

CONSTITUTION AND ETHICS COMMITTEE



Date: Thursday, 24 November 2016

Democratic and Members' Services

Quentin Baker

LGSS Director: Law 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 for absence and declarations of interest | |
| | <i>Guidance on declaring interests is available at</i> | |
| | http://tinyurl.com/ccc-dec-of-interests | |
| 2 | Minutes – 22nd September 2016 | 3 - 8 |
| 3 | Greater Cambridge City Deal modification to the Joint Assembly and Executive Board Standing Orders to improve the handling of public questions | 9 - 16 |
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8 Date of next meeting

26th January 2017

The Constitution and Ethics Committee comprises the following members:

Councillor Mandy Smith (Chairwoman)

Councillor David Brown Councillor Edward Cearn's Councillor Roger Hickford Councillor John Hipkin Councillor Mac McGuire Councillor Lucy Nethsingha Councillor Peter Reeve Councillor Kevin Reynolds Councillor Paul Sales Councillor Jocelynne 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

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The County Council is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at 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 operate in accordance with a protocol agreed by the Chairman of the Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccf-film-record>.

Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <http://tinyurl.com/cambs-constitution>.

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CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Thursday 22nd September 2016

Time: 2.00pm – 3.20pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M Smith (Chairwoman), I Bates (substituting for Cllr McGuire), D Brown, P Bullen, E Cearn, R Hickford, J Hipkin, P Downes (substituting for Cllr Nethsingha), P Reeve, K Reynolds and J Scutt

Apologies: Councillor M McGuire and L Nethsingha

118. ELECTION OF VICE-CHAIRMAN/WOMAN

It was resolved by a majority that Councillor Scutt be elected Vice-Chairwoman of the Committee for the municipal year 2016-17.

119. DECLARATIONS OF INTEREST

Councillor Cearn declared an interest in agenda item 5 (minute 122) as a member of the Northstowe Joint Development Control Committee.

120. MINUTES – 19TH APRIL 2016

The minutes of the meeting held on 19th April 2016 were confirmed as a correct record and signed by the Chairwoman.

121. SELECTION AND APPOINTMENT OF INDEPENDENT REMUNERATION PANEL (IRP) MEMBERS

The Committee received a report asking it to consider the approach to selecting and appointing Independent Remuneration Panel (IRP) members. The Committee noted that a local authority was required to establish an IRP as part of its process for making and reviewing a scheme of members' allowances. The Committee's role in this process was to select and appoint the members of the IRP, and not itself to review the scheme of allowances. The terms of appointment of the current panel would come to an end in February 2017; because the previous review had been very thorough in the light of the change to the Committee system of governance, it was possible that the next review would adopt a light-touch style.

Discussing the approach to be taken to selecting the panel, members

- expressed the view that a panel of 3 would be sufficient for a light-touch review
- suggested that Dr Declan Hall of Birmingham University might be invited to be a member of the panel; he was well-known nationally for this type of review, and had fulfilled the role in Huntingdonshire and elsewhere. The Democratic Services Manager advised that there was the expertise within LGSS to conduct the review; the previous one had been facilitated by her Northamptonshire equivalent, who would probably prove more cost-effective than Dr Hall. He had

not served on the panel, but had provided support to it and written up its report; he was aware of how such a panel worked, and of the relevant legislation

- pointed out that the new system of governance had not actually started at the time of the previous review, which meant that a light-touch approach might not be appropriate on this occasion
- expressed some doubt as to the previous panel's understanding of the pressures of the committee system, and drew attention to the need, should a combined authority be established under devolution, for the panel to look at the relationship between that combined authority and the County Council
- suggested that the current five panel members be invited to re-apply, but that consideration should also be given to seeking representation from other organisations; it would be better to have a panel of five members, as not all might be available on any one day
- suggested that three panel members would be sufficient, provided that they were possessed of suitable competence and experience, and identified through an open recruitment process, rather than by personal acquaintance
- stressed the importance of achieving the right sort of outcome to the panel's proceedings, with transparency to members of the public; to rubber-stamp the reappointment of a panel first appointed in 2012 was not transparent
- expressed discomfort at the present system, whereby Councillors were required to agree their own level of remuneration, and enquired whether there was any mechanism whereby the IRP could make a recommendation to Council that it accept the outcome of the review without any change or debate
- noting that Dr Hall was a professional panel member with extensive relevant knowledge, but that his services came at considerable cost, suggested that it was inappropriate for the Council to claim to be very cost conscious yet also make an expensive appointment when a reasonable alternative was available. On the other hand, it was suggested that paying for specialist services could prove to be money well spent
- suggested that, since the existing panel members had some experience of the Council and of how the committee system might operate, they should be approached to serve again; there should be a pool of five members to work at a level of three, and any shortfall in numbers should be dealt with by a process of public advertisement, which did not need to be anything elaborate
- stressed the importance of appointing a panel in whose findings members could have full confidence
- suggested that Dr Hall could be approached to provide some training to the panel members, whoever they might be; it would also be open to him to serve on the panel on the same financial terms as other panel members
- noted that the findings of the panel would not be a matter for the Committee, because the legal requirement was that Full Council make the decision on its allowances, and this decision could not be delegated

