Cambridge Fringes and Northstowe Joint Development Control Committees where applications fall within their respective remits.
- 2.17 Legal advice suggests that planning decisions should where possible be made across the relevant geography – in this case Cambridge City and South Cambridgeshire. By doing so, it is possible to ensure that planning decisions

most accurately reflect local circumstances, ambitions and constraints. It is therefore recommended that the most appropriate way to implement this principle would be to modify the remit of the Cambridge Fringes Joint Development Control Committee, which includes Members from all three partner Councils, to include planning permission for City Deal infrastructure schemes.

- 2.18 It is proposed that the Cambridge Fringes Joint Development Control Committee retains its geographical coverage, except in the case of City Deal infrastructure schemes when its geographical coverage extends to the whole area of Cambridge City and South Cambridgeshire. Short of creating a new Committee, this is considered to be the most appropriate available option. It is proposed to revise the Terms of Reference of the JDCC as set out in Appendix A (deletions are struck through and additions shown underlined).

Consequential changes to other Terms of Reference

- 2.19 In order to reflect the Greater Cambridge City Deal Executive Board's responsibility for City Deal infrastructure schemes, it is proposed to revise the Terms of Reference of the Economy and Environment Committee (see Appendix B), the Highways and Community Infrastructure Committee (Appendix C), and the Cambridge City Joint Area Committee (Appendix D).
- 2.20 A further change is proposed to the Terms of Reference of the Cambridge City Joint Area Committee. This is intended to clarify the meaning of one of the Committee's powers, where it is unclear to what the phrase 'of more than local significance' applies. Officers involved in the early development of the Terms of Reference confirm that the intention was to apply these words only to 'cycle and pedestrian schemes', and that there should be no comma between 'parking' and 'regulation'. The proposed revised wording has been discussed with City Council officers and is set out in Appendix D.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

There are no significant implications within this category.

4.2 Statutory, Risk and Legal Implications

The following bullet points set out details of significant implications identified by officers:

- The recommendations made in this report would require some changes to the Council's Scheme of Delegations to clarify and confirm those delegations that are already considered to have been made but are not considered to be sufficiently clear.
- Leaving the responsibilities that are recommended to be confirmed as within the remit of the Greater Cambridge City Deal Executive Board with their 'business as usual' owners risks introducing conflict at several stages between the Executive Board and other bodies, which would substantially harm the delivery of the City Deal programme and reduce the likelihood of securing future City Deal funding (of which up to £400 million is potentially available).
- This would also cause substantial reputational harm, as the business community would see Greater Cambridge as a less attractive place to invest.

4.3 Equality and Diversity Implications

There are no significant implications within this category.

4.4 Engagement and Consultation Implications

The following bullet points set out details of significant implications identified by officers:

- Legal advice and the recommendations made in this report have been subject to discussion among the three partner Councils in the Greater Cambridge City Deal (the County Council, Cambridge City Council and South Cambridgeshire District Council).

4.5 Localism and Local Member Involvement

The following bullet points set out details of significant implications identified by officers:

- The recommendations made in this report would strengthen the ability of the Greater Cambridge City Deal Executive Board to deliver its ambitious infrastructure programme.
- This would empower this body that is acting more locally across Cambridge City and South Cambridgeshire, and would ensure that most decisions affecting the infrastructure programme are being made and controlled within that area, rather than by the wider County.

4.6 Public Health Implications

There are no significant implications within this category.

Source Documents	Location
Constitution & Ethics Committee – Greater Cambridge City Deal: Establishment of Joint Committee (11 November 2014)	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/AgendaItem.aspx?agendaItemID=10582

Appendix A

A. TERMS OF REFERENCE FOR JOINT DEVELOPMENT CONTROL COMMITTEE FOR CAMBRIDGE FRINGES [extract]

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 developments¹ 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

¹ 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.



Infrastructure scheme in question. A “City Deal Infrastructure scheme” is 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 ~~Services~~, 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, and 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.



Appendix B

4. ECONOMY AND ENVIRONMENT POLICY AND SERVICE COMMITTEE

Membership

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

Summary of Functions

Delegated authority to exercise all the County Council's functions, not otherwise reserved to Full Council, relating to the Economy and Environment within Cambridgeshire including the following:

- Adult Learning and Skills
- Growth and Economy
- Major Infrastructure Delivery
- Passenger Transport
- Transport Infrastructure Policy and Funding

Delegated Authority	Delegation/ Condition
Authority for exercising all powers and implementing all strategies associated with the Council's Economy and Environment functions which are not otherwise reserved for Full Council or any other body.	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Planning, Strategic Environment and Transportation	
<p>Authority for exercising the Council's functions in respect of all areas covering the following:</p> <ul style="list-style-type: none"> • County Planning - Minerals and Waste • Historic Environment • Flood and Water Management • Enterprise and Economy • Managing Local Energy Investment (MLEI) • Growth and Development including Travel for Work • Funding and Innovation • Managing capital programme • Major Infrastructure delivery projects (transport, highways and cycling) , <u>with the exception of infrastructure delivery projects that form part of a City Deal Infrastructure scheme as defined in the Terms of Reference for Joint Development Control Committee for Cambridge Fringes</u> • Transport and Infrastructure Policy • Transport and Infrastructure Funding • CIL/S106 funding / innovative approaches 	



Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none">• Funding bids• Cambridgeshire Guided Busway• Park and Ride and Quality Bus Partnership• Public Transport• Social and Education Transport• Adult Careers Information and Guidance• Adult Skills including apprenticeships• Learning Services including online• Community Learning• Connecting Cambridgeshire Programme	
Authority to exercise the statutory functions in relation to the scrutiny of flood risk management under the provisions of the Flood and Water Management Act 2010	



Appendix C

6. HIGHWAYS AND COMMUNITY INFRASTRUCTURE POLICY AND SERVICE COMMITTEE

Membership

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

Summary of Functions

Delegated authority to exercise the County Council's functions, other than those reserved to Full Council, in relation to highways and community infrastructure within Cambridgeshire including:

- Assets and Commissioning
- Community and Cultural Services
- Supporting Businesses and Communities
- Local Infrastructure and Street Management.

