

# CONSTITUTION AND ETHICS COMMITTEE



**Date: Tuesday, 19 April 2016**

**Democratic and Members' Services**

Quentin Baker

LGSS Director: Law, Procurement and Governance

**14:00hr**

Shire Hall

Castle Hill

Cambridge

CB3 0AP

**Kreis Viersen Room**

**Shire Hall, Castle Hill, Cambridge, CB3 0AP**

## AGENDA

Open to Public and Press

- 1 Apologies and Declarations of Interest**  
*Guidance for Councillors on declaring interests is available at <http://tinyurl.com/ccc-dec-of-interests>*
- 2 Minutes – 4th February 2016 and Action Log** **5 - 12**
- 3 Draft proposals to change membership of Cambridgeshire Health and Wellbeing Board** **13 - 16**
- 4 Establishing an Assets and Investments Sub-Committee** **17 - 22**
- 5 Arrangements for the appointment of Independent Person(s)** **23 - 26**
- 6 A Review of the Legal Position in Relation to Section 85 of the Local Government Act 1972 and the Six Month Rule** **27 - 28**
- 7 Scheme of Delegation** **29 - 86**

<b>8</b>	<b>Annual report on whistleblowing incidents</b>	<b>87 - 94</b>
<b>9</b>	<b>A review of the complaints received under the Members' Code of Conduct to 4 April 2016</b>	<b>95 - 98</b>
<b>10</b>	<b>Forward agenda plan</b>	<b>99 - 100</b>
<b>11</b>	<b>Date of next meeting:</b>	
	<ul style="list-style-type: none"><li>• 30th June 2016</li></ul>	

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 Jocelyne Scutt

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

Clerk Name: Ruth Yule

Clerk Telephone: 01223 699184

Clerk Email: [ruth.yule@cambridgeshire.gov.uk](mailto:ruth.yule@cambridgeshire.gov.uk)

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Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccc-film-record>.

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**CONSTITUTION AND ETHICS COMMITTEE: MINUTES**

- Date:** Thursday 4th February 2016
- Time:** 3.00pm– 4.20pm
- Place:** Kreis Viersen Room, Shire Hall, Cambridge
- Present:** Councillors M Smith (Chairwoman), S Bywater (substituting for Cllr Bullen), D Brown, A Dent (substituting for Cllr Reynolds), P Downes (substituting for Cllr Nethsingha), R Hickford, J Hipkin, M McGuire, P Reeve, J Scutt and S van de Ven (substituting for Cllr Cearns)
- Apologies:** Councillors P Bullen, E Cearns, L Nethsingha and K Reynolds

**96. DECLARATIONS OF INTEREST**

None

**97. MINUTES – 19th NOVEMBER 2015 AND ACTION LOG**

The minutes of the meeting held on 19th November 2015 were confirmed as a correct record and signed by the Chairwoman. In relation to the resolution in minute 86 ('that a report on the matter be put to the Highways and Community Infrastructure Committee and the Economy and Environment Committee and any subsequent approval for the proposal be taken straight to Full Council'), the Committee agreed that a report also be taken to Planning Committee on the proposal that the Joint Development Control Committee – Cambridge Fringes, rather than the constituent authorities' planning committees, be authorised to grant planning consent for City Deal infrastructure schemes.

The action log was noted.

**98. MINI REVIEW OF GOVERNANCE PROCEDURES**

The Committee received a report setting out the results of a mini review of Cambridgeshire County Council's governance procedures, noting that one of the suggestions made by respondents had been that meetings of full Council should start at 2.00pm rather than 10.30am.

Discussing the timing of full Council meetings, Members

- noted that Group Leaders, who had responsibility for agreeing the Meeting Card, had requested that the Council's budget meetings continue to start at 10.30am because of the amount of business to be covered, but were content to accept the Committee's decision on the timing of other meetings of the full Council
- reported that the Conservative group would prefer a 1.30pm start for non-budget meetings, rather than the 2pm start suggested in the review

- commented that an afternoon start would avoid adding further vehicles to the morning traffic peak, and make the meetings more accessible to residents in employment and to those living in the more distant parts of the county
- observed that the later start time would affect the amount of time spent in debate
- pointed out that many Members also had to attend parish council meetings at 7.30pm on a Tuesday, so would need to leave Shire Hall by about 5.30pm.

It was suggested that it would be possible to have a cut-off time of 6pm, particularly if there were no oral questions at future meetings, but others opposed the idea of a formal guillotine, suggesting instead that those Members who had to leave before the end of a meeting should simply do so.

It was proposed by Councillor McGuire and seconded by Councillor Hickford that

- meetings of Council start at 1.30pm, with the exception of meetings at which the Business Plan was to be considered, which would continue to start at 10.30am.

On being put to the vote, the motion was carried unanimously.

Turning to other aspects of the mini review, Members

- commented that there was a higher degree of expectation on the vice-chairman/woman of a committee than on spokes; vice-chairs were for example invited to briefings that spokes did not attend. Members were advised that the Member Development Panel, in its consideration of the role description for vice-chairman/woman, had no intention of discouraging existing good practice
- pointed out that the Members' Allowances Scheme did not specify the meetings for attendance at which a special responsibility allowance was paid, and suggested that the invitation to a Member to repay part of the allowance in the event of non-attendance should be expressed more strongly; for example, the Member should be 'expected' or 'required' to repay. In both cases, officers advised that it was not open to the Committee to make such changes, but these points could be brought to the attention of the Independent Remuneration Panel at the next scheme review
- agreed that Members wishing to place items on committee agendas should continue to do so through Spokes meetings, the dates of which were published on the Policy and Service Committees' agenda plans.

In relation to oral questions at Full Council, Members

- expressed appreciation for the awkwardness faced by a committee chairman/woman expected to answer questions on a decision with which he/she and their group disagreed
- stressed that in a committee system, the committee, not its chair, was responsible for the decisions made, and suggested that it would be more appropriate to direct questions at any member of a committee, or that the chairman/woman might properly wish to refer the question to another Member who could provide a better answer to the question

- expressed the view that oral questions at Council had worked well under cabinet governance, but should be discontinued under the committee system, which would have the benefit of making meetings of Council more efficient
- disagreed that oral questions at Council were inappropriate, saying that it was important that Members be able to ask questions about the business of a committee. If the questioner raised a valid point that the chairman/woman felt unable to answer, he/she could refer the question to the committee, or take it back to spokes
- pointed out that the answers to oral questions were often drafted in writing in advance of the meeting, and suggested that it would be better to discontinue the custom of oral questions at Council, but to take written questions either to committees or to Council
- noted that at present, written questions from Members were sent to the relevant officer to prepare an answer on behalf of the committee chairman/woman, who was copied in to the correspondence. The question and answer were then published on the Council's website shortly before the meeting of Council
- drew attention to the need for questions to be clearly expressed and directed, and to relate to decisions of Council or a committee rather than to the opinions of individual Members
- noted that there was currently a limit of 13 on the number of written questions that could be submitted to any one meeting of Council, and that it would be necessary to amend the Constitution in order to remove or change this limit.

It was proposed by Councillor Bywater and seconded by Councillor Hipkin that the Committee recommend to Council that

- the oral questions procedure be removed from the Constitution
- the limit on the number of written questions to Council be removed.

On being put to the vote, the motion was carried by a majority.

## **99. SECTION 85 LOCAL GOVERNMENT ACT 1972 – RECOMMENDATION TO EXTEND SIX MONTH RULE**

The Committee received a report inviting it to consider a proposal that Council should consider introducing a policy to allow only one extension to the six month rule in any four year municipal period. Members noted that under the Local Government Act 1972, a member of a local authority who failed to attend any meeting of that authority for a period of six consecutive months would cease to be a member of that authority, unless the authority had exercised the discretion granted it by the Act to approve the member's absence from meetings for a longer period.

The proposal to limit the number of times that Council could give such approval had arisen from the serious illnesses of two Members, one of whom had been granted more than one six-month extension within the current municipal period. Both illnesses had unfortunately proved fatal.

The Monitoring Officer cautioned that any proposal to fetter Council's discretion was fraught with risk from a legal perspective, whether the proposal was to limit the number of extensions the Council could grant, or to limit the number of extensions an individual Councillor could receive. This was because it would remove an individual Councillor's statutory right to ask Council to exercise its discretion. He was not aware of any other local authority adopting such a limitation.

In the course of discussion, Members noted that the reason for prolonged absence was usually serious ill-health, and that the Act did not specify the circumstances in which an extension might be appropriate. It was suggested that any proposal to limit the number of extensions should specify that the limit applied to consecutive periods of absence; it would be unreasonable, for example, automatically to penalise a Member who had more than one long illness, but separated by a substantial period of good health and attendance.

At the Chairwoman's suggestion, the Committee agreed unanimously to defer consideration of the proposal until it had been established whether it would be legally feasible to impose a restriction on the number of times Council could grant an extension to the six-month rule.

#### **100. MILTON KEYNES COUNCIL TO JOIN LGSS SHARED SERVICES PARTNERSHIP**

The Committee received a report inviting it to consider a new scheme of delegation for the LGSS Joint Committee for inclusion in the Council's Constitution, noting that this would be required if the full Councils of Cambridgeshire and Northamptonshire county councils, and of Milton Keynes Borough Council approved the proposal that Milton Keynes join Cambridgeshire and Northamptonshire in Local Government Shared Services (LGSS). However, the timing of the present meeting meant that it had not been possible to complete the scheme of delegation to the point where the Committee could be asked to recommend it to full Council for adoption when the expansion of LGSS was considered on 22nd March 2016.

It was therefore suggested that the Committee delegate authority to the Monitoring Officer, in consultation with the committee Chairwoman and Vice-Chairman, to recommend the scheme of delegation to Council once it had been fully developed. The Vice-Chairman commented that he was already involved in the expansion of LGSS as Chairman of the LGSS Joint Committee. One Member suggested that it would be more appropriate to delegate authority to the Monitoring Officer in consultation with Group Leaders only, but another Member said that the Chairwoman of the Committee should be involved because what was being considered was a change to the Constitution.

It was proposed by Councillor Brown and seconded by Councillor Hickford that

- the Monitoring Officer, in consultation with the Chairwoman and Vice-Chairman of the Constitution and Ethics Committee and Group Leaders, be delegated authority to recommend the new scheme of delegation for the LGSS Joint Committee to full Council on 22nd March 2016.

On being put to the vote, the motion was carried by a majority.

## **101. CHANGE TO SCHEME OF DELEGATION (PENSION FUND COMMITTEE)**

The Committee noted that this agenda item had been withdrawn. On closer examination, the draft report had proposed changes to the Constitution that were not actually required.

## **102. OFFICIAL OPENINGS**

The Committee received a report inviting it to consider arrangements for conducting official openings of buildings or projects that had been developed by a committee of the Council, and to consider whether such events should not be regarded as 'civic' functions. Members noted that, under Article 5 of the Constitution, the Chairman/woman of Council's civic functions included officially opening new buildings and projects, but it had been suggested that it might be appropriate for the committee chairman/woman to open those which had been developed by their committee.

In the course of discussion, Members

- expressed the view that the Chairman/woman of Council should continue to conduct such openings because it was important to strengthen their civic role, and because members of the public set great store by seeing the chain of office
- commented that the opening of a building or project marked an achievement of the Council as a whole, and should be highlighted as such by being opened by the Chairman/woman of Council, rather than by a politician
- drew attention to the importance of inviting the Local Member to and involving the Local Member in official openings, noting that Article 5 related solely to the role and function of the Chairman/woman of Council, and that the role of the Local Member was covered elsewhere in the Constitution.

It was resolved unanimously

- not to recommend any change to current arrangements for the official opening of buildings and projects
- that the openings of facilities or projects promoted by a Committee should continue to be regarded as 'civic' functions.

## **103. OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

The Committee received a report inviting it to review the threshold of materiality under the Openness Regulations. Members noted that, based on information about practice in other authorities, Cambridgeshire officers were taking the obligation to publish seriously and working to a similar threshold of materiality.

Discussing the report's suggestion that the threshold remain at £250,000, Members

- commented that it might have been better to start with a £50,000 threshold and monitor the impact. Another Member said that there were some very expensive care packages, for example for disabled children, and that information about these was already published elsewhere

- suggested that a £50,000 threshold would lead to greater transparency for the public
- suggested that, while £50,000 might be too low a threshold, a figure such as £150,000 might be appropriate, in view of increased public concern that local authorities procure from companies that pay tax fully and behave ethically
- suggested that the threshold be left at £250,000, but reviewed again in a further six months, with more information being supplied to the Committee about the bureaucratic burden that a lower threshold might impose.

It was resolved by a majority

to confirm the threshold of £250,000 to determine materiality under the Openness Regulations.

Councillor Reeve requested that his vote against the proposal be recorded.

#### **104. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 22 JANUARY 2016**

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 7 November 2015 to 22 January 2016; there had been no complaints during this period.

The Committee noted the report.

#### **105. FORWARD AGENDA PLAN**

The Committee reviewed and agreed its forward agenda plan, with the additions of a revised report on the six-month rule to the agenda for 5th April 2016 and of a further review of the threshold of materiality under the Openness Regulations to the agenda for 22nd September 2016.

