

**CONSTITUTION AND ETHICS COMMITTEE RECOMMENDATIONS TO  
FULL COUNCIL AND THE COUNTY COUNCIL'S SCHEME OF DELEGATION**

**To:** Full Council

**Date:** 13th May 2014

**From:** The Monitoring Officer

**Purpose:** To seek approval of the recommendations from the Constitution and Ethics Committee concerning the Council's new Constitution approved by Full Council at its meeting on 11th December 2013, and agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 4.1 – Council Procedure Rules.

**Recommendation:** The Constitution and Ethics Committee recommends that Full Council:-

- i) Approve a number of residual amendments to the new Constitution as set out in Appendix 1;
- ii) Establish a Joint Area Committee covering the county divisions within the Cambridge City Council administrative area and approve the proposed Terms of Reference for the Joint Area Committee as set out in Appendix 2;
- iii) Approve the publication of all electronic votes at Council as a PDF version of the notepad document (as produced by the voting system) on an appropriate page on the Council's website;
- iv) Authorise the Monitoring Officer, in consultation with the Chairman/woman of the Constitution and Ethics Committee, to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of the above proposals; and
- v) Agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 4.1 – Council Procedure Rules.

<b><i>Officer contact:</i></b>		<b><i>Member contact</i></b>	
Name:	Quentin Baker	Name:	Cllr S Kindersley
Post:	Director of Law, Property & Governance and Monitoring Officer	Portfolio:	Chairman of the Constitution and Ethics Committee
Email:	<a href="mailto:quentin.baker@cambridgeshire.gov.uk">quentin.baker@cambridgeshire.gov.uk</a>	Email:	<a href="mailto:sebastian.kindersley@cambridgeshire.gov.uk">sebastian.kindersley@cambridgeshire.gov.uk</a>
Tel:	01223 727961	Tel:	01223 699171

## **1. BACKGROUND**

- 1.1 At its meeting on 11th December 2013, Full Council approved the new Constitution recommended by the Constitution and Ethics Committee in order to enable the conversion from the existing form of governance and to commence operating the new committee form of governance with effect from its Annual Meeting on 13 May 2014.
- 1.2 The Council's Constitution is not static but is an evolving document, which is likely to change on a regular basis in response to a variety of things including changes in legislation, changes to what is regarded as best practice and as new issues arise simply through experience of the document in action. Given the short timescale in which the new constitution has been prepared and in the light of further review, a number of residual issues have emerged which require minor amendment or are in addition to the document formally approved by Full Council in December 2013.
- 1.3 The majority of these minor changes are simple typographical, formatting or grammatical amendments which have no impact upon the substance of the text. The Constitution and Ethics Committee has been asked to consider significant changes or additions which have been made to the text, these are highlighted in this report. The Committee met on 22nd April 2014 to consider the proposed changes and, if in agreement, to recommend them to Full Council for adoption at its meeting on 13th May 2014.
- 1.4 The Council's Procedure Rules require the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree to be agreed at each annual meeting of the Council. The scheme has been considered by the Constitution and Ethics Committee in the past, as part of its consideration of the Council's new Constitution, which was approved by full Council in December 2013.

## **2. PROPOSED AMENDMENTS TO THE CONSTITUTION – PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS**

### **Declarations of Interest**

- 2.1 At its meeting on 22nd April 2014, the Constitution and Ethics Committee raised the need to clarify in Section 6 that a Member did not need to declare the existence and nature of an interest if it had already been declared in their declaration of Disclosable Pecuniary Interests and Non Statutory Disclosable Interests. However, whether or not the interest had already been declared, if the Disclosable Pecuniary Interest related directly to an item to be discussed at a meeting, the Member would usually be required to leave the room for the duration of the item

### **Consideration of Recommendations in Reports**

- 2.2 Training sessions have been held for all Members on each new service committee. These sessions have covered how the committee will work, an introduction to the Directorate and individual Service area, and horizon scanning for the committee. At these meetings, Members raised some issues on how the committee would work in practice.
- 2.3 Both Members and officers have raised some concerns regarding Section 8 - "Consideration of Recommendations in Reports" included within Part 4 – Rules of Procedure, Part 4.4 – Committee and Sub-Committee Meetings. Some Members are concerned that the requirement for the report recommendation to be 'moved' by one

Councillor and 'seconded' by another Council is overly bureaucratic. It is also not clear who will move the recommendation, e.g. the Chairman/woman or Spokesman/woman. There is concern that it could result in officers having to chase round to try to find a proposer and seconder. There is also the additional concern that political lines will be drawn from the outset based on who proposes and seconds the motion.