Delegated Authority	Delegation/ Condition
Authority for exercising all powers and implementing all strategies associated with the Council's Highways and Community Infrastructure functions which are not otherwise reserved for Full Council or any other body.	
<p>Authority for exercising all functions of the Council relating to the following:</p> <ul style="list-style-type: none"> • Trading Standards • Cultural Growth and Participation – Arts, Museums and Sport • RECAP (Recycling in Cambridgeshire and Peterborough partnership) • Parking Services • Safety of Sports Grounds • Road, streets and paths maintenance, operations and enforcement • Local Highway Improvement Initiative • Gritting, verge cutting and other routine works • Traffic Management systems and regulations • Road Safety • Maintaining Highways and rights of way records • Asset Management and information • Major Contracts (Highways services, waste and street lighting) • Libraries • Archives 	

Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none"> Registration Coroners Cromwell Museum 	
Authority to approve the Food and Feed Plan	
Authority to approve minor changes to the overarching Enforcement Policy and the Enforcement Policy specifically covering age restricted goods, following an annual review of these policies by the Head of Supporting Businesses and Communities	
Authority to approve changes to the overarching Business and Consumer Advice Policies following an annual review by the Head of Supporting Businesses and Communities	
Authority to approve the Safety of Sports Grounds Policy	
Authority to approve the annual Parking Operations Report	
<p>Authority to exercise, in accordance with the relevant policies of the authority and within the budget allocated for the purpose, the powers of the County Council regarding the following issues within the County's administrative boundary.</p> <ul style="list-style-type: none"> Authority to determine traffic regulation orders/statutory notices where the completion of the statutory consultation process results in objections, as per the relevant Highway, Road Traffic Regulation and Traffic Management legislation, <u>with the exception of traffic regulation orders/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</u> Authority to approve the Transport Delivery Plan 	Head of Local Infrastructure and Street Management in consultation with the Local Members for all districts, except Cambridge City.
Authority to agree proposed revisions to Library Byelaws for submission to the Department for Culture, Media & Sport for approval	Final approval required from DCMS
Authority to revise and agree the Service Delivery Policy for Libraries	
Authority to agree or revise a scheme for the delivery of registration services in accordance with the Registration Services Acts 1952 and 2007	In consultation with the General Register Office



Appendix D

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. ~~Consider and advise on the need for traffic management, parking, regulation, cycle and pedestrian schemes of more than local significance, and the results of consultations, having regard to available resource.~~
 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. 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.

REVIEW OF APPEALS AGAINST DISMISSAL POLICY

To: **Constitution and Ethics Committee**

Date: **19th November 2015**

From: **LGSS Head of People**

Electoral division(s): **All**

Purpose: **To consider the recommendation of the Staffing and Appeals Committee that the Constitution be amended to provide that all appeals against dismissal be heard by a Director sitting alone who would be completely independent of the case.**

Recommendation: **The Committee is asked to recommend to Council that the constitution be amended in accordance with the recommendation of the Staffing and Appeals Committee, that all* appeals against dismissal will be heard by a Director sitting alone who would be completely independent of the case (* except for Chief Officers and where procedures for statutory officers apply).**

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1.0 INTRODUCTION

- 1.1 On 23 September 2015, the Staffing and Appeals Committee considered a report outlining a recommendation to revise the Council's HR policy on "Appeals Against Dismissal".

This report outlines the Staffing and Appeals Committee's recommendation and the resulting changes that are required to the Council's constitution.

2.0 BACKGROUND

- 2.1 Appeals against dismissal are currently heard by either:

- a Staffing and Appeals panel comprising three elected members
- an independent Corporate Director and a relevant adviser (*some redundancy situations and expiry of fixed contracts only*)

and this is set out in the Council's constitution.

- 2.2 The Staffing and Appeals Committee considered the reasons for a review including that the Council's constitution which states it is officers who are responsible for making decisions and to manage the day to day delivery of its services.

Employment issues (other than for the most senior officers) are the responsibility of officers, therefore the Chief Executive (Mark Lloyd) asserted it would follow that senior managers and directors should be empowered and accountable for their actions for which they are remunerated appropriately for.

3.0 THE STAFFING AND APPEALS COMMITTEE'S RECOMMENDATION

- 3.1 The Staffing and Appeals Committee concluded to support the Chief Executive's recommendation (Section 3.2) subject to the safeguards recommended.

3.2 Recommendation

All dismissal appeals to be heard by a Director sitting alone who is completely independent of the case. The policy will continue to exclude appeals from The Head of Paid Service and Chief Officers.

The Staffing and Appeals committee to provide an overarching scrutiny on employment matters.

Recommended Safeguards (to ensure a reasonable conclusion is reached)

Training for Directors who hear appeals will be mandatory.

- A senior member of the HR Advisory Team will still be present to advise Directors at an Appeal, and Legal advice can be sought where necessary (in addition to when dismissal is being considered).
- The Head of People will retain corporate oversight.
- An annual report will be submitted to Staffing and Appeals Committee detailing the number of appeals, reasons, outcomes etc, in order that the Staffing and Appeals Committee are able to scrutinise the process and retain an overarching scrutiny approach to dismissal appeals.

4.0 CONSTITUTION CHANGES REQUIRED

- 4.1 The Staffing and Appeal Committee’s recommendation requires changes to the Council’s constitution. Therefore this report requests that the Constitution and Ethics Committee consider the required changes in accordance with Part 3B Section 8 of the Council’s constitution. *“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”.*
- 4.2 Amendments are required to the terms of reference for the Staffing and Appeals Committee and Service Appeals Sub-Committee (Part 3B-11), and to the Scheme of Delegation to Officers (Part 3D). The proposed changes are set out in Appendices A and B; deleted text is shown struck through and new text underlined.

Source Documents	Location
None	N/A

Appendix A

11. STAFFING AND APPEALS COMMITTEE

Membership

Eleven 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 and ~~hearing disciplinary appeals.~~

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 for oversight of the Council's functions in connection with employee relations including arrangements for consultation/ negotiation with Trades Unions	



The Constitution

Part 3B - Responsibility for Functions
Committees of Council
Staffing and Appeals Committee

Delegated Authority	Delegation/ Condition
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 staff against disciplinary decisions and 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	
Authority to determine appeals against dismissal on the grounds of discipline, work performance, absence, statutory ban or some other substantial reason (SOSR).	
Authority to determine proceedings in relation to teachers for dismissal for any reason	
To determine appeals by teachers against dismissal for any reason and against formal disciplinary warnings issued by designated officers	



The Constitution

Part 3B - Responsibility for Functions

Committees of Council

Staffing and Appeals Committee

Appendix B**Part 3D - SCHEME OF DELEGATION TO OFFICERS (extract)****The LGSS Joint Committee Scheme of Delegation**
Shared Services and Delegated Functions**1. The Shared Services**

- 1.1 The Organisational Development and Human Resources Service, CCC & NCC
- 1.2 The Internal Audit Service, CCC & NCC
- 1.3 The Procurement Service, CCC & NCC
- 1.4 The Legal Service, CCC & NCC
- 1.5 The Finance Service, CCC & NCC
- 1.6 The ERP Development and Systems Administration Service CCC & NCC
- 1.7 The Information Technology Service
- 1.8 The Property, Performance & Research Service (- For clarity this excludes Facilities Management and Buildings Maintenance (NCC only))
- 1.9 Property and Asset Management Service (NCC)
- 1.10 The Pensions Service - Administering Authority and Employer, CCC & NCC.
- 1.11 Democratic Services, CCC & NCC

2. Delegation of Functions and Responsibilities**General Principles**

- 2.1 The Councils each agree that the Shared Services listed above will be provided under the auspices of the Joint Committee (LGSS) which shall be responsible for the provision of the Shared Service under delegated authority from the Councils to the Joint Committee, which is set out set out below at Table 1 in respect of CCC and Table 2 in respect of NCC. These delegations are subject to the conditions, limitations and the specific reservations, set out below.
- 2.2 In order to facilitate the efficient and effective conduct of the Shared Services, the Joint Committee shall delegate certain functions and responsibilities to The Managing Director (LGSS) and to the Service Directors (LGSS).
- 2.3 The Managing Director (LGSS) and the Service Directors (LGSS), where they consider it necessary and expedient, may sub delegate to officers within their respective service Directorates. If such delegations are made, the relevant Service Director (LGSS) shall prepare and maintain a written schedule of delegations to be available for inspection by the Monitoring Officers and S.151 Officers of the Councils.