It was agreed unanimously to cancel the provisional meeting date of 23 February.

#### **106. DATE OF NEXT MEETING**

It was noted that the next meeting was due to take place at 2pm on Tuesday 5th April 2016.

Chairwoman

**CONSTITUTION AND ETHICS COMMITTEE ACTION LOG –MINUTES OF 4 FEBRUARY 2016**

Log at 11 April 2016

<b>MIN.NO.</b>	<b>TITLE OF REPORT / MINUTE AND ACTION REQUESTED</b>	<b>ACTION BY</b>	<b>COMMENTS</b>
<b>97.</b>	<b>MINUTES – 19th NOVEMBER 2015 AND ACTION LOG</b>		
	A report be taken to Planning Committee on the proposal that the Joint Development Control Committee – Cambridge Fringes be authorised to grant planning consent for City Deal infrastructure schemes	R Menzies	Planning Committee on 10th March 2016 resolved ‘to endorse and propose to Council that the responsibility for considering planning applications for City Deal infrastructure schemes is delegated to the Cambridge Fringes Joint Development Control Committee and that the Terms of Reference of the Cambridge Fringes Joint Development Control Committee are amended accordingly.’
<b>99.</b>	<b>SECTION 85 LOCAL GOVERNMENT ACT 1972 – RECOMMENDATION TO EXTEND SIX MONTH RULE</b>		
	Monitoring Officer to establish whether it would be legally feasible to impose a restriction on the number of times Council could grant an extension to the six-month rule and bring a revised report to Committee.	Q Baker/ E O’Connor	See agenda item 6 for Committee on 19 April
<b>100.</b>	<b>MILTON KEYNES COUNCIL TO JOIN LGSS SHARED SERVICES PARTNERSHIP</b>		
	Monitoring Officer to recommend new scheme of delegation for the LGSS Joint Committee to full Council on 22nd March 2016.	Q Baker	Approved by Council on 22nd March 2016.
<b>105.</b>	<b>FORWARD AGENDA PLAN</b>		
	Add to agenda (a) a revised report on the six-month rule for 5th April 2016 and (b) a further review of the threshold of materiality under the Openness Regulations for 22nd September 2016.	R Yule	(a) See agenda item 6 for Committee on 19 April (b) Added to agenda plan.



**DRAFT PROPOSALS TO CHANGE MEMBERSHIP OF CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD**

*To:* Constitution and Ethics Committee

*Meeting Date:* 19th April 2016

*From:* Dr Liz Robin, Director of Public Health

*Electoral division(s):* All

*Purpose:* The Constitution and Ethics Committee is asked to note the current draft proposals to make changes to the membership of the Cambridgeshire Health and Wellbeing Board (HWB)

*Recommendation:* The Constitution and Ethics Committee is asked:

- a) to note the current draft proposals to make changes to the membership of the Cambridgeshire Health and Wellbeing Board (HWB)
- b) to delegate authority to the Monitoring Officer, in consultation with the Chairwoman and Vice-Chairman of the Constitution and Ethics Committee and Chairman and Vice-Chairman of the Cambridgeshire Health and Wellbeing Board (HWB), to recommend the final proposed changes to the membership of the Cambridgeshire HWB to full Council on 10th May 2016.

<b><i>Officer contact:</i></b>	
Name:	Adrian Lyne
Post:	Policy and Projects Officer
Email:	<a href="mailto:Adrian.lyne@cambridgeshire.gov.uk">Adrian.lyne@cambridgeshire.gov.uk</a>
Tel:	01223 706307

## **1. BACKGROUND**

- 1.1 A development session for members of the Cambridgeshire Health and Wellbeing Board (HWB) was held on 29 October 2015. The development session was based around the Local Government Association (LGA) report, 'Making it better together: A call to action on the future of health and wellbeing boards'.
- 1.2 A report outlining the main topics of discussion at this development session was presented to the HWB on 19 November 2015. At the meeting, it was agreed to establish a time-limited working group to further develop some of the main ideas raised at the development session. A small number of HWB members volunteered to join this working group, hereafter referred to as the 'HWB Working Group'.
- 1.3 The HWB Working Group met for the first time on 25 January 2016 and discussed what were considered to be the key points raised at the HWB's development session in October 2015.
- 1.4 A summary of these discussions was circulated to the wider membership of the Cambridgeshire HWB for initial comments, feedback and direction. As a consequence, the HWB Working Group met for a second time on 22 February 2016 to further refine its thinking based on this feedback.
- 1.5 One of the key proposals developed by the HWB Working Group is to refine the Cambridgeshire Health and Wellbeing Board's membership to ensure the board reflects a more equal partnership between local authorities and health.
- 1.6 This draft proposal to change the HWB's membership, along with other draft proposals developed by the HWB Working Group, was discussed with the Cambridgeshire Health and Wellbeing Board at its meeting on 17 March 2016.
- 1.7 As the Cambridgeshire Health and Wellbeing Board is a Council Committee, any proposed changes to its membership must be considered by the Constitution and Ethics Committee and approved by Full Council.

## **2. DRAFT PROPOSALS TO CHANGE THE CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD'S MEMBERSHIP**

- 2.1 At the time of writing this report, there is still a process of engagement ongoing on draft proposals to change the membership of the Cambridgeshire Health and Wellbeing Board (HWB).
- 2.2 The draft proposal taken to the Cambridgeshire HWB on 17 March 2016 was to:
  - Reduce elected Councillor membership on the Cambridgeshire Health and Wellbeing from the current 10 (5 County Councillors and 5 District Councillors) to 5 elected Councillors (County and District) in total
  - Offer each of the main providers of NHS services in Cambridgeshire a position on the Cambridgeshire Health and Wellbeing Board. This equated to 5 representatives for providers (a mixture of influential non-executive directors and executives)
  - Adopt a co-chair or vice-chair arrangement with NHS Cambridgeshire and Peterborough Clinical Commissioning Group (CCG)

2.3 This proposal would mean a potential alternative Health and Wellbeing Board membership of:

- 5 local elected representatives (a combination of county and district councillors, with a geographical and ideally political spread)
- 2 representatives of NHS Cambridgeshire and Peterborough Clinical Commissioning Group
- 5 provider representatives (3 non-executives and 2 executives – 1 representative for each main provider in Cambridgeshire)
- Healthwatch Cambridgeshire representative
- Executive Director for Children, Families and Adults
- Director of Public Health for Cambridgeshire and Peterborough
- NHS England representative
- Chief Finance Officer
- Voluntary sector representative (co-opted)

2.4 Discussion at the Health and Wellbeing Board on 17 March was very supportive of the need to create a more equal partnership between local authorities and the NHS on the Health and Wellbeing Board and supported the following proposals:

- Invite 5 representatives for providers (mix of influential non-executive directors and executives)
- Co-chair or vice-chair arrangements with CCG
- Board-to-board meetings with Peterborough, explore joint programmes of work
- Strengthen links with Local Health Partnerships at district level, and potentially with local Integrated Care Boards

Health and Wellbeing Board members expressed concern about the proposal to reduce Councillor membership - particularly as the needs and input from each District were felt to be very different across the County.

### **3. NEXT STEPS**

3.1 The Cambridgeshire Public Services Board is being consulted on the draft proposals developed by the HWB Working Group at its meeting on 13 April 2016. Discussions will also be held with chief officers of local NHS providers through the shadow Cambridgeshire and Peterborough Health Executive. The outcome of these consultations and discussions will be reported orally to the Committee.

3.2 Final proposals to make changes to the Cambridgeshire HWB's membership, and any other proposals about ways of working, will return to the Cambridgeshire Health and Wellbeing Board at a special meeting to be held on 21 April 2016.

3.3 County Councillor membership of the Cambridgeshire Health and Wellbeing Board is expected to be formally agreed at Council's Annual Meeting on 10 May 2016.

Source Documents	Location
Local Government Association (LGA), 'Making it better together: A call to action on the future of health and wellbeing boards'.	<a href="http://www.local.gov.uk/documents/10180/6869714/L15-254+Making+it+better+together+-+A+call+to+action+on+the+future+of+health+and+wellbeing+boards/311885a4-5597-4007-8069-46bc2732d6a2">http://www.local.gov.uk/documents/10180/6869714/L15-254+Making+it+better+together+-+A+call+to+action+on+the+future+of+health+and+wellbeing+boards/311885a4-5597-4007-8069-46bc2732d6a2</a>
19 November 2015 Cambridgeshire Health and Wellbeing Board - update on Health and Wellbeing Board Development Day	<a href="http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Agendalt em.aspx?agendalt emID=12358">http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Agendalt em.aspx?agendalt emID=12358</a>
17 March 2016 Cambridgeshire Health and Wellbeing Board - feedback from working group's discussions	<a href="http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Agendalt em.aspx?agendalt emID=13061">http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Agendalt em.aspx?agendalt emID=13061</a>

**Establishing an Assets and Investments Sub-Committee**

*To:* **Constitution and Ethics Committee**

*Meeting Date:*

*From:* **Chris Malyon, Chief Finance Officer**

*Electoral division(s):* **All**

*Purpose:* **To consider the need for establishing a Sub-Committee of General Purposes Committee in order to determine the most efficient and effective governance arrangements for the administration of property investment and disposal matters.**

*Recommendation:* **The Constitution and Ethics Committee is invited to:**

- **consider the issues set out in this report.**
- **recommend to Council whether it believes the establishment of a Sub-Committee will assist in the effective governance of decisions appertaining to the management of the Council's property and asset portfolio.**

<b><i>Officer contact:</i></b>	
Name:	Chris Malyon
Post:	Chief Finance Officer
Email:	<a href="mailto:chris.malyon@cambridgeshire.gov.uk">chris.malyon@cambridgeshire.gov.uk</a>
Tel:	01223 699796

## **1. BACKGROUND**

- 1.1 In May 2015 General Purposes Committee, in recognition of the number and detail of property related matters that were being considered by the Committee, agreed to the establishment of a Member Group to consider proposals in advance of coming before the Committee.
- 1.2 The Group (Investment Review Group(IRG)) has no decision making powers and is not proportionately representative. Membership of the Group has varied, and attendance has been inconsistent for understandable reasons.
- 1.3 The current membership of IRG is Councillors Hickford, Bullen, Jenkins, and Sales. The Independent Group decided not to have a representative on the Group.
- 1.4 The raison d'être for the establishment of IRG was to assist the decision making process regarding property related matters. For a number of reasons the approach adopted, whilst increasing the discussion and approach around various property related investments and decisions, has not proven to be as effective as had originally been anticipated.

## **2. ISSUES WITH THE CURRENT PROCESS**

- 2.1 There is no question that the number of property and asset proposals that require Member input are exponentially increasing compared to other matters within the democratic arena. This is driven by a number of major programmes that are supporting the delivery of the Council's overall objectives. These include the Property Rationalisation Programme, the Housing Development Programme (including the work of the Housing Development Agency), the Community Resilience Programme, the Transformation Programme, the Making Assets Count Programme, the emerging Older Persons' Accommodation Strategy, and other service-led initiatives involving property.
- 2.2 The amount of business under consideration by IRG is such that it is not possible to cover the items within the time allocated for the monthly meeting. In March an additional meeting was arranged at short notice in order to cover the 'overspill' and even with this additional two hours a number of items could not be covered in significant depth.
- 2.3 The establishment of a Sub-Committee would not diminish the workload, but would improve the governance and decision making processes. As IRG has no decision making powers and there is a lack of clarity over the role and responsibilities of the Group, the same matters are considered at various democratic points. IRG shape the content and nature of proposals that are subsequently debated and re-shaped at Group Leaders before consideration by General Purposes Committee where the same debate takes place.
- 2.4 Were a Sub-Committee to be established, it would be democratically proportionate and would have the ability to make decisions, within certain parameters, without recourse to General Purposes Committee. This would enable the Sub-Committee to consider, in the same level of detail as IRG, proposals and to make decisions based on the evidence presented to the Sub-Committee. It is difficult to manage this level of detail at General Purposes Committee given the amount of other matters under consideration. It will also ensure that a detailed level of knowledge and understanding is developed by a group of Members on the overall property and investment portfolio.

- 2.5 Attendance at IRG has for understandable reasons been inconsistent. This makes the operation of IRG ineffective as a governance vehicle. On some occasions only one member has been able to attend. Were a Sub-Committee to be established the meetings would be part of the democratic calendar and substitutes would be allowed to attend in the absence of the normal representative.
- 2.6 The Governance arrangements would be significantly enhanced through the establishment of a Sub-Committee. The meetings would be properly minuted, agendas would be published and the meetings would be public meetings subject to access to information procedure rules as set out in the Council's Constitution. The roles and parameters of the Sub-Committee would be clarified and therefore transparent for all to see. Some frustration was expressed at the last meeting of IRG that they had no decision making powers and therefore could only act as a sounding board. Properly constituting the functions of IRG into a Sub-Committee would give real purpose to the contributions of those Members.
- 2.7 Whilst the programme of activity under consideration by IRG is constantly growing there is no doubt that it will increase significantly in the coming year. As detailed business cases start to come forward it will be challenging to manage these through the workload of General Purposes Committee other than very superficially. This may not be the case in perpetuity and therefore were it agreed to establish a Sub-Committee, it is proposed that this be reviewed annually to ensure its applicability in light of the workload for the following financial year.
- 2.8 A key role that needs to be established going forward will be the 'client' function in respect of the property special purpose vehicle (SPV). Whilst not yet formalised, once established there will need to be a separation of the roles of those on the Board of the SPV and that of a client. Whilst the vehicle is likely to be wholly owned by the Council, Members who sit on the Board of Directors have a different set of responsibilities and duties to the Company. The establishment of a Sub-Committee will enable this democratically accountable body to ensure the interests of the Council are protected and monitored.