- enquired about the costs associated with the panel. The Democratic Services Manager explained that the authority had to pay both for the support provided to the panel and the panel's remuneration; it was for the Committee to determine the level of remuneration, but she would have to come back to members with a figure for the support costs **Action required**

- suggested that it might be better to postpone a decision on the size of the panel until applications had been received; members might regret a decision to limit the number to three if four very good people were to apply

- pointed out that, by the time the IRP made its report, there would probably be a large number of new members of the Council, for whom it could be difficult to make an informed decision about allowances

- noted that there would be time for the Committee to consider the rate of remuneration for IRP members at its next meeting, as the IRP would not be starting its review until after the May 2017 local government elections. The Democratic Services Manager suggested that it might be helpful to make enquiries of other local councils to see what they paid to their IRP members

Action required

- asked whether there was any mechanism whereby the IRP could consider the question of continuing to pay allowances to members unable to attend because of ongoing illness. The Democratic Services Manager reminded members that the Committee had considered this matter previously following a proposal from full Council to consider introducing a policy to allow only one extension to the sixth month rule in any four year municipal period.

It was proposed by Councillor Downes and seconded by Councillor D Brown, and when put to the vote, was resolved by a majority

- a) to move forward with the intention of appointing an independent remuneration panel of three members
- b) that the existing panel should not automatically be reappointed
- c) to advertise inviting expressions of interest from far and wide in becoming a member of the panel.

In clarification of its decision, the Committee confirmed to the Democratic Services Manager that it would be entirely acceptable if she were to get an announcement into the local press without incurring the expense of a formal advertisement, and to seek expressions of interest through the Council's website. The positions should be advertised at the current rate of remuneration, with a note that it was under review.

Action required

122. NORTHSTOWE JOINT DEVELOPMENT CONTROL COMMITTEE

The Committee received a report asking it to consider the future function of the Northstowe Joint Development Control Committee (JDCC). Members noted that South Cambridgeshire District Council (SCDC), the other party to the JDCC, had already decided that it should be wound up, and that as matters currently stood, the Joint Committee was included in the Council's Constitution, and in the proportionality calculations for memberships of committees. The advice of the

Executive Director: Economy, Transport and Environment was that the Committee should be disbanded and removed from the Constitution; whether there was to be any replacement for it would be a matter for subsequent discussion.

Discussing the report, members said that exploratory discussions had already started with the new Cambridge City Council and SCDC Joint Director for Planning and Economic Development, and that it was important to apply to other new communities the lessons learnt from Northstowe, and to develop governance arrangements to replace the JDCC.

It was suggested that the Constitution and Ethics Committee should place the matter on its forward agenda plan and keep it under review, but it was pointed out that it would also be of interest to the Economy and Environment Committee. Councillor Bates, speaking as Chairman of that committee, said that he would be happy for the new committee arrangements to be discussed by Economy and Environment Spokes.

It was resolved unanimously to recommend to Council that:

- a) the Northstowe Joint Development Control Committee be wound up with immediate effect
- b) there be further consideration of committee arrangements for the new settlements when there is more clarity about the timing of the relevant strategic decisions
- c) the Constitution be amended by deleting Part 3C-B, Terms of Reference for Northstowe Joint Development Control Committee, and renumbering subsequent sections of Part 3C
- d) the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

123. OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Committee received a report inviting it to review the threshold of £250,000 to determine materiality under the Openness Regulations. Members were reminded that the Committee had approved this threshold at its meeting on 4 February 2016, but had suggested that it be reviewed in six months' time. It was noted that the delay in publishing the committee report had been because efforts were being made to gather the views of the Council's Strategic Management Team (SMT).