- 2.4 The Committee therefore considered a proposal that officers' recommendations should be deemed to be moved and seconded to facilitate a less bureaucratic approach to handling amendments.

### **Attendance of Other County Councillors**

- 2.5 The Constitution and Ethics Committee, at its April meeting, raised the need to clarify the following wording "These provisions do not apply where a committee or sub-committee is exercising a function which is judicial in nature."
- 2.6 Attached at **Appendix 1** is a revised Part 4.4 – Committee and Sub-Committee Meetings reflecting the above. Additions are in bold and deletions struck through.

## **3. ESTABLISHMENT OF CAMBRIDGE CITY JOINT AREA COMMITTEE**

- 3.1 At its meeting of 21st May 2013, Full Council agreed to re-establish Area Joint Committees (AJCs) covering district council boundaries, where there was support from the relevant district council.
- 3.2 All district councils were asked if they supported establishing an AJC and only Cambridge City Council expressed a desire to do so. All other district councils stated that they did not support AJCs in their areas.
- 3.3 It is proposed to set up a Joint Area Committee (JAC) with the City Council, with membership drawn from the two authorities, to discharge the functions delegated within the Terms of Reference (attached at **Appendix 2**). Under the new committee governance system, the JAC would be a stand-alone committee similar to those contained in Part 3C of the new Constitution which will take effect from the annual meeting of Full Council on 13th May 2014.

## **4. COUNCIL PROCEDURE RULES**

### **Motion from Councillor I Manning**

- 4.1 The Constitution and Ethics Committee, at its last meeting, considered the following resolution from full Council in relation to a motion proposed by Councillor Ian Manning:

To improve the transparency of local Government, Council resolves to:

- Ask the Constitution and Ethics Committee to recommend to Council to amend the current and new constitution, in operation from 13th May 2014, to have the individual voting records of Councillors published on the Council's website.

- 4.2 The Committee acknowledged the importance of retaining Section 15.5 of the Council Procedure Rules relating to "Recorded Vote" in order to make clear the views of 14

members or more that an issue was of such importance that the vote should be recorded in the minutes. It was therefore proposed that the results of all electronic votes at Council would be published as a PDF version of the notepad document (as produced by the voting system) on an appropriate page on the Council's website. "Recorded Votes" would continue to be published as an appendix to the minutes of the meeting.

### **Annual Meeting of the Council**

- 4.3 The Council Procedure Rules require the Council to agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of the Constitution) at its annual meeting. Given the changes to the Council's governance arrangements, the Council only agreed this section in December 2013 when it agreed a new Constitution. It is therefore not proposed to attach the whole of Part 3 of the Constitution to the agenda but instead include a link as follows:

<http://tinyurl.com/council-const>

<b>Source Documents</b>	<b>Location</b>
Report and minutes to Council – 13th December 2013	<a href="http://tinyurl.com/cc-cc-131211">http://tinyurl.com/cc-cc-131211</a>
Report and minutes to the Constitution and Ethics Committee – 22nd April 2014	<a href="http://tinyurl.com/cc-cc-220414">http://tinyurl.com/cc-cc-220414</a>

**PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS****1. INTRODUCTION**

These rules are designed to ensure meetings run smoothly and are conducted properly. The rules apply to all Committees of the Council except for the following:

- Pension Fund Board and Investment Sub-Committee (special rules of procedure apply as shown in Annex 1)
- Cambridgeshire Health and Wellbeing Board (Standing Order applies as shown in Annex 2)
- Joint Committees.