- 2.4 Where an Officer listed in this scheme of Delegation is absent for any period, the Managing Director (LGSS) may nominate in writing another officer to act in his/her place during his/her absence and shall make a record of all such nominations.
- 2.5 Without prejudice to the generality of the above and to any specific delegation listed below, the officers listed in this section are authorised to exercise the following functions of the Council, the Leader and the Head of Paid Service, which relate to their area of responsibility.

Conditions Relating to the Exercise of Delegated Authority

- 2.6 The exercise of functions delegated to officers under this scheme must comply with:
- i) any legal requirement or restriction
 - ii) the relevant Council's Constitution
 - iii) the relevant Council's policy framework and any other plans and strategies approved by the relevant Cabinet or Full Council/relevant Committee
 - iv) the relevant in-year budget
 - v) the relevant officers code of conduct
 - vi) relevant Procurement Standing orders and financial regulations
 - vii) all other relevant policies, procedures, protocols and provisions.

Limitations to the Exercise of Delegated Powers

- 2.7 Officers in the exercise of functions delegated by this scheme may not:
- i) make Key Decisions as defined in the relevant Council's Constitution
 - ii) change or contravene policies or strategies approved by the Council (in the case of Cambridgeshire County Council) or the Cabinet (in the case of Northamptonshire County Council) in the absence of specific delegated authority to do so
 - iii) create or approve new policies or strategies, in the absence of specific delegated authority to do so
 - iv) take decisions to withdraw public services, in the absence of specific delegated authority to do so
 - v) take decisions to significantly modify public services without consulting the appropriate Cabinet Member (in the case of Northamptonshire County Council) or Full Council/Committee Chairman/woman (in the case of Cambridgeshire County Council) before exercising the delegated power.

Consultation

- 2.8 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member or Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman) before exercising the delegated powers.
- 2.9 When exercising delegated powers, officers shall ensure that local Members are kept informed of matters affecting their divisions.



3. Specific Delegations - Cambridgeshire County Council

Table 1 - Delegations from Cambridgeshire County Council

	Delegation to JC from CCC	Delegation to Officer	Condition
3.1	General		
	To have overall responsibility for the provision, to the Councils, of the Shared Services.	None	In accordance with all relevant financial, accounting, Constitutional and legal requirements.
	To consider and approve the annual report for LGSS.	None	
	To consider and approve the annual service plan for each Shared Service and make recommendations to the Council's as to the provision of financial and other resources.	None	
	Responsibility for the operational management of the Shared Services, (CCC), including determining the number, grade, title and nature of staff deployed and all other terms and conditions, in addition to ensuring their proper management.	Managing Director (LGSS) for all Shared Services or in his/her absence, the Chief Executives of the Councils. Directors (LGSS), in respect of the services within their remit.	Subject to budget and in accordance with the relevant Council's policies and procedures.
	To instigate and undertake the selection, recruitment and appointment to, the post of Managing Director (LGSS).	None	In accordance with any protocol agreed by the Joint Committee.
	In respect of the Managing Director (LGSS), to: a) instigate disciplinary and capability investigations and proceedings and to take action up to and including dismissal, and b) implement all other relevant HR policies and exercise any associated decision-making powers.	Chief Executive CCC	Where CCC is employing authority for Managing Director LGSS.



	Delegation to JC from CCC	Delegation to Officer	Condition
	To arrange for and undertake the recruitment and appoint to, the posts of Service Directors (LGSS).	Managing Director (LGSS) or in his/her absence, the Chief Executives of the Councils.	Subject to the provisions of the Local Authority (Standing Orders) Regulations 2001.
	In respect of the Directors (LGSS), to a) instigate disciplinary and capability investigations and proceedings and to take action up to and including dismissal <u>and appeal</u> , and b) implement all other relevant HR policies and exercise any associated decision-making powers.	Managing Director (LGSS) or in his/her absence the Chief Executives of the Councils.	In consultation with the LGSS: Director of People, Transformation and Transactions (PT&T) or his/her nominated deputy; In accordance with the employing council's HR policies and subject to the provisions of the Local Authority (Standing Orders) Regulations 2001.
	To arrange for and undertake the recruitment and appoint to, all Relevant Employees with the exception of the Managing Director (LGSS) and Service & ODs (LGSS).	Managing Director (LGSS) and/or Directors (LGSS).	
	In respect of Relevant Employees other than the Managing Director (LGSS) and Directors (LGSS), to: a) instigate disciplinary and capability investigations and proceedings and to take action up to and including dismissal <u>and appeal</u> , and b) implement all other relevant HR policies and exercise any associated decision-making powers.	Managing Director (LGSS) and Directors (LGSS) (in relation to posts within their Directorate).	In consultation with the LGSS: Director of PT&T and in accordance with the relevant Council's HR policies and procedures.
	To invite tenders and to enter into contracts In respect of goods or services directly relating to the provision of the Shared Services.	Managing Director (LGSS) and/or Directors (LGSS).	In accordance with relevant procurement standing orders and any financial limits in place.



	Delegation to JC from CCC	Delegation to Officer	Condition
3.2	Human Resources and OD		
	Responsibility for the operational management of the Shared Services within the remit of Human Resources and OD,(CCC), including authority to determine the number, grade, title and nature of staff deployed and all other terms and conditions in addition to ensuring their proper management.	Director (LGSS) People, Transformation & Transactions (PT&T)	Subject to budget and in accordance with the relevant Council's policies and procedures.
	To co-ordinate CCC's response to national consultations on terms and conditions of employment, in consultation with the relevant Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman).	LGSS: Director PT&T	
	To implement national and local pay awards/ changes to terms and conditions of employment for employees.	LGSS: Director PT&T	
	To negotiate recognition agreements and local agreements with the trade unions on behalf of CCC, in consultation with the relevant Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman).	LGSS: Director PT&T	
	To co-ordinate CCC's response to retention/recruitment problems within the agreed financial and policy framework, in consultation with the relevant Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman).	LGSS: Director PT&T	
	To advise the Chief Executive on CCC's response to any industrial action affecting CCC's services, in consultation with the relevant Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman), so that he/she can determine the CCC response.	LGSS: Director PT&T	
	To mediate on individual cases or collective disputes to attempt to resolve issues before they are referred to members either at appeal or via the collective disputes procedure	LGSS: Director PT&T	In consultation with the LGSS: Director of Law, Property and Governance (LP&G)



Specific Reservations

The Delegated Functions relating to Human Resources do not include the following Reserved Functions:

- appointment of Officers other than Relevant Employees
- decision making on disciplinary, grievance, dismissal and appeals against dismissal, relating to Officers other than Relevant Employees
- hearing and deciding appeals against dismissal for the Head of Paid Service and Chief Officers of the Councils.