### **3. PROPOSAL TO ESTABLISH A SUB-COMMITTEE**

- 3.1 The proposal set out in this paper is for the establishment of a Sub-Committee in order to support the successful delivery of the property and investment programmes. This would include undertaking the client function of the property SPV once it becomes operational.
- 3.2 Attached as an Appendix to this report is a draft Terms of Reference for consideration by the Constitution and Ethics Committee.
- 3.3 It is believed that the current workload of IRG justifies the need for a Sub-Committee however it is recognised that this might not always be the case and therefore the Terms of Reference allow for a review of the need for the Sub-Committee should this workload diminish.

#### 4.0 BENEFITS OF ESTABLISHMENT OF A SUB-COMMITTEE

4.1 The benefits of establishing a Sub-Committee have been set out in this report but are also summarised below. The Sub-Committee:

- Would be proportionately representative and would allow deputies.
- Will improve Member engagement in the development and management of investment proposals.
- Will enable a small group of members to effectively examine a matter requiring detailed consideration.
- Will improve the efficiency of decision making.
- Will increase transparency and public accountability.

Source Documents	Location
None	

**ASSETS AND INVESTMENTS SUB-COMMITTEE**

**Membership**

Any seven members (including substitutes) of General Purposes Committee, subject to political proportionality.

**Summary of Functions**

The Sub-Committee has delegated authority to exercise the County Council’s functions, other than those reserved to General Purposes Committee, in respect of the following:

- The Property and Asset Investment Programme
- The Property Rationalisation Programme

<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
To review the Council's asset portfolio to identify opportunities and develop policies to reduce the financial impact on the Council's operating position and strengthen its financial sustainability	
To approve and monitor the Council’s Asset Strategy.	
To approve the Council’s Asset Management Plan, annually, and as a consequence: <ul style="list-style-type: none"> <li>- Consider and approve Asset Plans as they fall due for review</li> <li>- Recommend annual budget proposals from applicable Asset Plans for approval by General Purposes Committee</li> <li>- Monitor the delivery of the asset plans throughout the year</li> </ul>	
To consider and evaluate investment proposals for the acquisition of land, and make recommendations to, General Purposes Committee for the inclusion of viable investments within the Business Plan.	
To monitor all property investment proposals included within the Business Plan to ensure successful delivery.	
To consider and approvedisposals for less that best consideration. Any proposals that constitute a key decision will be referred to General Purposes Committee for consideration with the Sub-Committee’s recommendation.	
To approve the granting of variations, renewal, and termination of leases, licenses, dedications, and easements.	

Delegated Authority	Delegation/ Condition
To consider and approve the use of Council owned assets by the local community and other interested parties. Any proposals that constitute a key decision will be referred to General Purposes Committee for consideration with the Sub-Committee's recommendation.	
<p>To promote all property investment opportunities for inclusion within the Council's Business Plan:</p> <ul style="list-style-type: none"> <li>• Consider, evaluate, and agree potential property disposals and investment opportunities</li> <li>• Consider business cases for the sale of assets to the Council's Property Special Purpose Vehicle (SPV) for inclusion within the Business Plan</li> <li>• Approve final business cases, that have been approved within the Business Plan, for the sale of assets to the Council's Property SPV</li> </ul>	
To act as the Shareholder Committee for the purposes of the scrutiny of the Council's Property SPV.	
To work with officers to facilitate/promote the development of proposals for sharing property with partner organisations.	
To consider and recommend property rationalisation proposals for inclusion within the Business Plan.	
To approve property rationalisation proposals that are in accordance with the Business Plan.	
To consider and make recommendations to the General Purposes Committee for property rationalisation proposals that are outside of the agreed Business Plan.	

**ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)**

**To: Constitution and Ethics Committee**

**Meeting Date: 19 April 2016**

**From: The Monitoring Officer**

**Electoral division(s): All**

**Purpose: To consider what arrangements for the appointment of an Independent Person or Persons should be recommended to Council in preparation for the expiry of the current appointments on 15 October 2016**

**Recommendation: That the Committee recommend to Council that**

- (a) Council authorise the Monitoring Officer, in consultation with the Chairman/woman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of a suitable candidate to be recommended to Full Council for appointment as an Independent Person**
- (b) Council set the level of remuneration for each independent person so that it can be included in information supplied to applicants for the post of independent person**
- (c) the level of remuneration to each independent person remain at £500 a year plus expenses**
- (d) Council extend the current appointment of Sean Brady and Gillian Holmes as Independent Persons to 18 October 2016.**

<b>Officer contact:</b>	
Name:	Quentin Baker
Post:	Director of Law, Procurement & Governance and Monitoring Officer
Email:	<a href="mailto:quentin.baker@cambridgeshire.gov.uk">quentin.baker@cambridgeshire.gov.uk</a>
Tel:	01223 727961

## **1. BACKGROUND**

### **1.1 Legal framework**

- 1.1.1 Chapter 7 of the Localism Act 2011 sets out the duty of a local authority to promote and maintain high standards of conduct by members and co-opted members of the authority.
- 1.1.2 Section 28 of the Act, on codes of conduct, requires an authority to provide for the appointment of at least one independent person whose views will be sought and taken into account in connection with the process for dealing with allegations that members have breached the code.
- 1.1.3 Section 28 sets out those persons who would not be considered to be independent, who include members, co-opted members and officers of the authority and their relatives and close friends. However, it provides that the person(s) appointed do not cease to be independent as a result of being paid allowances or expenses for performing the duties of the appointment.
- 1.1.4 Section 28 also sets out the conditions for the process of appointing such persons. These conditions are that
- i. the vacancy has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
  - ii. the person has submitted an application to fill the vacancy to the authority, and
  - iii. the person's appointment has been approved by a majority of the members of the authority.

### **1.2 Local implementation**

- 1.2.1 At an early stage of making arrangements to implement the Localism Act 2011, the Standards Committee concluded that it would be sensible to appoint two independent persons, in case one was not available, or already had prior knowledge of a complaint or the parties to the complaint. Full Council in July 2012 authorised 'the Monitoring Officer, in consultation with the Chairman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of a suitable candidate to be recommended to Full Council for appointment as an Independent Person'.
- 1.2.2 A panel composed of members of the Constitution and Ethics Committee conducted the recruitment exercise, advertising the posts in the local press and on the Council's website, shortlisting applications, and interviewing shortlisted candidates. The panel recommended to Constitution and Ethics Committee in September 2012 that Sean Brady and Gillian Holmes be appointed, and the Committee recommended their appointment to Council.
- 1.2.3 On 16 October 2012, Full Council agreed to appoint Sean Brady and Gillian Holmes to the role of Independent Person for Cambridgeshire County Council with immediate effect for a period of one year, and to delegate to the Constitution and Ethics Committee the power to extend these appointments for up to a further three years thereafter. The Committee exercised that power on 7 November 2013, extending the appointments to 15th October 2016.

- 1.2.4 Because independent persons are not members or co-opted members of Council, their remuneration falls outside the Members' Allowances Scheme, and can be determined without reference to an Independent Remuneration Panel. The current independent persons receive an annual allowance of £500 each.
- 1.2.5 The 2012 recruitment exercise had been conducted jointly with the Cambridgeshire and Peterborough Fire Authority, who also appointed Sean Brady and Gillian Holmes to the role of Independent Person in October 2012. This appointment is also due to expire in October 2016.

**2. CURRENT ISSUES**

- 2.1 Arrangements are needed for Full Council to appoint one or more independent persons beyond 15 October 2016. The remuneration of these appointees must also be agreed.
- 2.2 In addition to a flat annual fee of £500, the current independent persons have their travelling and other expenses reimbursed whenever they are required to conduct Council business. In view of the pressure on Council budgets and the low level of public sector pay increases, the Committee may take the view that there should be no change to this level of remuneration.
- 2.3 Authority for agreeing all aspects of the appointment and remuneration of independent persons rests with Full Council. The Committee may wish to consider whether to recommend to Council that any elements of the arrangements be delegated to the Constitution and Ethics Committee on a standing basis. Responsibility for appointing the independent person(s) rests with Council and cannot be delegated.
- 2.4 The present terms of reference for the Committee are attached as Appendix A.

**3. TIMELINE**

- 3.1 Full Council meets on 10 May, 19 July and 18 October 2016. It is suggested that the recommendations of this report be presented to Council in May, and the recommended names for appointment be presented to Council in October.
- 3.2 If the gap of three days between the expiry of the present appointments on 15 October and the Council meeting on 18 October is unacceptable, one remedy would be to extend the present appointments by three days. The alternative would be for Council to make the new appointments on 19 July 2016, which would allow little time for the completion of a recruitment exercise that could not start before 10 May 2016.

Source Documents	Location
Chapter 7 of the Localism Act 2011	<a href="http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7">http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7</a> .



**A REVIEW OF THE LEGAL POSITION IN RELATION TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972 AND THE SIX MONTH RULE**

**To:** Constitution and Ethics Committee

**Date:** 19 April 2016

**From:** The Monitoring Officer

**Electoral division(s):** All

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

**Purpose:** To establish whether it is legally feasible to impose a restriction on the number of times that Cambridgeshire County Council could grant an extension to the six-month rule.

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

<b>Officer contact:</b>	
Name:	Elaine O'Connor
Post:	Trainee Solicitor (Property, Planning and Highways)
Email:	<a href="mailto:Elaine.o'connor@cambridgeshire.gov.uk">Elaine.o'connor@cambridgeshire.gov.uk</a>
Tel:	01223 703575

## 1. BACKGROUND AND UK LEGISLATION

Section 85 (1) of the Local Government Act 1972 states:

'Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.'

For information, subsections (2) and (3) are in relation to what constitutes attendance and therefore are not relevant to the issue at hand.

The provision above gives rise to what is commonly known as the 'six month rule'. Section 85 (1) also provides that the authority i.e. Full Council have leave to approve an extension to the six month rule if a reason that is deemed valid is submitted before the expiry of the material six months.

## 2. IMPOSITION OF RESTRICTION IN CAMBRIDGESHIRE COUNTY COUNCIL CONSTITUTION

There is, in theory, no legal authority preventing an amendment to the constitution of Cambridgeshire County Council (CCC) to impose a restriction on the number of times that an extension of six months is granted.

However, as the right of Full Council to approve an extension is embedded in UK legislation, any restriction in the CCC constitution would be 'trumped' by the right of Full Council to approve an extension as this legislative discretion may not be overridden locally.

If there was to be any restriction to the six month rule extension, this would need to be provided for in the said legislation in order to have an effect. It could also be said that by amending its constitution in this way, the Council would be acting in direct conflict with Parliament and that if this was to give rise to challenge, the amendment is likely to be rendered unlawful.

In the light of the current legislation, any attempt to impose a restriction in the Constitution on the ability of the Council to approve an extension to the six month rule period would not have any legal effect. If a motion were brought to Full Council to extend a six month rule period for a Member, Full Council would still retain the statutory right to approve such an extension.

It is therefore not appropriate for the Committee to make any recommendation to Full Council to change the Constitution to restrict Council's discretion to approve extensions to the six month rule.

Source Documents	Location
Section 85 Local Government Act 1972	<a href="http://www.legislation.gov.uk/ukpga/1972/70/section/85">http://www.legislation.gov.uk/ukpga/1972/70/section/85</a>

**SCHEME OF DELEGATION**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **19th April 2016**

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

*Purpose:* **To consider the scheme of delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).**

*Recommendation:* **The Constitution and Ethics Committee is invited to recommend to Council that it agree the scheme of delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).**

<b><i>Officer contact:</i></b>	
Name:	Quentin Baker
Post:	Director of Law, Procurement & Governance and Monitoring Officer
Email:	<a href="mailto:quentin.baker@cambridgeshire.gov.uk">quentin.baker@cambridgeshire.gov.uk</a>
Tel:	01223 727961

## 1. BACKGROUND

- 1.1 Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules, 1. Annual Meeting of the Council, states that the annual meeting will agree the scheme of delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).
- 1.2 Council approved the LGSS Joint Committee Terms of Reference and Scheme of Delegation at its last meeting as part of the item on “Arrangements for Milton Keynes Council to join LGSS Joint Committee Shared Services Partnership”. I have therefore not included the documents considered at that meeting in the appendix to the present report; they are available as Schedule 1 of Appendix 2, and as Appendix 3 at [www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/AgendaItem.aspx?agendaItemID=13074](http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/AgendaItem.aspx?agendaItemID=13074), and will be incorporated into Parts 3C-C and 3D of the Constitution at [www.cambridgeshire.gov.uk/info/20050/council\\_structure/288/councils\\_constitution](http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution).
- 1.3 **Appendix A** contains the rest of the scheme of delegation for comment, as set out in Part 3 of the Constitution but excluding the following procedural documents, which can be supplied on request and found within Part 3 of the Constitution (see link above):
- Part 3B-9, Standing Orders for Cambridgeshire Pension Fund Board
  - Part 3C-A, Standing Orders for Joint Development Control Committee for Cambridge Fringes, and the Plans of Cambridge Fringe Areas
  - Part 3C-B, Plan of Northstowe Area
  - Part 3C-F, Standing Orders for Greater Cambridge City Deal Executive Board and for Greater Cambridge City Deal Joint Assembly.