So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

**2. ARRANGEMENTS FOR MEETINGS**

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

A special meeting is arranged if the chairman/woman of the relevant committee or any six of its members request such a meeting, or by the Monitoring Officer if he/she considers it necessary.

*Note: If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman/woman's decision will be final.*

**3. QUORUM**

The quorum of a meeting will be one quarter of the whole number of voting members. During any meeting if the Chairman/woman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman/woman. If the Chairman/woman does not fix a date, the remaining business will be considered at the next ordinary meeting.

**4. ORDER OF BUSINESS**

The order of business will usually be:

- at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman/woman and Vice-Chairman/woman of the committee
- the choice of a person to preside if the Chairman/woman and Vice-Chairman/woman are absent
- confirmation of the minutes of the last meeting of the committee
- apologies for absence, including reasons
- declarations of interest
- business outstanding from the last meeting

- reports for decision by committee
- reports for information
- work programme (if applicable).

## 5. **OTHER POINTS REGARDING THE ORDER OF BUSINESS**

At any time during the meeting the Chairman/woman can adjourn the meeting.

The order of business can be varied at the discretion of the Chairman/woman.

The minutes of ordinary meetings will not normally be confirmed at special meetings.

## 6. **DECLARATIONS OF INTEREST**

**Under the Localism Act 2011 and as part of the Code of Member Conduct, Members are required by law to complete a declaration of Disclosable Pecuniary Interests and Non Statutory Disclosable Interests. If a Member is at a meeting that is considering something in which he/she has a Disclosable Pecuniary Interest and that interest has not been registered, he/she must declare the interest and inform the Monitoring Officer within 28 days of the meeting.**

~~Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Member Code of Conduct, declare the existence and nature of that interest and whether the interest is Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.~~

Where any Councillor has ~~declared~~ a Disclosable Pecuniary Interest in any matter, they will **declare it and** leave the room in which the meeting is being held while the matter is under consideration unless:

- The Monitoring Officer has granted them a dispensation; or
- the matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.

If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.

Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor. This does not apply to members of the public who are entitled to speak at Planning Committee.

## 7. **CONSIDERATION OF RECOMMENDATIONS IN REPORTS**

~~The report recommendation will be 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' which may be debated before a vote is taken.~~ **Officers' recommendations are deemed to be moved and seconded to facilitate a less bureaucratic approach to handling amendments.**

**Amendments to motions** ~~relating to the following~~ may be moved and seconded without notice but must be provided in writing to the Chairman/woman when being moved:

- ~~• an alternative to a recommendation in the report~~
- ~~• amendments to motions~~

## 8. **MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE**

The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:

- appointment of a Chairman/woman for the meeting in the absence of the Chairman/woman and Vice-Chairman/woman
- request to withdraw a motion
- that the matter be put to a vote
- that the meeting be adjourned
- variation of the order of business
- suspension of the procedure rules
- exclusion of the public
- that a named Councillor should not be heard further.

## 9. **THE RULES OF DEBATE**

If a Councillor wishes to speak they should indicate their intention by raising their hand.

The Chairman/woman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.

Councillors can speak for a maximum of 5 minutes, subject to any exceptions set out below, and the discretion of the Chairman/woman.

Councillors when speaking must address the Chairman/woman.

Councillors must speak strictly to the subject under discussion.

Any Councillor may at any time during a meeting request that the meeting be adjourned for up to one hour. The Chairman/woman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.

If the motion has been amended since the Councillor last spoke, that Councillor

may move a further amendment to the motion.

~~The Councillor who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.~~

~~If an amendment to a motion has been moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment has the right following the mover of the amendment's closing remarks.~~

A motion may be altered with the consent of the **meeting. The meeting's consent will be signified without discussion.** ~~mover and seconder.~~

## 10. **POINTS OF ORDER AND PERSONAL EXPLANATIONS**

With the consent of the Chairman/woman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.

The Chairman/woman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

## 11. **AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**

Amendments to a motion can be moved or seconded by any Councillor to leave out words, to add words or both provided that such changes must not have the effect of reversing a proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.