CODE OF CONDUCT: DECLARATION OF MEMBERSHIP OF THE FREEMASONS

To: **Constitution and Ethics Committee**

Meeting Date: **19 November 2015**

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

Electoral division(s): **All**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **To brief the Constitution and Ethics Committee on the
legal position in relation to registration and declaration of
membership of the Freemasons**

Recommendation: **It is recommended that**

- a) the Constitution and Ethics Committee note the
contents of this report**
- b) the Constitution and Ethics Committee consider the
suggested amendment to the Code of Conduct in
accordance with Annex 1 of this report**

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1. BACKGROUND GUIDANCE AND UK LEGISLATION

In 2004 the Standards Board for England issued guidance recommending that membership of the Freemasons should be declared by Local Councillors under the Councillors' Code of Conduct which was then in existence. Parliament has since abolished the Standards Board regime and the model code of conduct which had previously been a requirement for adoption in all councils.

The new standards arrangements are contained within the Localism Act 2011 at Chapter 7ⁱ and in the secondary legislationⁱⁱ made under the Act. In the main, the new regime permits councils to determine their own rules regarding personal interests. However, the legislation requires that the Codes of conduct should reflect the seven principles of conduct in public life as established by the Nolan Committee.

It is essential for the public to have confidence that those, such as councillors, in positions of public influence and power put the interests of the public first, rather than making decisions for their own personal financial benefit. The requirement to declare any relevant interests is regarded as an important aspect of maintaining public confidence and the statutory rules contain provisions requiring councillors to declare financial interests. In addition, many councils have adopted local rules requiring councillors to declare interests of a non-financial nature which may nevertheless be seen as having the potential to affect their judgement.

Pursuant to section 28(2) of the Localism Act 2011, the Council must secure that its Code of Conduct includes the provision the authority considers appropriate in respect of its register and disclosure of disclosable pecuniary interests. As membership of the Freemasons is not a disclosable pecuniary Interest, there is no statutory obligation to have this entered onto the Register of Interests. However, the Council may include local provisions in its code of conduct which place additional requirements on members to disclose interest other than disclosable pecuniary Interests. Guidance on transparency and practical information in relation to personal interests has been published by the Governmentⁱⁱⁱ as well as an illustrative text for a local code of conduct^{iv}.

2. CASE LAW AND HUMAN RIGHTS

Perhaps surprisingly, there is a dearth UK case law directly relating to this issue. There is, however, an Italian case of interest involving Freemasons and declarations.

The Grande Oriente D'Italia di Palazzo Giustinuani, an Italian Masonic association, introduced an application to the European Court of Human Rights (ECHR) to challenge a regional law in the autonomous region of Friuli-Venezia Giulia. The law concerns rules to be followed for nominations to public offices and, in particular, required candidates for such posts to declare whether they were a member of a Masonic or, in any event, a secret association. The absence of a declaration constituted a ground for refusing appointment. It should be noted that this case involved a post on the executive board of a company in which the Region was a stakeholder. One out of the 237 candidates declared they were a Mason and eventually got the job. The facts therefore do not directly accord with the engagement of Councillors.

The Court observed^v that the provision in question distinguished between secret and Masonic associations, membership of which had to be declared, and all other associations. Members of the latter were exempted from any obligation to make such a declaration when seeking nomination for public office, and could not therefore incur the statutory penalty for an omission.

Accordingly, there was a difference of treatment between the members of the applicant association and the members of any other non-secret association with no objective and reasonable justification. There had therefore been a violation of the convention in that forcing official declarations breached Italian Masons rights to free association and was discriminatory.

There have not been any similar challenges brought in relation to Masonic membership in England and Wales however the above ruling did have an effect in terms of declarations by the judiciary or magistrates, as reported in the Telegraph^{vi}.

Since 1998, those becoming judges or magistrates were obliged to declare that they were a Mason after the then Home Secretary, Jack Straw, said the membership could raise suspicions of impartiality. This requirement was abandoned in light of the ECHR ruling and a review where Mr Straw said it would be disproportionate to continue the requirement to declare.

3. GOING FORWARD

It appears that there is nothing, at present, to suggest that councillors must declare their membership of influential groups, particularly the Freemasons. Local authorities have different local arrangements to determine how their declaration mechanism works. Derbyshire County Council decided in 2012 that councillors will have to declare membership of influential groups, including the Freemasons^{vii}. Conversely, it was reported in 2013^{viii}, that the Isle of Wight Council dropped such a requirement.

The Italian case cited above does not provide a legal authority in the UK as to whether making such declarations mandatory is unlawful. It does suggest, however, that it may not be advisable to single out the Freemasons as an organisation where registration and declaration of interests is mandatory. Therefore, should the Constitution and Ethics Committee decide that a requirement for further declarations is necessary in this regard; it is recommended that an additional subsection be added to section 10.1 of the Code of Conduct as per the Annex 1 attached.

Membership of the Freemasons may be entered into the Register of Interests at the request of the Councillor in question however this would not be mandatory. If a Councillor does not have such a membership in the Register then they would be required to declare such a membership pursuant to section 10.2 of the Code of Conduct.

Source Documents	Location
Listed in endnotes to document	As per addresses in endnotes to document

ⁱ <http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

ⁱⁱ <http://www.legislation.gov.uk/ukxi/2012/1464/contents/made>

ⁱⁱⁱ *Openness and transparency on personal interests – A Guide for Councillors – September 2013*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf

^{iv} <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

^v *Grande Oriente D'Italia Di Palazzo Giustiniani v Italy (No. 2)* <https://wcd.coe.int/ViewDoc.jsp?id=1142711&Site=COE>

^{vi} <http://www.telegraph.co.uk/news/uknews/law-and-order/6509916/Judges-no-longer-have-to-declare-Freemasonry.html>

^{vii} <http://www.bbc.co.uk/news/uk-england-derbyshire-27702037>

^{viii} <http://onthewight.com/2013/05/15/councillors-freemason-declaration-secretly-dropped-by-last-iw-council/>



Appendix 1

MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code sets out the standard of service that is expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.

It is important Councillors and co-opted members undertake their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Councillor or co-opted member has breached the Code.

This Code is adopted in accordance with Section 27(2) of the Localism Act 2011.

UNDERLYING PRINCIPLES

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.



- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.



PART 1

GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1. This Code applies to **you** whenever you are acting in your capacity as a member of Cambridgeshire County Council ("CCC") including:
- (a) When acting as a representative of the authority;
 - (b) In taking any decision as a Division Councillor;
 - (c) At briefing meetings with officers;
 - (d) When corresponding with the authority other than in a private capacity.
- 1.2. The term "**the Authority**" used in this Code refers to Cambridgeshire County Council.
- 1.3. "**Member**" means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code:
- "**Meeting**" means any meeting of:
- a) The Authority;
 - b) The Authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - c) Any of the Authority's advisory groups and boards, working parties and panels
- 1.6. In this Code "relevant authority" has the meaning given to it by section 27(6) of the Localism Act 2011.