Source Documents	Location
Council's Constitution Part 3 – Responsibility for Functions	<a href="http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution">http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution</a>



## **PART 3A – ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS – FULL COUNCIL AND COMMITTEES**

### **1. Introduction**

This Part of the Constitution deals with the allocation of responsibility for undertaking the functions of the Council. Full Council is the primary decision-making body of the Council and as such is responsible for the exercise of all the functions that are the responsibility of the local authority.

However, in order to operate more effectively as an organisation, Full Council delegates many of its decision-making powers to committees, to officers, and to other local authorities.

### **2. Council Functions**

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution
- (b) Approving or adopting the Policy Framework and the Budget
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a committee function which is covered by the Policy Framework or the Budget where the decision-making body is minded to make it in a manner which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget
- (d) Approving changes to any plan or strategy which form part of the Council's Policy Framework, unless:
  - i. that change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to him for approval, or
  - ii. Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy
- (e) Agreeing and/or amending the terms of reference for committees and deciding on their composition
- (f) Appointing the Chairman/woman and Vice-Chairman/woman of each of the five service committees
- (g) Appointing the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee, who will also fulfil the respective roles of Leader and Deputy Leader of the Council



- (h) Appointing representatives to outside bodies unless the appointment has been delegated by the Council
- (i) Making appointments to the Fire Authority
- (j) Approving the annual Senior Officer Pay Policy Statement
- (k) Adopting a Members' Allowances Scheme
- (l) Changing the name of the area
- (m) Conferring the title of Honorary Alderman/woman
- (n) Confirming the appointment of, and dismissing, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer)
- (o) Making any request to the Local Government Boundary Commission for England for single-member electoral areas
- (p) Passing any resolution to change the County's electoral scheme
- (q) Making an order to give effect to recommendations made in a community governance review
- (r) Making, amending, revoking, re-enacting or adopting Bylaws and promoting or opposing the making of local legislation or personal Bills
- (s) Delegating functions to other local authorities as described in Article 10 of this Constitution
- (t) Amending the Scheme of Delegation to Officers set out in Part 3D of this Constitution
- (u) Approving the Council's Petitions Scheme set out in Part 4.1 of this Constitution
- (v) All other matters which, by law, must be reserved to Council.

### **3. Delegation of Functions by Full Council**

The functions which Full Council delegates to committees, to officers, and to other local authorities are set out below:

- Part 3B – Committees of Council
- Part 3C – Joint Committees
- Part 3D – Scheme of Delegation to Officers.



## **Part 3B – RESPONSIBILITY FOR FUNCTIONS – COMMITTEES OF COUNCIL**

### **Committees**

In order to undertake its functions in a more efficient way Full Council establishes a number of Committees to which it delegates authority to oversee and make decisions relating to operation of its functions.

Full Council determines the size and the delegated authority of the committees and in some cases is responsible for the appointment of the Chairman/woman and Vice-Chairman/woman. The seats on committees are allocated in accordance with the rules on political proportionality and the Party Groups are responsible for nominating Councillors from the group to fill the seats.

This part describes the Committees that the Council has established and includes details of their membership and delegated authority for decision making.



## 1. GENERAL PURPOSES COMMITTEE

### Membership

Seventeen members of the Council. Subject to proportionality, the Committee shall include the Chairman/woman and Vice-Chairman/woman of the Adults Committee, the Children and Young People Committee, the Economy and Environment Committee, the Health Committee and the Highways and Community Infrastructure Committee. The Chairman/woman and Vice-Chairman/woman of the General Purposes Committee shall be appointed by Full Council and shall be, ex officio, the Council Leader and Deputy Council Leader.

### Summary of Functions

The General Purposes Committee (GPC) is authorised by Full Council to co-ordinate the development and recommendation to Full Council of the Budget and Policy Framework, as described in Article 4 of the Constitution, including in-year adjustments.

In addition, the GPC is authorised to make decisions on the allocation of matters amongst committees where the function does not clearly fall within the remit of one particular committee.

The GPC has a number of specific functions including the following:

- Decisions relating to the Council's property and assets except for those reserved to Full Council
- Appointing members to a range of external bodies
- Oversight of 'corporate' or council-wide matters such as customer services unless reserved to Full Council.

<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
In respect of the statutory and local plans, which form the Council's Policy Framework, authority to lead the development of draft proposals, consider and recommend them for approval by Full Council	In consultation with relevant Service Committees
Authority to lead the development of the Council's draft Business Plan (budget), to consider responses to consultation on it, and recommend a final draft for approval by Full Council	In consultation with relevant Service Committees
Authority to recommend cross-cutting policies for approval by Full Council, e.g. the policy on Disclosure and Barring Service checks for councillors	
Authority to consider decision reviews and either: <ol style="list-style-type: none"> <li>1. refer the matter for determination by Full Council</li> <li>2. make recommendations to the relevant committee requiring the Committee to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Financial Officer</li> </ol>	



Delegated Authority	Delegation/ Condition
Authority to determine an appeal against any decision by or on behalf of the Authority except for those appeals whose determination falls within the remit of another committee, officer or panel of the Council.	
Authority to nominate representatives to Outside Bodies other than the Cambridgeshire and Peterborough Fire Authority, the County Councils Network Council and the Local Government Association	
Authority to determine the Council's involvement in and representation on County Advisory Groups. The Committee may add to, delete or vary any of these advisory groups, or change their composition or terms of reference	
Authority to review annual reports and inspection reports not within the remit of another committee	
Authority for monitoring and ensuring that Service Committees operate within the policy direction of the County Council and making any appropriate recommendations	
Authority for monitoring and reviewing the overall performance of the Council against its Business Plan	
Authority to determine the most appropriate committee for considering any matter which falls within the remit of more than one committee	
Authority to respond to any consultations within the remit of more than one committee as and when required	
Authority for managing those functions relating to elections and local democracy which are not reserved to Full Council	
<p>Authority for oversight, operation and review of 'corporate' services, for example:</p> <ul style="list-style-type: none"> <li>• the Council's internal and external communications policy and its implementation</li> <li>• Information Governance including but not limited to Data Protection and Freedom of Information</li> <li>• the Council's customer strategy and any matters dealt with by the Contact Centre, via digital channels or face-to-face</li> <li>• the Council's response to its equalities duties</li> <li>• the Council's Risk Management Strategy</li> <li>• the Council's Emergency Planning arrangements</li> </ul>	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
<ul style="list-style-type: none"><li>Authorising budget virement which is not covered within the limits of virement contained in the Council's financial rules, provided there is no change in the approved policy framework of the Council. Virement limits are set out in the Constitution in Part 3D (Scheme of Delegation to Officers) and Part 4 (Financial and Contract Procedure Rules)</li></ul>	
<ul style="list-style-type: none"><li>Authorising proposals which are not covered by the finance limits of the Executive and Corporate Directors' delegated powers contained in A3 – A7, as set out in the table at Paragraph 3 of Part 3D of the Constitution, provided there is no change in the Council's approved budget and policy framework</li></ul>	
<ul style="list-style-type: none"><li>Responsibility for the discharge of all functions and exercise of all powers of the County Council not expressly reserved to the Full Council or to any other part of the County Council by statute or by this Constitution</li></ul>	
<ul style="list-style-type: none"><li>Authority for the oversight and operation of all property-related functions including acquisitions and disposals</li></ul>	



## 2. ADULTS 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.

The Chairman/woman of the Adults Committee will be designated the Lead Councillor for Adult Services in accordance with the 'Best Practice Guidance on the Role of the Director of Adult Social Services' (Department of Health 2006).

### Summary of Functions

This committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the County Council, of social care services to eligible adults within Cambridgeshire.

- Services for people with physical disability
- Services for people with learning disability
- Preventative services
- Residential care
- Carer support.

Delegated Authority	Delegation/ Condition
Authority to take decisions relating to exercising management, oversight and the delivery of all the Council's relevant adult social care services (i.e. social care services for people aged 18 or over with eligible social care needs and their carers), except for those decisions which are reserved to Full Council	
Authority to undertake the Council's functions for promoting choice and independence in the provision of all adult social care	
Authority to approve all strategies associated with the committee portfolio area which are not reserved for Full Council	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting adult social care.	



### 3. CHILDREN AND YOUNG PEOPLE 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.

The following representatives, who shall be co-opted as non-elected members with voting rights on those matters relating to the Council's education functions. They may speak but not vote on other matters.

- 1 Church of England diocesan representative
- 1 Roman Catholic diocesan representative.

The Chairman/woman of the Children and Young People Committee will be designated the Lead Councillor for Children and Young People's Services in accordance with Section 19 of the Children Act 2004.

#### Summary of Functions

This committee has delegated authority to exercise all the Council's functions, save those reserved to Full Council, relating to the delivery, by or on behalf of, the County Council, of services relating to children and young people. These include:

- Child protection
- Children's Centres
- Education, Schools and settings
- Looked After Children
- Special Educational Needs (SEN)
- Youth Offending Services
- Youth services.

Delegated Authority	Delegation/Condition
Authority for exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to Full Council	
Authority for the functions and powers conferred on or exercisable by the County Council as Local Authority in relation to the provision of education	
Authority for working with all schools including academies in relation to raising standards of attainment and developing opportunities	
Authority for exercising management, oversight and delivery of Learning Outside of the Classroom and environmental education.	



<b>Delegated Authority</b>	<b>Delegation/Condition</b>
Authority for exercising management, oversight and delivery of Early Years services, including Children’s Centres	
Authority for exercising management, oversight and delivery of Enhanced and Preventative Services and Children’s Social Care	
Authority for exercising management, oversight and delivery of the Youth Offending Service	
Authority for approval of all strategies associated with the committee portfolio area that are not reserved to Full Council.	
The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 52 of the Education Act 2002 (appeals against exclusion of pupils)	Delegated to the Executive Director: Children, Families and Adults.
The making of arrangements pursuant to section 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admission appeals)	Delegated to the Executive Director: Children, Families and Adults.
The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies); appeals by governing bodies	Delegated to the Executive Director: Children, Families and Adults.



#### 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	
Authority for exercising the Council's functions in respect of all areas covering the following: <ul style="list-style-type: none"> <li>• County Planning - Minerals and Waste</li> <li>• Historic Environment</li> <li>• Flood and Water Management</li> <li>• Enterprise and Economy</li> <li>• Managing Local Energy Investment (MLEI)</li> <li>• Growth and Development including Travel for Work</li> <li>• Funding and Innovation</li> <li>• Managing capital programme</li> <li>• Major Infrastructure delivery projects (transport, highways and cycling), 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</li> <li>• Transport and Infrastructure Policy</li> <li>• Transport and Infrastructure Funding</li> <li>• CIL/S106 funding / innovative approaches</li> <li>• Funding bids</li> </ul>	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
<ul style="list-style-type: none"><li>• Cambridgeshire Guided Busway</li><li>• Park and Ride and Quality Bus Partnership</li><li>• Public Transport</li><li>• Social and Education Transport</li><li>• Adult Careers Information and Guidance</li><li>• Adult Skills including apprenticeships</li><li>• Learning Services including online</li><li>• Community Learning</li><li>• Connecting Cambridgeshire Programme</li></ul>	
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	



## 5. HEALTH 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.

Five non-voting co-opted District Councillors, one from each District Council in Cambridgeshire. District Councils shall be invited to nominate one member and one substitute. The usual rules for substitution as set out in the Council Procedure Rules shall apply.

### Overview of Functions

This committee has delegated authority to exercise the County Council's functions in respect of the following:

- The County Council's public health duty including health improvement, individual and community wellbeing, and reduction of health inequalities
- Responding as appropriate to central government consultation relating to policy or legislation falling within the remit of the Committee
- The review and scrutiny of any matter relating to the planning, provision and operation of the health services in Cambridgeshire
- To report to the Secretary of State for Health on any proposals for substantial change to any part of the NHS's services within Cambridgeshire.