~~The motion will remain in the name of the original mover if they propose or accept the amendment.~~

Amendments must be dealt with and voted on one at a time, subject to the exceptions set out in the Rules of Debate.

~~If a motion to move an amendment is~~ **not carried** ~~rejected~~ following a vote then alternative amendments can be moved.

**If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.**

**After an amendment has been carried, the Chairman/woman will advise the meeting of the content of the amended motion before accepting any further amendments, or if there are none, put it to the vote.**



~~If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-~~

- ~~• the amendment will be debated~~
- ~~• a vote will then be taken on whether the amendment should become the substantive motion~~
- ~~• if the amendment is carried, then the new substantive motion will be in the name of the Councillor who moved the successful amendment~~
- ~~• debate will continue and further amendments may be moved~~
- ~~• after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion.~~

## 12. **BRINGING DEBATE TO EARLY CLOSURE**

If the Chairman/woman feels there has been sufficient discussion of the issue he/she may put the motion to the vote.

## 13. **VOTING**

Votes in committee are to be determined by a show of hands.

Where there is an equal number of votes for and against a motion the Chairman/woman can exercise a second or casting vote.

A recorded vote will be taken if 5 or more Councillors request it. The process will be as follows:

- The names of all Councillors will be called and the vote of each Councillor recorded.
- The Chairman/woman will announce the result.
- The minutes will record how each Councillor voted.

Any Committee member can require that the minutes of the meeting record how they voted on any decision taken.

## 14. **DISORDERLY CONDUCT BY MEMBERS**

If, at any meeting, any Councillor in the opinion of the Chairman/woman of the meeting misbehaves by persistently disregarding their ruling, or by behaving improperly or offensively, or by obstructing the business of the meeting, the Chairman/woman may move 'that [the Councillor named] should not be further heard' and the motion, if seconded, will be voted on without discussion.

If any Councillor named continues the misconduct after a 'should not be further heard' motion has been carried, the Chairman/woman:

- may request the Councillor to leave the meeting; or
- may adjourn the meeting for any period considered necessary

In the event of a general disturbance which in the opinion of the Chairman/woman makes business impossible, the Chairman/woman may adjourn the meeting for any period considered necessary and/or order that the public leave.

## 15. **DISTURBANCE BY PUBLIC**

### **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chairman/woman will warn the person concerned. If he/she continues to interrupt, the Chairman/woman will order his/her removal from the meeting room.

### **Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman/woman may call for that part to be cleared.

## 16. **PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS**

The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens. These arrangements will operate in accordance with a protocol agreed by the Chairman/woman of the Council and political Group Leaders. This protocol will be published on the Council's website.

## 17. **ATTENDANCE OF OTHER COUNTY COUNCILLORS**

Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the meeting they will be entitled to speak on any matter affecting their electoral division or its inhabitants, but not to vote.

A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

These provisions do not apply where a committee or sub-committee is exercising a function which is judicial in nature **i.e. Service Appeals Sub-Committee.**

18. **APPOINTMENTS TO COMMITTEES**

Any changes in a committee's membership must be notified by the Group Leader or the majority of their group to the Democratic Services Manager no later than 12.00 noon five (5) clear working days before the relevant meeting.

Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

**CAMBRIDGE CITY JOINT AREA COMMITTEE****Proposed Terms of Reference**

- A new Joint Area Committee will be formed to consider and determine significant transport issues within Cambridge City, and to advise on, but not determine, schemes of strategic importance within the Cambridge City Area.
- Decisions taken by the Joint Area Committee will be in accordance with the policies of Cambridgeshire County Council and Cambridge City Council and available budgets. A decision taken by the Joint Area Committee under delegated powers may be subject to reconsideration by a constituent authority where it conflicts with agreed policies or budgets of that authority.
- The powers of the Joint Area Committee comprise:
  1. Determining priorities for the Local Highway Improvement Initiative, having regard to the budget available.
  2. Consider and advise on the need for traffic management, parking, regulation, cycle and pedestrian schemes of more than local significance, and the results of consultations, having regard to available resource.
  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.
  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 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.