Discussing the report, members

- expressed surprise that no spending decisions in excess of £250,000 had been taken in relation to Children, Families and Adults (CFA) Services since May 2015; it was pointed out that a number of spending decisions over the threshold could well have been unpublished because to do so would have involved publishing confidential information, and that expenditure over £500,000 had to be considered by the relevant Policy and Service Committee as a Key Decision

- stressed the importance of being as transparent as possible, and cast doubt on the accuracy of the SMT prediction that reducing the publication threshold to £50,000 would increase the administrative burden significantly, and would have the potential to compromise the completion of other work. Councillor Bullen, seconded by Councillor Reeve, proposed that the threshold be lowered to £50,000
- commented that there should be little bureaucracy involved in a system when all decisions were anyway recorded electronically, but noted that officers were required to complete a detailed template form, as attached to the report
- suggested that the Director of Customer Service and Transformation be asked to investigate ways of using technology to facilitate the process of gathering the information automatically, even if some cost had to be incurred in developing the necessary systems to enhance transparency
- stressed that they had asked to know what the extra burden would be – if any – of having a £50,000 threshold under Openness Regulations; they had instead only been supplied with suppositions
- requested that SMT be asked for further information, for evidence on why the burden of supplying the information on the template would be excessive, and for information on the effect, if any, on freedom of information requests
- also requested that SMT be given the message that the Committee was not setting out to make matters difficult and increase the burdens on them.

It was proposed by the Chairwoman and resolved unanimously

- to defer until the Committee's November meeting a decision on the appropriate threshold to determine materiality under the Openness Regulations
- to ask the Democratic Services Manager and the Monitoring Officer to convey the points made in the course of discussion to members of the Strategic Management Team, and to seek the evidence requested.

124. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 14 SEPTEMBER 2016

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 4 April 2016 to 14 September 2016. Members noted that ten complaints had been received during this period, three of which had been resolved. In two cases, the Independent Person had concluded that there had been no breach of the Code of Conduct, and in the third case, local resolution had been considered an appropriate remedy.

Discussing the report, members

- sought clarification of the figures, and were advised that the ten complaints did not necessarily involve ten different members. Of the seven complaints not yet concluded,
 - two had been recommended by the Independent Person for investigation
 - two were awaiting assessment by the Independent Person

- three were on hold pending the outcome of police and other independent investigations into allegations about the operations of the Fenland Association for Community Transport (FACT); the complaint about member conduct had not been forgotten, but was the least significant of the matters under investigation and so would be pursued last.
- noted that the procedure to be followed in the event of a complaint about a member's conduct was set out on the Council's website, and that the recommendation formally to investigate a complaint was made only rarely, when there was a serious matter to investigate and a genuine dispute as to the facts of what had occurred; the matter would be considered by a panel of the Constitution and Ethics Committee. 'Local resolution' of a complaint was the term used in cases where for example the independent person wrote to the member concerned recommending that he or she send a written apology to the complainant
- queried whether there was any process by which, should a number of complaints arise about a single issue, the Committee could ensure that all members received training on the issue. The Monitoring Officer gave the example of a number of complaints at another authority about members' use of social media; training of all members by the Local Government Association was being arranged, and this could also be done in Cambridgeshire were a similar situation to arise
- suggested that there should be a session for all members on social media as part of next year's post-election induction process. The Democratic Services Manager undertook to look into this as part of the Member Development Panel's work on the induction programme. **Action required**

The Committee noted the report.

125. FORWARD AGENDA PLAN

The Committee reviewed and agreed its forward agenda plan, noting that an item on the Openness of Local Government Bodies Regulations 2014 was to be added to the agenda for 24th November 2016.

126. DATE OF NEXT MEETING

It was noted that the next meeting was due to take place at 2pm on Thursday 24th November 2016.

Chairwoman

**GREATER CAMBRIDGE CITY DEAL MODIFICATION TO THE JOINT ASSEMBLY
AND EXECUTIVE BOARD STANDING ORDERS TO IMPROVE THE HANDLING OF
PUBLIC QUESTIONS**

To: **Constitution & Ethics Committee**

Meeting Date: **24th November 2016**

From: **Executive Director – Economy, Transport and
Environment**

Electoral division(s): **All Divisions in Cambridge City and South Cambridgeshire**

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

Purpose: **To outline proposed modified Standing Orders for the
Greater Cambridge City Deal Joint Assembly and
Executive Board prior to reporting to Full Council.**

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

**the Standing Orders for the Greater Cambridge City
Deal Joint Assembly and Executive Board be modified
in accordance with the draft Standing Orders as set
out at report Appendix 1 and Appendix 2 respectively.**