Delegated Authority	Delegation/ Condition
Authority to exercise the powers conferred by Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012, and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) to review and scrutinise any matter relating to the planning provision and operation of the health service in its area.	
Authority to exercise the power under Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to report on a proposal for a substantial health service development or variation to the Secretary of State for Health	
Authority to delegate its functions under Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 to a joint overview and scrutiny committee when this is required by the Direction issued by the Secretary of State for Health in July 2003 or is conducive to the efficient scrutiny of proposals affecting more than one Social Services local authority area.	
Authority to appoint members to a joint overview and scrutiny committee established under the paragraph above. In this case the political balance	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
requirements will apply to such appointments.	
<p>Authority to assist the Director of Public Health in the exercise of the Public Health statutory duties set out in</p> <ul style="list-style-type: none"> <li>• the Health and Social Care Act 2012</li> <li>• the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012</li> <li>• NHS Act 2006</li> <li>• Criminal Justice Act 2003</li> <li>• Licensing Act 2003</li> <li>• Water Industry Act 1991</li> <li>• Water Industry Act 1988</li> <li>• Mental Health Act 1983</li> <li>• Mental Capacity Act 2005</li> </ul>	
Authority to oversee and undertake the Council's functions relating to the public health duty of the Council including health improvement, individual and community wellbeing, and the reduction of health inequalities	
Authority for approving all strategies associated with the committee portfolio area not reserved for approval by Full Council	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting any of the responsibilities falling with the remit of the Health Committee	



## 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
<p>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>	
<p>Authority for exercising all functions of the Council relating to the following:</p> <ul style="list-style-type: none"> <li>• Trading Standards</li> <li>• Cultural Growth and Participation – Arts, Museums and Sport</li> <li>• RECAP (Recycling in Cambridgeshire and Peterborough partnership)</li> <li>• Parking Services</li> <li>• Safety of Sports Grounds</li> <li>• Road, streets and paths maintenance, operations and enforcement</li> <li>• Local Highway Improvement Initiative</li> <li>• Gritting, verge cutting and other routine works</li> <li>• Traffic Management systems and regulations</li> <li>• Road Safety</li> <li>• Maintaining Highways and rights of way records</li> <li>• Asset Management and information</li> <li>• Major Contracts (Highways services, waste and street lighting)</li> <li>• Libraries</li> <li>• Archives</li> <li>• Registration</li> <li>• Coroners</li> </ul>	



Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none"> <li>• Cromwell Museum</li> </ul>	
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"> <li>• 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, 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</li> <li>• Authority to approve the Transport Delivery Plan</li> </ul>	<p>Head of Local Infrastructure and Street Management in consultation with the Local Members for all districts, except Cambridge City.</p>
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



## 7. AUDIT AND ACCOUNTS COMMITTEE

### Membership

Seven members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Audit and Accounts Committee.

The Audit and Accounts Committee shall be entitled to appoint up to three people at any one time as non-voting co-opted members of the Committee. The Committee shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items. The Committee may not co-opt any person who is an active member of any political party defined as any person who engages in political activities which would not be permissible if that person was an officer holding a politically restricted post within the Council. Co-options may only be made if the person co-opted has particular knowledge or expertise in the functions for which the Committee is responsible.

Delegated Authority	Delegation/ Condition
<p>1. To undertake the County Council's responsibilities under the Accounts and Audit Regulations:</p> <ul style="list-style-type: none"> <li>(a) to consider and approve the annual statement of accounts</li> <li>(b) to ensure that the financial management of the Council is adequate and effective</li> <li>(c) to ensure that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk</li> <li>(d) to review annually the Council's system of internal control and to agree an Annual Governance Statement for inclusion in the statement of accounts</li> <li>(e) to ensure that the Council has an adequate and effective internal audit function</li> </ul> <p><i>(The above statements summarise the requirements of the Regulations. The following statements provide clarity about what the role of the Committee is in practice.)</i></p>	
<p>2. To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements</p>	
<p>3. To oversee the Council's Assurance Framework, ensuring that action is being taken on risk-related issues identified by auditors and inspectors</p>	
<p>4. To consider reports on the provision of internal audit services under S.151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2003 (Regulation 6)</p>	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
5. To review the financial statements, external auditor's opinion and reports to members, and monitor management actions in response to the issues raised by external audit	
6. To approve and monitor delivery of the Internal Audit's Strategy and performance and to consider and endorse the Annual Work Programme	
7. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted	
8. To seek assurance that action has been taken to implement the recommendations arising from the findings of significant audit work	
9. To discuss the Audit Planning Memorandum with external audit	
10. To receive, for information, the Relationship Management Report and Annual Audit Letter and to scrutinise the Council's response to issues raised	
11. To ensure that the Council's Annual Governance Statement properly reflects the risk environment and any actions required to improve it	
12. To advise on the content of revisions to the Council's risk management policy	
13. To make recommendations as to the wording and content of revisions to the County Council's Financial and Contract Procedure Rules (NB changes to the Financial and Contract Procedure Rules must be approved by Full Council in order to become effective.)	
14. To report as appropriate to Full Council, relevant Service Committee and Constitution and Ethics Committee on issues which require their attention or further action	
15. To bring to the attention of the General Purposes Committee any issue which may warrant further consideration or review	
16. To approve and maintain the Council's Code of Corporate Governance	
17. To oversee the annual review of the effectiveness of the system of internal audit	



## 8. CONSTITUTION AND ETHICS COMMITTEE

### Membership

Eleven members of the Council, including the Vice-Chairman/woman of Council, who shall chair the Committee. The Vice-Chairman/woman of the Committee shall be elected by the Committee.

### Hearings Sub-Committees

The Monitoring Officer in consultation with the Chairman/woman of Constitution and Ethics Committee shall appoint, as and when necessary, Hearings Sub-Committees to consider and determine complaints against County Councillors alleging that they have breached the Members' Code of Conduct.

Hearings Sub-Committees shall comprise three members of the Constitution and Ethics Committee including either the Chairman/woman or Vice-Chairman/woman. The membership of the committee shall, as far as practicable, be politically proportionate.

Delegated Authority	Delegation/ Condition
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	Subject to the receipt and consideration of a report prepared by the Monitoring Officer
Authority to hear and determine complaints against members alleging breaches of the Members' Code of Conduct	Delegated to Hearings Sub-Committee
Authority to issue a sanction against a member found to be in breach	Delegated to Hearings Sub-Committee
Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the County Council including: <ul style="list-style-type: none"> <li>• Approving and issuing guidance to Members</li> <li>• Making recommendations to Full Council regarding the suggested amendment of the Members' Code of Conduct</li> <li>• Approving training to be provided to members in the Code of Conduct</li> <li>• Monitoring the operation of the Code of Conduct</li> </ul>	
Authority to approve the granting, to any County Council employee, of a dispensation in relation to disqualification from political activities	Local Government and Housing Act 1989



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements	
Authority to select and to appoint persons as members of the County Council's Independent Remuneration Panel	
Authority to receive and approve proposals regarding the Council's exercise of powers covered by the Regulation of Investigatory Powers Act	
Authority to issue dispensations to any member in respect of statutory and non-statutory disclosable interests	Delegated to Monitoring Officer



## 9. PENSION FUND COMMITTEE

### Membership

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



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
<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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Communications Strategy – determining the methods of communications with the various stakeholders including scheme members and employers.</li> <li>• Discretions – determining how the various administering authority discretions are operated for the Fund.</li> <li>• Governance - the key governance arrangements for the Fund, including representation.</li> <li>• Risk Management Strategy – to include regular monitoring of the Fund’s key risks and agreeing how they are managed and/or mitigated.</li> </ul>	<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>



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
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
<b>Cambridgeshire County Council Members</b>	4	As above	Determined by Cambridgeshire County Council representatives on the Committee. Details of process to be agreed by the Chairman/woman.
<b>All other employers</b>	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.
<b>Scheme member representative</b>	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.
<b>Total</b>	<b>7</b>		

**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



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
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"> <li>• Legislative, financial and economic changes relating to investments and their potential impact on the Fund;</li> <li>• The investment management fees paid by the Fund and to implement any actions deemed necessary;</li> <li>• The transactions costs incurred by the Fund across its investment mandates and raise relevant issues and concerns with the investment managers as necessary;</li> <li>• 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.</li> </ul>	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.



## 10. PLANNING COMMITTEE

### Membership

Eleven members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Planning Committee.

Delegated Authority	Delegation/Condition
<p>Authority to exercise the Council's powers and functions in relation to:</p> <ul style="list-style-type: none"><li>• Development Control</li><li>• The Planning (Hazardous Substances) Regulations 1992</li><li>• Applications under the Commons Registration Act 1965 and the Commons Act 2006</li><li>• Rights of Way</li></ul>	<p>See Scheme of Delegation to Officers and to Area Committees</p>
<p>To undertake the Council's functions in relation to Minerals and Waste Local Development Documents, except where these functions have been delegated by Council to the Joint Development Control Committees for the Cambridge Fringes and Northstowe</p>	<p>Subject to approval of the policy framework by Full Council</p> <p>See Scheme of delegation to Officers</p>



## 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.

<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
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	



<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
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 service users.

<b>Delegated Authority</b>	<b>Delegation/ Condition</b>
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	



## 12. CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD

### Introduction

The Cambridgeshire Health and Wellbeing Board (HWB) is established as a committee of the County Council under section 102 of the Local Government Act 1972. Its remit is to work to promote the health and wellbeing of Cambridgeshire's communities and its focus is on securing the best possible health outcomes for all residents.

### Membership

- 5 County Councillors
- 5 nominated District Council representatives  
(supported by Senior District Council officer with Observer Status)
- 2 representatives of the Clinical Commissioning Group (CCG)  
(nominated by the CCG Governing Body)\*
- 1 representative of the local HealthWatch\*
- Director of Public Health\*
- Executive Director: Children, Families and Adults\*
- Chief Finance Officer (Section 151 Officer)
- Representative of NHS Commissioning Board\*

\* Statutory members of the HWB. There is also a statutory requirement for at least one Local Authority Councillor to be a member of the HWB.

### Powers and functions

<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
Authority to respond to consultations about commissioning plans issued by clinical commissioning groups in connection with Section 26 of the Health and Social Care Act 2012	Section 26, Health and Social Care Act 2012
Authority to encourage persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner	Section 195, Health and Social Care Act 2012
Authority to provide any advice, assistance and support it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006	Section 195, Health and Social Care Act 2012 Section 75, NHS Act 2006



<b>Delegated Authority</b>	<b>Statutory Reference/ Condition</b>
Authority to prepare the Joint Strategic Needs Assessment (JSNA)	Section 116, Local Government and Public Involvement in Health Act 2007 Section 196, Health and Social Care Act 2012
Authority to prepare the Joint Health and Wellbeing Strategy based on the need identified in the Joint Strategic Needs Assessment and overseeing the implementation of the Strategy	Section 116A, Local Government and Public Involvement in Health Act 2007. Section 196, Health and Social Care Act 2012
Authority to discharge any other functions specifically reserved to be undertaken by the Health and Wellbeing Boards as set out in legislation, guidance, circulars and directives received from national government.	



## **Part 3C – JOINT COMMITTEES**

### **Introduction**

Full Council is empowered to establish Joint Committees together with other local authorities, and to delegate functions to those Joint Committees. This part contains a list of the Joint Committees which have been established by Full Council and sets out their composition, purpose and delegated functions. In addition, where there are special procedural rules these are also listed.



## **A. TERMS OF REFERENCE FOR JOINT DEVELOPMENT CONTROL COMMITTEE FOR CAMBRIDGE FRINGES**

### **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 developments<sup>1</sup> 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.
- 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.

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<sup>1</sup> 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.



- 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. 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, 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.



## **B. TERMS OF REFERENCE FOR NORTHSTOWE JOINT DEVELOPMENT CONTROL COMMITTEE**

### **1. Parties**

Cambridgeshire County Council  
South Cambridgeshire District Council  
(‘the Councils’)

### **2. Status**

This Committee is a joint committee to be formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

### **3. Membership**

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. The functions delegated include the power of the Councils to determine planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
- 4.2 The Committee shall only discharge the functions in respect of major developments<sup>2</sup> falling wholly or substantially within the areas shown on the plan forming Appendix 2 and ancillary applications 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. ‘Major development’ is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 15<sup>th</sup> May 2007 or as subsequently amended or replaced.
- 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.

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<sup>2</sup> “Major development means development including any one or more of the following:

- (a) waste development;
- (b) 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);
- (c) 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
- (d) development carried out on a site having an area of 1 hectare or more;
- (e) Regulation 3 developments for all new facilities



4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.

4.5 All members will be entitled to vote on all applications.

## **5. Standing Orders**

5.1 The Committee shall agree Standing Orders to govern the conduct of its business.

## **6. Administration**

6.1 The Council which is the local planning authority shall receive applications relating to the functions in the usual way and shall be responsible for all administrative stages leading to and flowing from the exercise of the functions.

6.2 South Cambridgeshire District 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.

## **Appendix 1 - Functions delegated to the Committee**

To exercise each of the Councils' powers and duties in relation to development control on Major Developments and ancillary developments including for the avoidance of doubt the power to approve authorise and direct the respective Councils to enter in to agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers and to prepare for approval by each Council a scheme of delegation to officers insofar as this has not been agreed prior to commencement of the Committee and thereafter to keep such scheme of delegation under review.



## **D. CAMBRIDGESHIRE AND PETERBOROUGH POLICE AND CRIME PANEL**

The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (Commissioners).

The Act also requires the local authorities in each police force area to establish a police and crime panel (panel), as a joint committee, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.