2. General obligations

2.1. You must treat others with respect.

2.2. You must not:

- (a) do anything which may cause the Authority to breach UK equalities legislation;
- (b) bully any person;



(c) intimidate or attempt to intimidate any person who is or is likely to be:

- (i) a complainant;
- (ii) a witness; or
- (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

(e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

3. You must not:

3.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or

3.2. prevent another person from gaining access to information to which that person is entitled by law.

4. You must not:

4.1. use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

5. You must:

5.1. when using or authorising the use by others of the resources of your Authority:



- (a) act in accordance with your Authority's reasonable requirements;
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.



PART 2

INTERESTS

6. Disclosable Pecuniary Interests

- 6.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 6.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State, (attached at Appendix A), and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

7. Registration of Disclosable Pecuniary Interests

- 7.1. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of:
- (a) this Code being adopted or applied by the Authority; or
 - (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

- 7.2. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change.

8. Disclosable Pecuniary Interests in Matters Considered at Meetings

- 8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting:

- (a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 9 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's



Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority's Monitoring Officer:

- (i) participate, or participate further, in any discussion of the matter at the meeting; or
- (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter.

9. Sensitive Interests

9.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

10. Non Statutory Disclosable Interests

10.1. You have a "non-statutory disclosable interest" in an item of business of your authority where:

- i) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the division or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- ii) it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association, or
- iii) It relates to your membership of any club, association, trade union, charitable organisation, society, incorporated or unincorporated body or any other membership organisation that would not be subject to sections 6 and 10.1 (i)-(ii) of this Part 2 of the Members Code of Conduct

and that interest is not a disclosable pecuniary interest.



10.2. If you attend a meeting and are aware that you have a 'Non Statutory Disclosable Interest in any matter to be considered, or being considered, at that meeting:

- (a) If the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 9 above, disclose to the meeting the fact that you have a Non-Statutory Disclosable Interest in that matter, and
- (b) If the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest, you must not –unless you have obtained a dispensation from the Authority's Monitoring Officer:
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting;

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter.

11. Dispensations

11.1. Where a Member is prohibited from voting on or participating in discussions on matters in which they have a Disclosable Pecuniary Interest or a Non-statutory Disclosable Interest within the meaning of paragraph 10.1 of this Code ("**Relevant Non-Statutory Disclosable Interest**"), a Member may on written notice to the Monitoring Officer (by letter or email) request the grant of a dispensation to permit them to participate in the voting or discussions on such matters.

11.2. Any written notice given by a Member to the Monitoring Officer in accordance with paragraph 11.1 must:

- (a) be given:-
 - (i) at least five working days before a meeting at which the relevant matter falls to be discussed; or
 - (ii) at least 24 hours before a meeting at which the relevant matter falls to be discussed, exceptionally, where circumstances require, and at the absolute discretion of the Monitoring Officer.
- (b) provide details of the matter to be voted on or discussed at a meeting and the nature of the Member's interest in that matter;
- (c) specify the grounds on which the dispensation is applied for in accordance with paragraph 11.3;
- (d) specify whether a dispensation is requested for a single meeting or on an on-going basis (up to a maximum of four years).



11.3. A dispensation requested under paragraph 11.1 may be granted only if, after having regard to all relevant considerations, the Monitoring Officer is satisfied that one of the following grounds for the grant of dispensations applies:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- (c) granting the dispensation is in the interests of persons living in the authority's area; or
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) of the Act from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

11.4. A dispensation granted in accordance with this paragraph 11 must:

- (a) specify the period for which it is granted which must not exceed four years.
- (b) specify whether the dispensation allows the Member to take part in discussions on and/or vote on the matter in which they have a Disclosable Pecuniary Interests or Relevant Non-Statutory Pecuniary Interest.

11.5. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates.

11.6. A copy of the dispensation shall be kept with the Register of Members' Interests.

12. Gifts and Hospitality

12.1. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority.

12.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.



Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>



<i>Interest</i>	<i>Prescribed description</i>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

- i) M's spouse or civil partner,
- ii) A person with whom M is living as husband and wife, or
- iii) A person with whom M is living as if they were civil partners.

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

RESCISSION OF PREVIOUS RESOLUTIONS

To: Constitution and Ethics Committee

Date: 19th November 2015

From: LGSS Director of Law, Property and Governance

Purpose: To consider proposed changes to the Committee Procedure Rules in respect of rescission of a previous resolution.

- Recommendation:**
1. It is recommended that the Committee:
 - (a) Recommends revision of Rule 17 of the Committee and Sub-Committee Procedure Rules (Previous Decisions and Motions) to include a requirement that, in order to request that a decision made within the past six months be rescinded, a notice of motion must be signed by at least one third of the Members of the relevant Committee.
 - (b) Recommends that a decision to rescind a previous resolution should be exempt from the decision review process.
 2. That, subject to any amendments recommended above, the Committee recommend to full Council the amendment of Rule 17 of the Committee and Sub-Committee Procedure Rules as set out in Appendix A.
 3. That the Committee recommends to full Council the amendment of Part 4.1 (Council Procedure Rules) and Part 4.4 of the Constitution (Committee and Sub-Committee Procedure Rules) to include authority for the Monitoring Officer, in consultation with the Chairman/woman of the Council or Committee, to cancel a Council or Committee meeting.
 4. That the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

<i>Officer contact:</i>	
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1. BACKGROUND

- 1.1. At its meeting held on 15th September 2015, the Committee considered a report regarding changes to the Decision Review Procedure Rules and whether any changes should be made to the provisions of the Committee Procedure Rules in respect of rescission of decisions.
- 1.2. In discussing the report, Members agreed to recommend to Council that Rule 3 of the Decision Review Rules (Decisions which may not be reviewed) be revised to include where a decision is rescinded prior to the consideration of decision review request. This recommendation was approved by Council at its meeting held on 13th October 2015.
- 1.3. The committee also noted that the constitution contained a slight inconsistency in the way in which it dealt with rescission of Full Council decisions and those of a committee. Members agreed to defer further consideration of this issue until after the Cambridge Library Enterprise Centre (CLEC) review had been published.

2. RESCINDING DECISIONS Made within the past six months

2.1. Current Arrangements

- 2.1.1. The current rules for rescinding Council decisions made within six months of the proposed decision to rescind impose the condition that the motion must be signed by at least one third of Members.

In contrast, the same rule in the committee procedure rules omits any requirement that a proportion of the Committee Members support the motion but does contain the requirement that there must be information before the Committee which was not available when the original resolution was passed.

- 2.1.2. It is suggested that in the interests of consistency, this anomaly should be addressed.

2.2 Cambridge Library Enterprise Centre (CLEC) Review

- 2.2.1. There is one reference to the issue of rescinding decisions contained in the final bullet point of item 5 of the CLEC review action plan (Engagement with Members) approved by the Council on 13th October 2015, as follows (relevant section denoted in **bold** text below):
 - This review has identified that members require a common understanding of key processes for challenge, including the process by which they may submit items for consideration at Spokes and Committee meetings, how to initiate a call-in, **and the question of whether a decision may be rescinded by a Committee or whether this is the responsibility of Full Council**. Democratic Services are requested to provide additional training and resources for members to address these points.