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

- 1.1 For both the City Deal Joint Assembly and Executive Board, agendas and reports are currently published five clear working days before the relevant meeting. Each Executive Board meeting also considers a forward plan, which gives advance notice of decisions that are expected to be taken.
- 1.2 The existing Standing Orders for both Committees require notice to be given of public questions by 10am the day before the relevant meeting. Responses are then prepared by officers where appropriate, in order to advise Joint Assembly and Executive Board members on responding to questions in the meeting. Meetings of both Committees have historically taken a larger number of questions than is the case with other Committees of the three partner Councils – the June 2016 Executive Board had 32 public questions.
- 1.3 Responses to public questions are currently published in the minutes of the relevant meeting.
- 1.4 Alongside the Joint Assembly and Executive Board, there are other forums through which members of the public can effectively engage with and ask questions to the City Deal. Where the infrastructure programme is concerned, questions can be asked at Local Liaison Forums, which have been established to allow local Members and the public in areas directly affected by schemes to engage with the detailed proposals and to keep informed of plans. These are useful forums for questions to be directed where they relate to specific schemes, and are able to provide detailed responses. Officers are also available to answer questions across the City Deal programme if contacted, with the City Deal email address being the most obvious channel for queries.
- 1.5 Similar reports to this one are being considered by the relevant Committees at Cambridge City Council and South Cambridgeshire District Council, as any changes to the Terms of Reference and Standing Orders for these Committees requires approval from all three Councils. Proposed modifications are shown in the two Appendices with tracked changes. All three Councils will need to agree the changes as proposed in order for them to take effect.

2. MAIN ISSUES

- 2.1 Members of the public, officers and Members all consider that the current turnaround time of just over one day allowed between receipt of public questions and the relevant meeting means that often detailed and technical questions are not always answered sufficiently. The proposed modifications to the Standing Orders of both committees are intended to give officers more time to advise Joint Assembly and Executive Board members on the issues involved in those public questions, and therefore to improve the quality of responses given at the meetings, while ensuring the public have the same length of time to prepare their questions.

- 2.2 Increasing the time allowed for preparation of responses as proposed would also allow for questions and responses to be more effectively published, including where questions are not fully answered in the relevant meetings, so responses would be more easily accessible. This would also facilitate an aspiration to publish written responses to some questions where possible in advance of the relevant meeting, where those questions are of a technical nature.
- 2.3 By bringing forward both the deadline for receipt of public questions and the publication period for agendas and reports, the proposed modifications would retain the existing time period between publication of agendas and the deadline for submitting questions. It should be noted that this would mean reports needing to be completed 2-3 days earlier than is currently the case, although with effective work planning that should not be problematic.
- 2.4 If the three Councils choose not to support the recommendations, the existing Standing Orders would continue to be in force.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

4. Implications

4.1. Resource

There are no implications.

4.2. Equality and diversity

There are no implications.

4.3. Engagement and consultation

The proposed changes have arisen from a proactive proposal by key stakeholders to improve the functioning of public questions at City Deal meetings.

The proposed changes have been discussed with members of the City Deal Executive Board and the Chair and Vice-Chair of the City Deal Joint Assembly.

4.4. Statutory, risk and legal

There are no implications.

4.5. Localism and local Member involvement

The proposed modifications to the Standing Orders of both Committees would allow for more effective and productive involvement of local Members and the public in City Deal meetings.

4.6. Public health

There are no implications.

Appendix 1: Proposed modifications to Joint Assembly Standing orders

Relevant extracts

7. Notice of and summons to meetings

- 7.1 Notice will be given to the public of the time and place of any meeting of the Joint Assembly in accordance with the Access to Information rules of South Cambridgeshire District Council.
- 7.2 At least five clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the Joint Assembly. Other than in exceptional circumstances this will take place one week before the deadline for submission of public questions. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

11. Questions by the public and public speaking

At the discretion of the Chairman, members of the public may ask questions at meetings of the Joint Assembly. This standard protocol is to be observed by public speakers:

- (a) notice of the question should be given to the Democratic Services team at South Cambridgeshire District Council (as administering authority) by 10am the day at least three working days before the meeting;
- (b) questions should be limited to a maximum of 300 words;
- (b) questioners will not be permitted to raise the competence or performance of a member, officer or representative of any partner on the Joint Assembly, nor any matter involving exempt information (normally considered as 'confidential');
- (c) questioners cannot make any abusive or defamatory comments;
- (d) if any clarification of what the questioner has said is required, the Chairman will have the discretion to allow other Assembly members to ask questions;
- (e) the questioner will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (f) the Chairman will decide when and what time will be set aside for questions depending on the amount of business on the agenda for the meeting. Normally questions will be received as the first substantive item of the meeting;
- (g) individual questioners will be permitted to speak for a maximum of three minutes;
- (h) in the event of questions considered by the Chairman as duplicating one another, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question.
- (i) questions should relate to items that are on the agenda for discussion at the meeting in question. The Chairman will have the discretion to allow questions to be asked on other issues if it is a pressing issue.