Peterborough City Council is the host authority for the Cambridgeshire and Peterborough Police and Crime Panel. The Panel's membership and procedures, as well as its terms of reference, can be viewed on the Peterborough City Council website.

### **TERMS OF REFERENCE**

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 4) To review and make a report on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint an Acting Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.



## **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. 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.



## **F. GREATER CAMBRIDGE CITY DEAL INTEGRATED GOVERNANCE FRAMEWORK**

The Greater Cambridge City Deal has five local partners, Cambridgeshire County Council, Cambridge City Council, South Cambridgeshire District Council, the Greater Cambridge Greater Peterborough Enterprise Partnership and the University of Cambridge. Its governance framework consists of an Executive Board with five members, supported by an Assembly with 15 members.

### **a) Greater Cambridge City Deal Executive Board**

#### **Summary of Functions**

The Greater Cambridge City Deal Executive Board has delegated authority to exercise the following functions:

- Authority to set and review the objectives to be achieved by the strategic investments made pursuant to the Greater Cambridge City Deal agreement dated 19 June 2014.
- Authority to:
  - Approve single position statements in relation to strategic City Deal issues.
  - Approve projects, including the allocation of project funding, which fall within the ambit of the City Deal agreement.
  - Approve the major priorities under the auspices of the City Deal.
  - Approve plans and strategies necessary or incidental to the implementation of the City Deal agreement.
  - Consider recommendations from the Greater Cambridge City Deal Joint Assembly.

#### **Terms of Reference and Standing Orders**

The Executive Board's Terms of Reference and Standing Orders are set out in Appendix 1.

### **b) Greater Cambridge City Deal Joint Assembly**

#### **Summary of Functions**

The Greater Cambridge City Deal Joint Assembly has delegated authority to exercise the following functions:

- Authority to advise the Greater Cambridge Executive Board in connection to the achievement of the objectives of the City Deal agreement.
- Authority to prepare and submit reports and/or recommendations to the Greater Cambridge Executive Board.

#### **Terms of Reference and Standing Orders**

The Joint Assembly's Terms of Reference and Standing Orders are set out in Appendix 2.



**Appendix 1**

**GREATER CAMBRIDGE CITY DEAL EXECUTIVE BOARD  
TERMS OF REFERENCE**

**1. Parties**

Cambridge City Council  
Cambridgeshire County Council  
South Cambridgeshire District Council  
The Greater Cambridge Greater Peterborough Enterprise Partnership  
The University of Cambridge

**2. Status**

The Greater Cambridge Executive Board has been established by Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council. It is a joint committee of the three Councils, established by Cambridgeshire County Council under section 102(1)(b) of the Local Government Act 1972 and by Cambridge City Council and South Cambridgeshire District Council under section 9EB of the Local Government Act 2000.

**3. Membership**

3 elected members with full voting rights (one from each of the three member Councils)  
2 non-voting members (one from the Local Enterprise Partnership and one from the University of Cambridge).

**4. Functions of the Executive Board**

- 4.1 The Executive Board is established to ensure that the objectives of the Greater Cambridge City Deal Agreement dated 19 June 2014 are met. To this end, the Board will have oversight of the strategic direction and delivery of the City Deal and its objectives.
- 4.2 The Executive Board will also be responsible for the commissioning of projects funded by money provided through the City Deal, and for overall control of that programme of investments. The scheme promoter for each individual project will be responsible for the delivery of that budget, under the oversight of the Executive Board. This shall also apply to circumstances in which funding is provided to the Board by the member Councils or by other parties, such as the Local Enterprise Partnership.
- 4.3 The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary for the Board to exercise its powers. The three Councils may also, from time to time, agree to delegate further functions to the Board. The Executive Board may further delegate to officers of the three Councils.



- 4.4 The Executive Board will consider any reports and recommendations from the Joint Assembly as appropriate.

## **5. Professional and administrative support**

- 5.1 Cambridgeshire County Council shall act as the accountable body for the Executive Board in respect of financial matters and its financial procedure rules will apply in this context.
- 5.2 Committee management and administrative support to the Executive Board will be provided by South Cambridgeshire District Council.
- 5.3 The lead role on projects shall be determined by the Board, subject to the principle that the lead authority should be the Council primarily responsible for the service in question for their area. The procurement and other rules of the lead authority will apply in respect of projects.

## **6. Standing Orders**

The Executive Board will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Costs**

- 7.1 The three Councils will each bear its own costs in relation to the operation of the Executive Board, with the exception of approved project delivery costs met from budgets managed by the Board.
- 7.2 Each Council makes a legally binding commitment that, should it withdraw from or modify its role within the Executive Board, it agrees to pay all additional costs that fail to be met by the other partner Councils that are reasonably attributable to that decision. This could include, for example, the costs that are locked in to projects that have already been committed to, or the costs of dissolving integrated officer and Member arrangements and re-establishing independent arrangements.
- 7.3 The firm intention is that the Executive Board will continue until it is either replaced by a Combined Authority, subject to the carrying out of a governance review following necessary legislative changes, or until the programme is completed. Recognising the very serious implications of withdrawal from the Board for the delivery of the City Deal programme, if a Council decides to withdraw from or modify its role within the Board, it commits to sharing this with the Committee at the earliest possible opportunity, and to entering into constructive discussions to avoid this happening or to reach a way forward.



**Appendix 2**

**GREATER CAMBRIDGE CITY DEAL JOINT ASSEMBLY  
TERMS OF REFERENCE**

**1. Parties**

Cambridge City Council  
Cambridgeshire County Council  
South Cambridgeshire District Council  
The Greater Cambridge Greater Peterborough Enterprise Partnership  
The University of Cambridge

**2. Status**

The Greater Cambridge City Deal Joint Assembly has been established by Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council. It is a joint advisory committee of the three Councils, established under section 102(4), Local Government Act, 1972.

**3. Membership**

3 elected members appointed by each of the three member Councils  
3 members nominated by the Greater Cambridge Greater Peterborough Enterprise Partnership  
3 members nominated by the University of Cambridge

**4. Functions of the Joint Assembly**

- 4.1 The Joint Assembly is established to advise the Greater Cambridge City Deal Executive Board with regard to the latter's role in achieving the objectives of the Greater Cambridge City Deal Agreement dated 19 June 2014.
- 4.2 The Assembly will act as a forum for discussion with a wider range of members and stakeholders across the Greater Cambridge area, so that the Executive Board benefits from a wider range of expertise in making its decisions.
- 4.3 To this end, the Assembly may receive and comment on ("pre-scrutinise") reports to the Executive Board, may offer advice to the Board on the discharge of its functions and may review its work.
- 4.4 The Assembly may develop its own work programme and submit reports or recommendations to the Executive Board for consideration, as appropriate.



**5. Professional and administrative support**

- 5.1 Committee management and administrative support to the Joint Assembly will be provided by South Cambridgeshire District Council.
- 5.2 Other professional support will be provided to the Assembly on an ad hoc basis as agreed between the three Councils.

**6. Standing Orders**

The Joint Assembly will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

**7. Costs**

The three Councils, the Greater Cambridge Greater Peterborough Enterprise Partnership and the University of Cambridge will each bear its own costs in relation to the operation of the Joint Assembly.



## **Part 3D - SCHEME OF DELEGATION TO OFFICERS**

### **1. Introduction**

This section describes the extent and nature of the authority delegated to officers to undertake functions on behalf of Cambridgeshire County Council. The delegations are made by either the Full Council or one of its committees.

### **2. General Principles**

The Chief Executive and the Chief Officers, where they consider it necessary and expedient, may authorise officers within their respective service Directorates to undertake functions on their behalf. If such authorisations are made, the relevant Chief Officer shall prepare and maintain a written schedule of authorisations to be available for inspection by the Monitoring Officer and published on the Council's website.

Where an officer listed in this Scheme of Delegation is absent for any period, the Chief Executive may nominate in writing another officer to act in his/her place during their absence and shall make a record of all such nominations.

The Chairman/woman of the relevant committee may request an officer not to exercise their delegated power in any particular case and, if so, a report will be taken to the next available meeting of this committee for consideration.

Chief Officers shall agree with the Chairman/woman and Vice-Chairman/woman of the relevant committee the nature and level of information the committee requires regarding the exercise of officers' delegated powers.

Chief Officers shall exercise their delegated powers in accordance with any requirements of the Chief Executive.

#### **General Delegation**

The Chief Executive and Chief Officers/Directors are authorised to discharge all the functions of the authority within their areas of responsibility as defined below and subject to the General Conditions and Limitations set out below.

#### **Conditions Relating to the Exercise of Delegated Authority**

The exercise of functions delegated to officers under this scheme must comply with:

- i) any legal requirement or restriction
- ii) any relevant provision in the Council's Constitution
- iii) the Council's policy framework and any other plans and strategies approved by the Council
- iv) the relevant in-year budget
- v) the relevant officers' code of conduct
- vi) the Council's Financial and Contract Procedure Rules
- vii) the requirements of the Openness of Local Government Bodies Regulations 2014 and any supporting guidance
- viii) all other relevant policies, procedures, protocols and provisions.



## **Limitations to the Exercise of Delegated Powers**

Officers in the exercise of functions delegated by this scheme may not:

- i) make Key Decisions as defined in the relevant Council's Constitution unless it is specifically delegated to the officer. An officer making a Key Decision specifically delegated to him/her shall first consult with the Chairman/woman and Vice-Chairman/woman of the relevant committee before exercising such delegation.
- ii) change or contravene policies or strategies approved by the Council or its committees or joint committees 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 committee chairman/woman and vice-chairman/woman before exercising the delegated power.

## **Consultation**

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 committee chairman/woman and vice-chairman/woman before exercising the delegated powers.

When exercising delegated powers, officers shall ensure that local Members are kept informed of matters affecting their divisions.

## **3. Specific Delegations**

### **CHIEF EXECUTIVE:**

To act as Head of Paid Service for the purposes of the Local Government and Housing Act 1989.

To exercise in cases of urgency, those functions delegated to the Executive Directors, Corporate/Service Directors or Heads of Service and in cases of emergency all powers of the Council.

To act as controller in war and to exercise all the powers of local government in the event of circumstances arising in which the County Council, or the committee to which emergency powers have been delegated, is unable to act.



**CHIEF EXECUTIVE:**

To take all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations across the County Council.

In accordance with the Procedure for taking urgent decisions contained in Part 4.4(a) of the Constitution to make any decision normally reserved to committee or another officer.

To hold to account Executive and Corporate Directors for the performance of their departments.

To place items of business on agendas for formal member meetings.

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.

Authority to determine the number, grade, title and nature of staff employed within the County Council.

**ALL EXECUTIVE AND CORPORATE DIRECTORS:**

1. To make applications for planning permission in pursuance of Regulation 3 of the Town and Country Planning General Regulations 1992.
2. To incur expenditure in emergencies under Section 138 of the Local Government Act 1972.
3. To make all staff appointments below the level of Service or Corporate Director and to determine the remuneration and conditions of service of each post within any guidance or instructions issued by the LGSS: Director of HR and OD.
4. To dispense with any provision of the Contract Regulations, but only in accordance with the detailed requirements for Exemptions set out in the Procurement Rules and/or Scheme of Financial Management up to a fixed sum (A7 below) or up to the EU threshold, and in consultation with the relevant committee Chairman/woman and Vice-Chairman/woman.
5. To approve, with the agreement of the LGSS: Director of Finance, new revenue or capital schemes by Trading Units at no net cost to the Council.
6. To exercise corresponding powers and duties as already delegated to officers of the Council within the Scheme of Delegation where these or similar powers and duties are included in revised Acts, Orders or Regulations.



**ALL EXECUTIVE AND CORPORATE DIRECTORS:**

7. To take all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations or the purpose of this Scheme of Delegation, this shall include the power to authorise the sealing of contract documents including plans and schedules in the absence of specific committee authority.

8. Authority to determine the number, grade, title and nature of staff within their Directorate and all other terms and conditions.

Subject to budget and in consultation with the Director of People, Transformation and Transactions.

9. To hold officers to account for the performance of their service areas

10. The following table identifies the finance limits of delegated powers that Full Council has issued to all Executive and Corporate Directors for specific finance-related decisions.