2.3 Revision of Committee Procedure Rules

- 2.3.1. In general, it is considered appropriate to have some restriction on the ability of decision-making bodies to rescind decisions previously made. This is intended to avoid reactive decision making creating uncertainty of decisions. The current rules provide a time limited restriction in the first 6 months following the making of a decision.

However, it is also recognised that there are circumstances when a decision making body may quite reasonably wish to rescind a previous decision, for example where new information emerges or where the public reaction is such that it is appropriate to change course. As such it is important that any rule restricting elected Members' powers must also provide a mechanism to enable rescission, albeit with some safeguards and in the light of appropriate advice.

- 2.3.2. The CLEC review action plan seeks clarification on whether a decision may be rescinded by a committee or whether this is the responsibility of Full Council. As explained above, the current committee procedure rules enable a committee to rescind a decision within six months, subject to the submission of information which was not available when the resolution was originally passed. Rescission of decisions is not therefore presently reserved to Council.
- 2.3.4. The question remains as to whether the existing rules contain the appropriate balance between of restriction versus empowerment and whether consistency between the two would be beneficial.
- 2.3.5. The current Procedure Rule provides that a motion to rescind a decision made within the last six months (or a motion similar to one previously rejected) cannot be moved unless "information which was not available when the resolution was passed is placed before the Committee or Sub-Committee". The intention was that this provision would apply in circumstances where information comes to light which was not available to the committee at the time of making the decision.
- 2.3.6. At the last meeting, it was suggested that it might be helpful to qualify the reference to information by providing that it should be "**material**". However, there are problems with introducing a new term such as "Material information" because this would need to be defined and applied by somebody and this is likely to be an unenviable task if undertaken by an officer. Experience from the interpretation of legislation amply demonstrates that there may be different interpretations of words such as 'Material'.
- 2.3.7. Therefore it is suggested that Elected Members are the best placed to make the judgement of whether it is appropriate to rescind a decision or not and as such it is suggested that the most straightforward approach to limiting the power is that of the requirement contained in the Full Council procedure rules, to have the agreement of at least one third of the Members of the relevant Committee. Revisions to Rule 17 of the Committee and Sub-Committee Procedure Rules are set out in Appendix A, with additions shown in underline text and deletions shown in strikethrough.

2.4. Rescinded Decision – Decision Review

- 2.4.1 The Council at its meeting on 13th October 2015, and on the recommendation of this Committee, agreed that the Constitution should be amended so that the decision review process should not continue in circumstances where a decision which has already been called in, is rescinded prior to the decision being reviewed either by General Purposes Committee or Council, as appropriate.
- 2.4.2 Members may now wish to consider whether the Constitution should also provide that a decision to rescind a resolution should be excluded from the decision review process. This should not however preclude any new or changed decision from being subject to the decision review process.

2.5 Authority to Convene and Cancel Meetings

- 2.5.1. At the Council meeting on 13th October 2015, a question was raised around the authority to convene and cancel meetings. Meetings ordinarily take place in accordance with a meetings card approved annually. Extraordinary meetings of the Council or special meetings of a committee can also be convened in line with Rule 3.1 of the Council Procedure Rules.
- 2.5.2 Rule 2 of the Committee and Sub-Committee Procedure Rules provides that a special meeting is arranged if the Chairman/woman of the relevant committee, or any six of its members, request such a meeting, or by the Monitoring Officer if he/she considers it necessary.
- 2.5.3 Neither the Council nor Committee Procedure Rules currently include reference to cancellation of meetings. In practice, the normal convention is for the Monitoring Officer, or his nominated representative, to consult the Chairman/woman of the committee on whether to cancel a meeting, which would generally arise in circumstances where there is insufficient business to transact.

SOURCE DOCUMENTS	LOCATION
Constitution	http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution

Appendix A

The Constitution

Part 4 – Rules of Procedure

Part 4.4 – Committee and Sub-Committee Meetings

17. PREVIOUS DECISIONS AND MOTIONS

17.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of the Committee or Sub-Committee within the past six months cannot be moved unless ~~information which was not available when the resolution was passed~~ is placed before the Committee or Sub-Committee the notice of motion is signed by at least a third of members of the relevant Committee or Sub-Committee.

17.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Committee or Sub-Committee in the past six months cannot be moved unless the notice of motion or amendment is signed by at least a third of members of the relevant Committee or Sub-Committee ~~information which was not available when the motion or amendment was rejected~~ is placed before the Committee or Sub-Committee. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

ARRANGEMENTS FOR CONDUCTING A MINI REVIEW OF GOVERNANCE PROCEDURES

To: **Constitution and Ethics Committee**

Meeting Date: **19th November 2015**

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

Electoral division(s): **All**

Purpose: **To consider how best to conduct a mini review of Cambridgeshire County Council's governance procedures**

Recommendation: **That the mini review be conducted by inviting Members and the Corporate Leadership Team by email to identify any points of difficulty that they have experienced in operating the governance system since 24th March 2015.**

<i>Officer contact:</i>	
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1. BACKGROUND

- 1.1 Cambridgeshire County Council converted from a Leader Cabinet form of governance to a Committee System with effect from May 2014.
- 1.2 A review of the operation of the new governance system was conducted between November 2014 and January 2015. An electronic questionnaire was made available to all members and officers from late November to late December 2014, containing questions relating to specific aspects of the system and a section for general comments. The Constitution and Ethics Committee then held a workshop in January 2015 to consider the responses to the survey, and considered the results of the review at its meeting on 3rd March 2015.
- 1.3 On 24th March 2015, Full Council considered the Committee's recommendations for revisions to the Constitution and other proposals arising from the review.
- 1.4 As part of its decision on modifications to the governance system, Council agreed to the recommendation that it ask the Constitution and Ethics Committee to conduct a mini review in a year's time in order to consider whether to recommend any changes to the detailed governance procedures to Council.

2. CONDUCTING THE MINI REVIEW

- 2.1 In contrast to the detailed questionnaire used in 2014, it is suggested that the mini review be conducted by sending an email to all Members and senior officers. The email would invite them to identify any points of difficulty that they have experienced in operating the governance system since 24th March 2015. Respondents would be asked to supply examples of the difficulties where possible.
- 2.2 The email could be sent in late November or early December, with replies requested by early January. This would then give time to analyse responses before the Committee's meeting on 4th February 2016.
- 2.3 In order for any identified changes to be incorporated into the Constitution to take effect from the start of the next municipal year, Council would need to receive the Committee's recommendations on 22nd March or 10th May 2016.

