

ALLOCATION OF RESPONSIBILITIES TO POLICY AND SERVICE COMMITTEES

To: **Constitution and Ethics Committee**

Meeting Date: **24 April 2018**

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

Purpose: **To consider whether the current approach, set out in the
Constitution, for the allocation of responsibilities to policy
and service committees is appropriate.**

Recommendation: **The Constitution and Ethics Committee is asked to
consider the need for a change to the current
arrangements for the allocation of responsibilities to
policy and service committees, and to recommend, if
appropriate, any revisions to the Constitution to Council.**

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1. Background

- 1.1 When the Constitution and Ethics Committee met on 30 January 2018, questions were raised regarding the relationship of the Commercial and Investment Committee to other committees, particularly as concerned traded services and property management. The example was given of the Outdoor Education Service. As a traded service, it fell within the remit of the Commercial and Investment Committee, although the service itself was located and managed within the Children's Services directorate and arguably could have fallen within the remit of the Children and Young People Committee. However, for the reasons set out below it is advisable to have one committee acting as the decision-making committee and this will be determined by an analysis of the primary purpose or function.
- 1.2 The Monitoring Officer advised that Full Council had agreed the terms of reference for committees and there was a rationale to having decision making authority located in one committee even where a matter fell within the remit of more than one committee. The point being that it was not advisable to have a decision delegated to two committees because they might arrive at opposing decisions.
- 1.3 In addition, in relation to decisions concerning the council's property assets it is suggested that focussing all related decisions in one committee facilitates a more strategic approach to the management of the council's property holdings.
- 1.4 In cases where there is doubt or disagreement as to which committee should take a particular type of decision the General Purposes Committee has authority to determine which committee should consider the matter.
- 1.5 Alternatively, it is possible and will often be advisable for the decision making committee to seek the views of the committee(s) with overlapping interests. In this way the decision making is focussed but also benefits from the experience of other committees and members.
- 1.6 However, members sought greater clarity on the potential for decisions of the Commercial and Investment Committee to affect the area covered by another Policy and Service Committee, and requested a report to the Committee's next meeting.
- 1.7 The Constitution and Ethics Committee considered a report on 27 February 2018 covering the main issues detailed below. Following a detailed discussion, the Committee requested a review of whether the current approach for the allocation of responsibilities to policy and service committees was appropriate.

Commercial and Investment Committee

- 1.8 Commercial and Investment Committee has delegated authority to ensure all traded activities operate within a commercial framework. It has oversight and operation of all property-related and traded service functions, which includes Cambridgeshire Catering Service, Cambridgeshire Music, Education ICT, Outdoor Education, Professional Centre Services, Property Services and Rural Assets.

Other Policy and Service Committees

- 1.9 The Commercial and Investment Committee has a primary focus on the commercial and/or traded activities of the council.

Decision Making

- 1.10 To ensure clear decision making, it is essential that a decision is taken by one Policy and Service Committee only. This was the expectation when the Committee System was first established. As such the General Purposes Committee has the authority to determine the most appropriate committee for considering any matter which falls within the remit of more than one committee

Involving other Policy and Service Committees

- 1.11 There will be occasions when the service area of a Traded Service is covered by a different Policy and Service Committee. The Children and Young People Policy and Service Committee has delegated authority for exercising management, oversight and delivery of Learning Outside of the Classroom and environmental education. For example, if Commercial and Investment Committee is considering Cambridgeshire Music or Outdoor Education from a commercial perspective, it may wish to establish a time-limited task group involving representatives from Children and Young People Policy and Service Committee to consider the impact of any proposed changes to the Traded Unit on provision. This could also apply to any property decisions Commercial and Investment Committee might be asked to take.

2. Group Leaders

- 2.1 Group Leaders considered the request from the Constitution and Ethics Committee for a review of whether the current approach for the allocation of responsibilities to policy and service committees was appropriate.
- 2.2 At its meeting on 15 March 2018, the issue was discussed. Differing views were expressed with one Leader feeling that the committee system, as set out in the Constitution, was currently agile enough to cope with such issues. Others felt that it needed improving in order to provide sufficient time for other committees to contribute to the Commercial and Investment Committee's decision making process.

3. Next Steps

- 3.1 The Constitution and Ethics Committee will need to consider the following:
- (i) if any change is needed to the Constitution to formally ask the Commercial and Investment Committee to consult with a Policy and Service Committee impacted by proposed change to a Traded Service or property first before taking a decision; or
 - (ii) whether the Constitution currently provides the opportunity for the above action to take place without a need to change the Constitution.

Source Documents	Location
Council's Constitution	http://tinyurl.com/Constitution-CCC
Constitution and Ethics Committee 27 February 2018	https://cmis.cambridgeshire.gov.uk/ccc_live/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/10/Default.aspx