	£
A1 Capital virement	250,000
A2 Revenue virement (including operational savings)	160,000
A3 Debt write-off	10,000
A4 Loans to other persons or organisations	5,000
A5 Property transaction - capital value	500,000
A6 Property transaction - annual rental	150,000
A7 Loans and expenditure from Funds	300,000

**EXECUTIVE DIRECTOR: CHILDREN, FAMILIES AND ADULTS**

The exercise of the responsibilities set out below is delegated by the County Council:

(a) To be the designated Director of Children Services in accordance with Section 18(1) of the Children’s Act 2004

(b) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

Adult Social Care

- Safeguarding
- Mental Health
- Disability
- Older People
- Residential services



- Day Services
- IT systems
- Partnership and Planning

Children's Social Care

- Education
- Special educational needs and disability
- Safeguarding and protection
- Children's social care
- Youth services
- Early Years
- IT systems
- Partnership and Planning

(c) Approving school governor appointments for which the Council has responsibility and reporting these decisions quarterly to the Children and Young People's Committee

(d) Holding officers to account for the performance of their service areas

**EXECUTIVE DIRECTOR: ECONOMY, TRANSPORT AND ENVIRONMENT SERVICES**

The exercise of the responsibilities set out below is delegated by the County Council:

(a) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

- Major infrastructure Delivery
- Waste Disposal
- Growth and Economy
- Transport and infrastructure Policy and Funding
- Highway
- Assets and Commissioning
- Traffic and Road Safety
- Policy Co-ordination
- Trading Standards
- Archaeology and Conservation
- Strategic Planning
- Adult Learning Services, Libraries, Archives and Information
- Registration and Coroners Services
- Planning
- Cultural and Parking Services

(b) Holding officers to account for the performance of their service areas



## DIRECTOR OF PUBLIC HEALTH

The exercise of the responsibilities set out below is delegated by the County Council:

Public Health Services	Delegated to:
<p>Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints.</p> <p>Part 4, Regulation 22(1)(a), The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.</p>	Chief Executive
<p>Responsibility for preparing an annual report on the health of the people of Cambridgeshire under Section 31, Health and Social Care Act 2012.</p>	Director of Public Health
<p>Responsibility for preparing an annual health protection report to the Health and Wellbeing Board to cover a summary of relevant activity and the multi-agency health protection plans in place, establish how the various health protection responsibilities are discharged, and identify their relationship to the Joint Strategic Needs Assessment and Health and Wellbeing Strategy priorities.</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties to improve the health of the people in the Council's area under Section 30, Health and Social Care Act 2012 and Section 2B, NHS Act 2006. In exercising this duty, the steps that may be taken include:</p> <ul style="list-style-type: none"> <li>a) providing information and advice;</li> <li>b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);</li> <li>c) providing services or facilities for the prevention, diagnosis or treatment of illness;</li> <li>d) providing financial incentives to encourage individuals to adopt healthier lifestyles;</li> <li>e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment;</li> <li>f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement; and</li> <li>g) making available the services of any person or any facilities.</li> </ul>	Director of Public Health



<b>Public Health Services</b>	<b>Delegated to:</b>
<p>Responsibility for exercising the Council’s powers and duties that relate to planning for, or responding to, emergencies involving a risk to public health. Under Section 30, Health and Social Care Act 2012 and Section 73A, NHS Act 2006.</p>	<p>Director of Public Health</p>
<p>Responsibility for exercising the Council’s powers and duties that relate to arrangements for assessing etc risks posed by certain offenders.</p> <p>(Section 30, Health and Social Care Act 2012. Section 325, Criminal Justice Act 2003)</p>	<p>Director of Public Health</p>
<p>Power to conduct, commission or assist the conduct of research for any purpose connected with the exercise of the Council’s functions in relation to the health service and to obtain data, information or advice from persons with professional expertise pursuant to conducting such research.</p> <p>(Section 17, Health and Social Care Act 2012. Section 5, NHS Act 2006.)</p>	<p>Director of Public Health</p>
<p>Power to discharge those functions of the Council arising from the requirement that a licensing authority, when determining and publishing a licensing statement pursuant to section 5(3)(bb) (statement of licensing policy) of the Licensing Act 2003, must consult an authority with responsibility for public health.</p> <p>(Section 5(3)(bb) (statement of licensing policy) of the Licensing Act 2003,)</p>	<p>Director of Public Health</p>
<p>In relation to the Licensing Act 2003:</p> <ul style="list-style-type: none"> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for, or a variation or minor variation of, a premises licence.</li> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for a provisional statement.</li> <li>• authority to make an application or representations on behalf of the Council to a licensing authority for and/or in relation to the review of a premises licence.</li> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the summary review of a premises licence.</li> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for, or a variation or minor variation of, a club premises certificate.</li> <li>• authority to make an application or representations on behalf of the Council to a licensing authority for and/or in relation to the review of</li> </ul>	<p>Director of Public Health</p>



<b>Public Health Services</b>	<b>Delegated to:</b>
<p>a club premises certificate.</p> <ul style="list-style-type: none"> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the inspection of premises prior to the grant of a club premises certificate.</li> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the review of a club premises licence following a closure order.</li> <li>• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for an early morning alcohol restriction order.</li> </ul> <p>(Sections 18, 35 and 41B and Sections 31, 51, 52, 53, 53C, 72, 85, 86B, 87(d), 88, 89, 96, 167(e) and 172B(f) of the Licensing Act 2003)</p>	
<p>Responsibility for exercising the Council's powers and duties to provide, or secure the provision of, oral health promotion programmes to the extent that the Council considers appropriate.</p> <p>Responsibility for exercising the Council's powers and duties to provide, or secure the provision of oral health surveys to facilitate:</p> <ul style="list-style-type: none"> <li>• The assessment and monitoring of oral health needs;</li> <li>• The planning and evaluation of oral health promotion programmes;</li> <li>• The planning and evaluation of the arrangements for the provision of dental services as part of the health services; and</li> <li>• Where there are water fluoridation programmes affecting Cambridgeshire, the monitoring and reporting of the effect of water fluoridation programmes.</li> </ul> <p>(The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 and Section 87 (1) of the Water Industry Act 1991.)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties to respond to oral health surveys conducted or commissioned by the Secretary of State under paragraph 13(1) of Schedule 1 to the National Health Service Act 2006 where the survey is conducted within Cambridgeshire.</p> <p>(The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties relating to the making of, and consultation on, water fluoridation proposals to the Secretary of State.</p> <p>(Section 36, Health and Social Care Act 2012 and Section 88B, Water Industry Act 1988)</p>	Director of Public Health



<b>Public Health Services</b>	<b>Delegated to:</b>
<p>Responsibility for exercising the Council's powers and duties to provide for the medical inspection at appropriate intervals of pupils in attendance at schools maintained by the Council as local education authority and for the medical treatment of such pupils.</p>	
<p>Responsibility for exercising the Council's powers and duties to provide for the medical inspection or treatment of:</p> <ul style="list-style-type: none"> <li>a) senior pupils in attendance at any educational establishment, other than a school, which is maintained by the Council and at which full-time further education is provided (subject to the prior agreement of the governing body of the establishment); or</li> <li>b) any child or young person who, in pursuance of section 19 or 319 of the Education Act 1996 (c. 56), is receiving primary or secondary education otherwise than at a school.</li> </ul>	
<p>Responsibility for exercising the Council's powers and duties to provide for the medical inspection or treatment of pupils in attendance at any educational establishment which is not maintained by a local education authority by arrangement with the proprietor of that establishment.</p> <p>(Section 17, Health and Social Care Act 2012 and Section 5, NHS Act 2006.)</p>	
<p>Responsibility for exercising the Council's powers and duties to provide for the weighing and measuring of pupils in attendance at any school which is maintained by the authority and, by arrangement with the proprietor, at any school which is not maintained by the Council.</p> <p>(Section 17, Health and Social Care Act 2012, Section 5, NHS Act 2006. Part 2, Regulation 3 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>
<p>Responsibility for exercising the Council's powers and duties to provide, or make arrangements for the provision of, health checks to eligible persons within the Council's area, pursuant to the requirements set out in the legislation below.</p> <p>(Section 2B, National Health Service Act 2006. Part 2, Regulations 4 and 5 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>



<b>Public Health Services</b>	<b>Delegated to:</b>
<p>Responsibility for exercising the Council’s powers and duties to provide, or make arrangements for the provision of, open access sexual health services within the Council’s area, including:</p> <ul style="list-style-type: none"> <li>a) contraceptive services; and</li> <li>b) services related to the prevention and treatment of sexually transmitted infections.</li> </ul> <p>pursuant to the requirements set out in the legislation referred to below</p> <p>(Section 2B and Schedule 1 (para. 8), National Health Service Act 2006. Part 2, Regulation 6 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>
<p>Responsibility for exercising the Council’s powers and duties to provide, or make arrangements for the provision of, a public health advice service to any clinical commissioning group whose area falls wholly or partly within the Council’s area.</p> <p>(Section 2A and 2B, National Health Service Act 2006. Part 2, Regulation 7 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>
<p>Responsibility for reviewing the range of matters to be covered by any such public health advice service, having had regard to the needs of the people in the Council’s area and in agreement with the clinical commissioning group(s) to which the service is provided.</p> <p>(Section 2A and 2B, National Health Service Act 2006. Part 2, Regulation 7 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>
<p>Responsibility for exercising the Council’s powers and duties relating to independent mental health advocate services.</p> <p>(Section 130, Mental Health Act 1983 and Section 43, Health and Social Care Act 2012.)</p>	<p>Director of Public Health</p>
<p>Responsibility for exercising the Council’s powers and duties relating to the provision of direct payments for healthcare.</p> <p>(Section 12A, NHS Act 2006 and Schedule 4, Part 1, Health and Social Care Act 2012.)</p>	<p>Director of Public Health</p>



<b>Public Health Services</b>	<b>Delegated to:</b>
<p>Responsibility for exercising the Council’s powers and duties relating to independent mental capacity advocates.</p> <p>(Section 35, Mental Capacity Act 2005 and Schedule 4, Part 1, Health and Social Care Act 2012.)</p>	<p>Director of Public Health</p>
<p><b>Statutory functions of the Director of Public Health relating to protecting the health of the local population</b></p> <p>Responsibility for exercising the Council’s powers and duties to provide information and advice to responsible persons and relevant bodies within, or which exercise functions relating to, the Council’s area, with a view to promoting the preparation of appropriate local health protection arrangements.</p> <p>(Section 2A and 2B, National Health Service Act 2006. Part 2, Regulation 8 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>
<p><b>Statutory functions of the Director of Public Health relating to charges in respect of the Council’s functions under Section 2B of the NHS Act 2006.</b></p> <p>Responsibility for exercising the Council’s powers and duties to make and recover charges in respect of:</p> <ul style="list-style-type: none"> <li>a) providing information and advice;</li> <li>b) providing services and facilities designed to promote healthy living;</li> <li>c) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement; and</li> <li>d) making available the services of any person or facilities.</li> </ul> <p>Subject to the restrictions set out in the legislation referred to below</p> <p>(Section 2B, National Health Service Act 2006 and Part 3, Regulation 9 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	<p>Director of Public Health</p>



Public Health Services	Delegated to:
<p><b>Statutory functions relating to joint working with the prison service under Section 249 of the NHS Act 2006.</b></p> <p>Responsibility for exercising the Council’s powers and duties to enter into prescribed arrangements with the prison service insofar as those arrangements relate to securing and maintaining the health of prisoners.</p> <p>(Section 249, National Health Service Act 2006 and Section 29, Health and Social Care Act 2012.)</p>	<p>Director of Public Health</p>

**CORPORATE DIRECTOR: CUSTOMER SERVICE AND TRANSFORMATION**

The exercise of the responsibilities set out below is delegated by the County Council:

(a) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

- Business Transformation
- Chief Executive’s Support team including support for Lord Lieutenant, Chairman/woman and Director
- Communications and Community Engagement
- Customer Service Strategy, policy and operations
- Digital Delivery
- Emergency and Business Continuity Planning
- Equality and Health and Safety (strategic lead)
- Gypsies and Travellers (strategic lead)
- Information Governance, Information Management and Records Management
- Military Covenant
- Risk Management

(b) Holding officers to account for the performance of their service areas



## **Part 3E – DELEGATION AND EXERCISE OF SHAREHOLDER RIGHTS IN LGSS LAW LTD**

### **1. Introduction**

LGSS Law Ltd is a company jointly owned by Northamptonshire County Council (NCC) and Cambridgeshire County Council (CCC) which was established by the two councils to provide legal services to the owner councils and to other organisations within the public and not for profit sectors.

NCC and CCC each owns 50% of the shares in LGSS Law Ltd.

### **2. Shareholder rights**

This Council nominates as its shareholder representative the Council's Monitoring Officer, who shall exercise the delegated authority in consultation with the elected member for the time being holding the post of Chairman/woman (or Vice-Chairman/woman) of the LGSS Joint Committee.

The Council delegates to that Officer all and any rights associated with the ownership of the shares and authorises that Officer to exercise those rights subject to the following conditions and reservations:

- i) The Monitoring Officer shall at all times exercise the delegated rights in accordance with the ten Solicitors Regulation Authority (SRA) Principles and Code of Conduct. If in doubt as to the requirements of the SRA Principles and Code of Conduct, the Officer shall take appropriate independent legal advice before exercising the delegated authority.
- ii) The Monitoring Officer shall exercise the delegated authority under this provision in accordance with the Code of Conduct for Officers and elected members of NCC/CCC and with all other relevant policies to the extent that those do not conflict with the SRA Code of Conduct and in circumstances where a conflict between the SRA Code of Conduct and any other Code shall arise, the SRA Code of Conduct shall take precedence.

In the event that the Chairman/woman or Vice-Chairman/woman of the LGSS Joint Committee is unable for any reason to take up the role of Consultee Member for their council, the Joint Committee is authorised to nominate another elected member of the same council to undertake that role.