Source Documents	Location
Minutes of County Council 24th March 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=925

LOCAL PENSION BOARD – TERMS OF REFERENCE AND STANDING ORDERS

To: **Constitution and Ethics Committee**

Date: **19thNovember2015**

From: **LGSS Director Law, Property and Governance**

Purpose: **To consider the Standing Orders for the Local Pension Board.**

Recommendation: **The Committee is asked to recommend to Council the draft Standing Orders for the Local Pension Board as set out in Appendix B.**

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1. BACKGROUND

- 1.1 The Administering Authority when establishing its Local Pension Board should create terms of reference for the Board on the basis that the Board is a stand-alone body but it is also a requirement for its terms of reference to be approved, in accordance with its Constitution. These terms of reference should be reviewed periodically and at each material change in regulations impacting on the Local Pension Board.
- 1.2 The County Council, at its meeting on 24th March 2015, agreed the establishment of a Local Pension Board for Cambridgeshire County Council (the Administering Authority). It also agreed changes to the Council's Constitution to include the Terms of Reference for the new Board. A copy of the current Terms of Reference is attached at **Appendix A**.
- 1.3 The Government has issued Guidance designed to assist Administering Authorities in the creation and operation of Local Pension Boards in line with relevant legislation and in particular The Public Service Pensions Act 2013 and The Local Government Pension Scheme Regulations 2013 (as amended). See link
http://www.lgpsboard.org/images/Guidance/LGPS_Board_Guidance_FINAL_PUBLISHEDv1%201clean.pdf
- 1.4 The Guidance pertaining to the Board's terms of reference is extremely detailed. A number of key issues are covered in the changes to the Council's Constitution included at Appendix A. However, there are other issues that need to be addressed, which are set out in Standing Orders attached at **Appendix B**. The Board considered these Standing Orders at its meetings on 16 July and 21 October 2015.

2. FULL COUNCIL

- 2.1 At its meeting on 21 October 2015, the Board approved its Standing Orders and agreed that they should be recommended to Council for approval and included in the Council's Constitution.

Source Documents	Location
Constitution	http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution
Local Pension Board – 16 July & 21 October 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Committee.aspx?committeeID=87

Appendix A

9. PENSION FUND COMMITTEE

Membership

Representatives of	Number of seats	Term of Appointment	Method of Appointment
Cambridgeshire County Council Members	6	4 years from County Council elections	Determined by Cambridgeshire County Council Full Council.
All other local authorities, police and fire	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.
All other employers	1	4 years from 2014	Nominations to be determined by eligible employers. Details of process to be agreed by the Chairman/woman.
Active scheme members	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.
Deferred and pensioner scheme members	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.
Total Committee Members	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.

Delegated Authority	Statutory Reference/ Condition
<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"> • 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. • 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. • 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. • Communications Strategy – determining the methods of communications with the various stakeholders including scheme members and employers. • Discretions – determining how the various administering authority discretions are operated for the Fund. • Governance - the key governance arrangements for the Fund, including representation. • Risk Management Strategy – to include regular monitoring of the Fund's key risks and agreeing how they are managed and/or mitigated. 	<p>Regulations under the Superannuation Act 1972</p>
<p>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.</p>	<p>As above</p>
<p>Authority to agree the terms and payment of bulk transfers into and out of the Fund in consultation with the S.151 Officer.</p>	<p>As above</p>
<p>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.</p>	<p>As above</p>



The Constitution

Part 3B - Responsibility for Functions
Committees of Council
Pension Fund Committee

Delegated Authority	Statutory Reference/ Condition
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 Statement of Investment Principles on an annual 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

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
Cambridgeshire County Council Members	4	As above	Determined by Cambridgeshire County Council representatives on the Committee. Details of process to be agreed by the Chairman/woman.
All other employers	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.
Scheme member representative	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.
Total	7		

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.	Regulations under the Superannuation Act 1972
Authority to review and maintain the detailed asset allocation of the Fund within parameters agreed with the Committee.	As above

Delegated Authority	Statutory Reference/ Condition
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.	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.	Regulations under the Superannuation Act 1972
Authority to set benchmarks and targets for the Fund's investment managers.	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 determine operational matters such as rebalancing and the most appropriate methodology for asset transitions within parameters agreed by the Pension Fund Committee.	As above
<p>Authority to monitor and review:</p> <ul style="list-style-type: none"> • Legislative, financial and economic changes relating to investments and their potential impact on the Fund; • The investment management fees paid by the Fund and to implement any actions deemed necessary; • The transactions costs incurred by the Fund across its investment mandates and raise relevant issues and concerns with the investment managers as necessary; • The investment managers' adoption of socially responsible investment considerations, on an annual basis, including corporate governance matters and a review of compliance with the UK Stewardship Code. 	As above
Authority to receive reports on Interim Manager meetings and other operational meetings.	
Authority to undertake any task as delegated by the Pension Fund Committee.	As above
Authority to provide minutes and such other information to the Pension Fund Committee as they may request from time to time.	

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.

Cambridgeshire Pension Fund Board (Standing Orders)

1. Notice of Meetings

Meetings of the Board will be convened by the Administering Authority, who will also arrange the clerking and recording of meetings (a member of the County Council's Democratic and Members' Services Team will act as Clerk). Officers from the LGSS Pension Service will provide pension fund information to the Board.

The agenda and papers for meetings must be available at least five clear working days before the meeting.

2. Chairmanship

A Chairman/woman and Vice-Chairman/woman will be appointed by the employer and member representatives of the Board from among their own number but not from the same sector of representatives.

The role of the Chairman/woman is to ensure meetings are properly conducted, decision making is clear and professional advice is followed. The Chairman/woman will agree the agenda and approve the minutes for each meeting.

3. Other members

The Board may appoint other members with the agreement of the Administering Authority. Other members will not have voting rights on the Board.

4. Reporting

The Board should in the first instance report its requests, recommendations or concerns to the Pension Committee.

On receipt of a report, the Committee should, within a reasonable period, consider and respond to the Board.

Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.

Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.

The appropriate internal route for escalation is to the Monitoring Officer and the Section 151 officer.

The Board may report concerns to the LGPS Scheme Advisory Board for considering subsequent to, but not instead of, using the appropriate internal route for escalation.

Board members are also subject to the requirements to report breaches of law under the Act and the Code [and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy].

The Board will publish an annual report of its activities for that year and include it part of the Pension Fund's annual report.

5. Board Knowledge and Understanding

Every individual who is a member of the Board must be conversant:

- with the rules of the Local Government Pension Scheme;
- any document recording policy about the administration of the Fund which is for the time being adopted in relation to the Fund.

Every individual who is a member of the Board must also have knowledge and understanding of:

- the law relating to pensions; and
- such other matters as may be prescribed.

The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act.

6. Members' Conduct

The Board should at all times act in a reasonable manner in the conduct of its purpose. Part 5 - Codes and Protocols of the County Council's Constitution will therefore apply to all members of the Board.

The Board should always act within its terms of reference and standing orders.

7. Termination of Membership

Board membership may be terminated prior to the end of the term of office due to:

- (i) a member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund;
- (ii) a member representative no longer being a scheme member or a representative of the body on which their appointment relied;
- (iii) an employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;
- (iv) a Board member no longer being able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training;
- (v) the representative being withdrawn by the nominating body and a replacement identified;

- (vi) a Board member has a conflict of interest which cannot be managed in accordance with the Code of Conduct;
- (vii) a Board member who is an elected member becomes a member of the Pensions Committee;
- (viii) a Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

8. Role of Advisors

The Board will seek alternative routes for advice prior to outside advisors being commissioned at considerable cost. The approval of the Section 151 is required if the Board needs to pay advisers.

9. Urgent Items of Business and the Publication of Information

The Board will follow the requirements of the Local Government Access to Information Act 1985 as set out in the Administering Authority's Constitution.

10. Working Groups/Sub-Committees

The Board will have the power to set up working groups/sub committees if appropriate.

11. Expenses

Board members will be able to claim reasonable expenses from the Pension Fund if claimed within two months.

Travel by private vehicles will be reimbursed at the rates set for tax allowance purposes by the Inland Revenue for business travel. Currently these are 45p per mile for the first 10,000 miles and 25p a mile thereafter and an additional 5p per mile where a passenger (another councillor) is carried.

Parking fees and public transport fares will be reimbursed at cost on production of a valid ticket or receipt. In the case of travel by rail, standard class fare or actual fare paid (if less) will be reimbursed.

12. Public Access to Board Meetings and Information

The Board meetings can be open to the general public (unless there is an exemption under the relevant legislation which would preclude part (or all) of the meeting from being open to the general public.

The following will be entitled to attend Board meetings in an observer capacity:

- (a) Members of the Pension Fund Committee;
- (b) Any person requested to attend by the Board.

Any such attendees will be permitted to speak at the discretion of the Chairman/woman.

13. **Data Protection**

The Administering Authority, Cambridgeshire County Council, assumes the role of the Data Controller.

14. **Amendment of the Terms of Reference (Constitution) and Standing Orders**

The Board may recommend variations to its Terms of Reference or Standing Orders by a simple majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting. The recommendation will then need to be approved by Full Council.

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

To: **Constitution and Ethics Committee**

Meeting Date: **19th November 2015**

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

Electoral division(s): **All**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **For the Committee to consider a report of Council activity
under the Regulation of Investigatory Powers Act 2000
(RIPA) for 2014 – 15**

Recommendation: **That the Committee note the report.**

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1. BACKGROUND

- 1.1 The Council's RIPA policy requires the LGSS Director of Law, Property & Governance to provide Members with an annual update of the use by the Council of authorisations under RIPA for covert surveillance and their circumstances. The object of it is to achieve transparency and accountability for authorisations made.

2. MAIN ISSUES

- 2.1 For the financial year 2014 – 15 two authorisations for directed surveillance have been granted. Both applications arose from investigations by the Council's Trading Standards team.

The Council has made no authorisations for the use of covert human intelligence sources.

The RIPA monitoring officer should be immediately informed of any RIPA authorisations undertaken.

- 2.2 The limited number of authorisations reflects the cautious approach adopted by Officers to the use of surveillance in recent years and in particular following changes to the RIPA regulations introduced in 2012 which restricted the scope of offences for which the Council may make use of RIPA authorisation. No authorisations for directed surveillance authorisations were granted in 2013 – 14 or in 2012 – 13.

2.3 Visit by Assistant Surveillance Commissioner in June 2015

His Honour Norman Jones QC, Assistant Surveillance Commissioner, undertook an inspection of the Council on 10th June 2015 and met with a number of Officers, including the Council's Monitoring Officer, the RIPA Monitoring Officer and the Head of Supporting Businesses and Communities (which includes the Trading Standards Team). The Commissioner also considered the Council's central record of authorisations and Trading Standards documentation relating to the authorisations.

- 2.3.1 The Commissioner's report concluded that the Council's overall RIPA performance had improved substantially since its previous inspection in 2012. It went on to make a number of recommendations. These have been noted by the RIPA Monitoring Officer and will be implemented within the coming weeks.

2.4 RIPA policy

- 2.4.1 The RIPA Monitoring Officer will review and update the Council's policy, in line with the Commissioner's recommendations.

Policy is publicised internally on an annual basis around the same time as the annual report. This will serve to remind officers of the possible uses for RIPA but also remind officers of the circumstances when a RIPA authorisation is required.

Source Documents	Location
None	

A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 6 NOVEMBER 2015

To: Constitution & Ethics Committee

Meeting Date: 19 November 2015

From: LGSS Director of Law, Property & Governance and Monitoring Officer

Electoral division(s): All

Forward Plan ref: N/A

Key decision: No

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 11 June 2015 to 6 November 2015.

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

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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 9 of the Constitution which also requires the Constitution & Ethics Committee to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution & Ethics Committee with an overview of the complaints received under the Code of Conduct from 3 March 2015 to 11 June 2015.

2. OVERVIEW OF COMPLAINTS

- 2.1. Between 11 June 2015 and 6 November 2015, one new complaint against a Member was received by the Monitoring Officer. Following an initial consideration of this complaint, the Monitoring Officer and Independent Person concluded that there had been no breach of the Members’ Code of Conduct in respect of that complaint. Details of this complaint are set out in Appendix 1.

Source Documents	Location
Decision notice – Complaint against Cllr Count	Held by legal services, Shire Hall (Ref: (C) M-021445)

APPENDIX 1

Report to the Constitution & Ethics Committee

Overview of complaints made against Members

11 June 2015 and 6 November 2015

Complaint against:	Cllr Steve Count
Date of Complaint:	7 September 2015
Complainant:	Mr Clive Lemmon
Allegation:	Cllr Count breached the Code of Conduct in allegedly incorrectly accusing Mr Lemmon of circulating material to the press and therefore had acted in a way that was defamatory. The Complainant is the Town Clerk of March Town Council.
Current Status:	Decided
Outcome:	The Independent Person concluded that there had been no breach of the Code of Conduct by Cllr Counts. The tenor of the communications from Cllr Count, whilst emphatic, could not reasonably be described as offensive or defamatory.
Date of final decision:	18 September 2015

CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN
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DATE 04.02.16	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.	Official Openings	K John
	4.	Openness of Local Government Bodies Regulations 2014 – review of £250k threshold (minutes 28/4/15)	R Yule
	5.	Change to scheme of delegation (Pension Fund Committee)	D Cave/ R Yule
	6.	Local Government Shared Services: potential option for shared services with Milton Keynes Council	
	7.	Quarterly report on investigation of complaints*	E O'Connor
	8.	Agenda Plan	R Yule

DATE 23.02.16	AGENDA ITEMS – reserve date		

DATE 05.04.16	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.	Annual report on whistleblowing incidents	Q Baker
	4.	Quarterly report on investigation of complaints*	Q Baker
	5.	Agenda Plan	R Yule

To be scheduled:

September 2016 – appointment of Independent Person(s) – current appointments are to 15th October 2016

September 2016 – the selection and appointment of members of the County Council's Independent Remuneration Panel

September/November 2016 – Summary of activity in relation to the Regulation of Investigatory Powers Act 2000**

* 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.

*** In accordance with Council resolution on 23 March 2015 to 'arrange for Constitution and Ethics Committee to conduct a mini review of governance procedures in a year's time'.