**ANNUAL REPORT ON WHISTLEBLOWING INCIDENTS**

*To:* **Constitution and Ethics Committee**

*Date:* **21 March 2016**

*From:* **The Monitoring Officer**

*Electoral division(s):* **All**

*Purpose:* **A brief summary of whistleblowing incidents in the last 12 months**

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

<b><i>Officer contact:</i></b>	
Name:	Elaine O'Connor
Post:	Trainee Solicitor (Property, Planning and Highways)
Email:	<a href="mailto:Elaine.o'connor@cambridgeshire.gov.uk">Elaine.o'connor@cambridgeshire.gov.uk</a>
Tel:	01223 703575

## 1. INTRODUCTION

- 1.1. The Monitoring Officer is responsible for monitoring the implementation and effectiveness of Cambridgeshire County Council's Whistleblowing Blowing policy (attached as Appendix 1). As part of that process, the Monitoring Officer is required to produce an annual monitoring report to the Senior Management Team and to provide a brief annual summary of the same to Members.
- 1.2. This report serves as the summary for the Members of any reported whistleblowing incidents in the 12 months preceding this report.

## 2. OVERVIEW OF WHISTLEBLOWING INCIDENTS

- 2.1. No Whistleblowing incidents have been reported to the Monitoring Officer in the 12 months preceding this report.

Source Documents	Location
None	

### **Whistleblowing Policy**

- [Introduction](#)
- [Objective](#)
- [Scope](#)
- [Principals](#)
- [Raising a Concern](#)
- [Responding to a Concern](#)
- [Records](#)
- [Further Advice](#)

#### **Introduction**

The County Council is committed to the highest possible standard of operation, probity and accountability, and recognises that its workers are often the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council and they may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure Act 1998 protects workers who raise concerns from victimisation or harassment. In accordance with this Act, the Council encourages its workers with serious concerns about any aspect of the Council's work to come forward and voice those concerns, in confidence, within the Council, rather than overlooking a problem or blowing the whistle outside.

#### **Objective**

This policy has been developed to ensure that an internal mechanism exists to encourage and enable workers to raise serious concerns about any aspect of the Council's work (which do not meet the criteria for being dealt with as a complaint or grievance), in confidence and without fear of reprisals, to ensure that the Council continues to provide the highest standards of service delivery.

#### **Scope**

This policy applies to all Council employees and elected members. It applies also to contractors and suppliers providing services under a contract with the Council. The term 'worker' is used throughout this document as a reference to all of the above.

#### **Principles**

This policy is based on the following fundamental principles:

**All** workers have the right to raise concerns about perceived unacceptable practice or behaviour.

The responsibility for expressing concerns about unacceptable practice or behaviour rests with **all** workers, and under the Council's Health & Safety Policy workers are expected to raise concerns about potential health and safety risks.

The Council will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.

The Council will do its best to protect a worker's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence.

In some circumstances the Council may have to disclose the identity of the worker without his/her consent, although this will be discussed with the worker first.

Appropriate advice and support will be made available to workers who raise concerns.

Workers who raise concerns will be kept informed of the progress and outcome of any investigation.

The Council will not tolerate malicious or vexatious allegations, which may be considered a disciplinary offence.

### **Raising a Concern**

Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, workers must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others, and to prevent themselves potentially being implicated.

The earlier a worker expresses a concern, the easier and sooner it is possible for the Council to take action.

Workers are encouraged to raise concerns about the actions/behaviours of other Council workers, private contractors and/or elected members, where they think something is:

- unlawful; or
- against the Council's Standing Orders or policies; or
- falls below established standard or practice; or
- amounts to improper conduct.

Concerns about the welfare of children, young people and vulnerable adults should be raised as quickly as possible as a failure to do so could result in a child, young person or vulnerable adult being placed at risk. Sometimes concerns in relation to safeguarding can be minimised, especially when the reporter is not sure of what they may have observed. It is not necessary to be completely sure about the concern – what is important is that concerns are raised that may need further investigation. It is important to remember that often it is the most vulnerable groups that are targeted by individuals who may seek to abuse those in their care. Therefore, these groups rely on responsible individuals to protect them and to safeguard their welfare.

Concerns about money laundering should be raised in accordance with specific guidance provided (see the Council's Internal Audit web pages).

Concerns that fall outside the scope of the Whistleblowing Policy are those raised by workers:

- about their own conditions of service: these should be addressed via the Council's Grievance Procedure or Bullying and Harassment at Work Procedure, depending on the nature/seriousness of the complaint; or
- as or on behalf of a service user\*: these should be addressed via the Council's Complaints and Representations Procedure.

*\*In exceptional circumstances, where the complaint involves a number of service users, or the service user is unable/unwilling to make the complaint personally, the Whistleblowing Procedure may be followed*

### To Whom

The Council encourages workers to raise concerns initially with their immediate manager, manager's superior or their Head of Service. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved. Supervision sessions, team meetings and other opportunities can be used to ask questions and to seek clarification on issues that concern them.

Alternatively, workers who feel that they cannot approach any of the managers within their own area may approach the following:

- Janet Maulder, Head of HR Advisory – 01223 699495
- Martin Cox, Head of People - 07921 092743
- Sue Grace, Corporate Director – 01223 699248
- Chris Young, Health and Safety Manager - 01223 699253
- Quentin Baker, LGSS Director of Legal (Council's Monitoring Officer) - 01223 727961

### How

Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the worker is particularly concerned about the situation.

Workers who feel unable to put the concern in writing, can telephone or meet the appropriate officer.

### Representation

In some cases it may be appropriate for a worker to ask his/her trade union to raise a matter on his/her behalf.

### **Responding to a Concern**

The action taken by the Council will depend on the nature of the concern. The matters\* raised may:- be investigated internally by an appropriate manager, e.g. H&S Adviser;

- be referred to the Police;
- be referred to the external Auditor; and/or
- form the subject of an independent inquiry.

*\*All issues will be referred to the LGSS Director of Legal, as the Council's Monitoring Officer for record keeping/monitoring purposes.*

### Support and Protection

'Blowing the whistle' can be difficult and stressful. Managers will ensure that they do their best to protect the identity of the worker raising the concern and that he/she is not subjected to harassment or victimisation from others. Workers will be given the contact details of people who can offer support and advice, e.g. HR advisers, trade union representatives and will be offered access to the Staff Counselling Scheme.

The Council will do its best to protect a worker's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence. Workers may be required to give evidence where legal proceedings arise.

In some circumstances the Council may have to disclose the identity of the worker without his/her consent, although this will be discussed with the worker first.

### Anonymous Allegations

Anonymous allegations will be investigated at the discretion of the Council after an assessment has been made of the nature and seriousness of the concerns, and the ability of the Council to substantiate the allegations from other attributable sources.

### Initial Enquiries

In order to protect individuals and the Council, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Normally concerns or allegations that raise issues that fall within the scope of other policies/procedures, (e.g. child protection, health & safety or discrimination issues), will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply, by agreed action or an explanation regarding the concern, without the need for further investigation.

### Investigation

The appropriate manager will investigate the concerns thoroughly, ensuring that a written acknowledgement can be provided **within ten working days**. A detailed response should follow **within 28 working days**, once the investigation has been concluded.

The detailed response should explain how the matter was investigated, conclusions drawn from the investigation, and whom to contact should the worker be unhappy with the response and wish to raise the matter externally. Investigating Managers should take care when communicating the outcome of an investigation to ensure that confidentiality is maintained where appropriate, e.g. if subsequently, the investigation has led to disciplinary action against another employee.

If the investigation cannot be completed within the 28-day timescale above, the worker should receive a response that indicates:

- progress to date;
- how the matter is being dealt with; and
- how long it will take to provide a final response.

Copies of all correspondence should be sent to the relevant Strategic HR Business Partner for record keeping/monitoring purposes.

### Untrue Allegations

If a worker makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that worker. If, however, there is clear evidence that a worker has made malicious or vexatious allegations, disciplinary action may be taken against that individual in accordance with the Council's disciplinary procedures.

### Unfounded Allegations

Following investigation, if an allegation is confirmed as unfounded this should be notified to the worker who raised the concern, who will be informed that the Council deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

### **Records**

The Council is required to monitor the number and types of whistleblowing cases, and the outcomes, including actions taken to resolve the issues raised. Therefore, managers must complete a Whistleblowing Cases Tracking Form for each case, and on a quarterly basis, send copies of all tracking forms to the LGSS Director of Legal (as the Council's Monitoring Officer) for record keeping/monitoring purposes.

### **Review and Monitoring**

The LGSS Director of Legal Services (as the Council's Monitoring Officer) is responsible for monitoring the implementation and effectiveness of this policy in accordance with agreed performance indicators:

- the number of concerns raised via the Whistleblowing policy;
- the nature and type of concerns raised;
- the number of concerns raised dealt with via the grievance and complaints procedures;
- the number of concerns resolved at the initial discussion stage of the procedure;
- the number of concerns investigated via other procedures, e.g. child protection, disciplinary and health and safety procedures; and
- the number of concerns raised externally.

The LGSS Director of Legal Services will collate the monitoring information and submit an annual monitoring report to the Senior Management Team. A brief summary report will be provided to Members.

The policy/procedures will be reviewed and their effectiveness evaluated annually in the light of learning points/issues raised or identified as part of the monitoring process.

**Further Advice**

Further advice and assistance is available from the HR Advisory Team.

(September 2014)



**A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 4 APRIL 2016**

**To:** Constitution and Ethics Committee

**Meeting Date:** 19 April 2016

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

**Electoral division(s):** All

**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 23 January 2016 to 4 April 2016.

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

<b><i>Officer contact:</i></b>	
Name:	Elaine O'Connor
Post:	Trainee Solicitor (Property, Planning and Highways)
Email:	<a href="mailto:Elaine.o'connor@cambridgeshire.gov.uk">Elaine.o'connor@cambridgeshire.gov.uk</a>
Tel:	01223 703575

## 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 23 January 2016 to 4 April 2016.

## 2. OVERVIEW OF COMPLAINTS

- 2.1. From 23 January 2016 to 4 April 2016, two new complaints against a Member were received by the Monitoring Officer. Details of these complaints are set out in Appendix 1.

<b>Source Documents</b>	<b>Location</b>
Decision Notice – Complaint against Councillor Mandley	Held by LGSS Law Limited Ref L-COR00264
Decision Notice – Complaint against Councillor van de Ven	Held by LGSS Law Limited Ref L-COR00265

## APPENDIX 1

### Report to the Constitution and Ethics Committee

#### Overview of complaints made against Members

23 January 2016 to 4 April 2016

<b>Complaint against:</b>	Cllr Richard Mandley
<b>Date of Complaint:</b>	11 March 2016
<b>Complainant:</b>	Cllr Florence Newell
<b>Allegation:</b>	Cllr Mandley breached the Code of Conduct by allegedly making disparaging comments about Fenland District Councillors at a meeting of Chatteris Town Council on 2 February 2016
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that there had been no breach of the Code of Conduct by Cllr Mandley. There was insufficient evidence adduced by the Complainant to substantiate jurisdiction or the allegations.
<b>Date of final decision:</b>	25 March 2016

<b>Complaint against:</b>	Cllr Susan van de Ven
<b>Date of Complaint:</b>	23 March 2016
<b>Complainant:</b>	Mr David Elliot
<b>Allegation:</b>	Cllr van de Ven breached the Code of Conduct by allegedly interfering in Shepreth Parish Council affairs and encouraging the naming and shaming of complainants by participating in an email chain in November 2015.
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that there had been no breach of the Code of Conduct by Cllr van de Ven. There was insufficient evidence adduced by the Complainant to substantiate the allegations.
<b>Date of final decision:</b>	6 April 2016



<b>CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN</b>
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DATE 30.06.16	AGENDA ITEMS		
	1.	Election of Vice-Chairman/woman	
	2.	Declaration of Interests	R Yule
	3.	Minutes	R Yule
	4.		
	5.	Appointment of Independent Person(s) [current appointments are to 15th October 2016]	Q Baker
	6.	The cost of the committee system	M Rowe
	7.	Quarterly report on investigation of complaints*	E O'Connor
	8.	Agenda Plan	R Yule

DATE 22.09.16	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.	Openness of Local Government Bodies Regulations 2014 – threshold of materiality	Q Baker
	5.	Selection and appointment of members of the County Council's Independent Remuneration Panel [current scheme in effect from May 2014]	
	6.	Appointment of Independent Person(s) [current appointments are to 15th October 2016]	Q Baker
	7.	Quarterly report on investigation of complaints*	E O'Connor
	8.	Agenda Plan	R Yule

DATE 24.11.16	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.		
	6.	Quarterly report on investigation of complaints*	E O'Connor
	7.	Agenda Plan	R Yule

DATE 26.01.17	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.	Summary of activity in relation to the Regulation of Investigatory Powers Act 2000**	S Edge
	6.	Quarterly report on investigation of complaints*	E O'Connor
	7.	Agenda Plan	R Yule

<b>DATE</b> <b>02.03.17</b>	<b>AGENDA ITEMS – reserve date</b>		

<b>DATE</b> <b>20.04.17</b>	<b>AGENDA ITEMS</b>		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.	Annual report on whistleblowing incidents	Q Baker
	6.	Quarterly report on investigation of complaints*	E O'Connor
	7.	Agenda Plan	R Yule

\* 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.