Appendix 2: Proposed modifications to Executive Board Standing Orders

Relevant extracts

7. Notice of and summons to meetings

- 7.1 Notice will be given to the public of the time and place of any meeting of the Executive Board in accordance with the Access to Information rules of South Cambridgeshire District Council.
- 7.2 At least five clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the Executive Board. Other than in exceptional circumstances this will take place one week before the deadline for submission of public questions. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

11. Questions by the public and public speaking

At the discretion of the Chairman, members of the public may ask questions at meetings of the Executive Board. This standard protocol is to be observed by public speakers:

- (a) notice of the question should be given to the Democratic Services team at South Cambridgeshire District Council (as administering authority) by 10am the day at least three working days before the meeting;
- (b) questions should be limited to a maximum of 300 words;
- (b) questioners will not be permitted to raise the competence or performance of a member, officer or representative of any partner on the Executive Board, nor any matter involving exempt information (normally considered as 'confidential');
- (c) questioners cannot make any abusive or defamatory comments;
- (d) if any clarification of what the questioner has said is required, the Chairman will have the discretion to allow other Board members to ask questions;
- (e) the questioner will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (f) the Chairman will decide when and what time will be set aside for questions depending on the amount of business on the agenda for the meeting. Normally questions will be received as the first substantive item of the meeting;
- (g) individual questioners will be permitted to speak for a maximum of three minutes;
- (h) in the event of questions considered by the Chairman as duplicating one another, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question.
- (i) questions should relate to items that are on the agenda for discussion at the meeting in question. The Chairman will have the discretion to allow questions to be asked on other issues if it is a pressing issue.

4. SIGNIFICANT IMPLICATIONS

- 4.1 Report authors should evaluate significant implications using the questions detailed in the table below. Each specific implication must be signed off by the relevant Team within the Council before the report is submitted to Democratic Services.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Sarah Heywood
Has the impact on Statutory, Legal and Risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan
Are there any Equality and Diversity implications?	Yes Name of Officer: Tamar Oviatt-Ham
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Mark Miller
Are there any Localism and Local Member involvement issues?	Yes Name of Officer: Paul Tadd
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell

Source Documents	Location
County Council Constitution Part 3C – Joint Committees	http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution

COUNCIL – ORAL QUESTIONS BY MEMBERS

To: Constitution and Ethics Committee

Meeting Date: 24th November 2016

From: LGSS Director of Law & Governance
and Monitoring Officer

Purpose: To consider the arrangements for oral questions at full
Council meetings.

Recommendation: The Constitution and Ethics Committee is asked to review
the current arrangements for oral questions at full Council
and recommend any amendments to the Constitution to
full Council, if appropriate.

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

- 1.1 The Constitution, Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules, Section 9 – Questions by Members, states the following:

9.1 *Oral Questions*

A member of the Council may ask any member of the Council who has a position of responsibility i.e. Leader of the Council, Group Leaders, Chairmen/women, Vice-Chairmen/Women, Spokesmen/women, Council representatives on Outside Bodies, Partnership Liaison and Advisory Groups and Internal Advisory Groups and Panels a question on any matter discussed at a Committee meeting, relevant to the business of the Council, or matter which affects the County of Cambridgeshire excluding extraordinary or special meetings of the Council and the first annual meeting of a new Council. The maximum time allowed for these questions and answers will be 60 minutes. Members shall have up to two minutes in which to ask the question.

An answer to an oral question may take the form of:

- (i) A direct oral answer of up to a maximum of two minutes.
- (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of Council and to the public.

A member asking an oral question under Rule 9.1 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute. An oral response will be limited to two minutes.

All questions:

- must be relevant to matters for which the Council has powers or duties
- must not relate to an item which is included elsewhere on the County Council agenda (e.g. in a matter for decision or report from Committee or relating to a motion on the agenda) as they can be raised at that point in the meeting.
- should be limited to obtaining information or pressing for action.

Questions should not:

- be incapable of being adequately answered in two minutes
- contain offensive expressions
- divulge, or require the answer to divulge, confidential or exempt information.

Any facts on which a question is based should be identified briefly when the question is asked. Members may be asked to verify authenticity of any factual statement.

1.2 The Constitution and Ethics Committee at its meeting on 4th February 2016 considered, as part of a Mini Review of Governance Procedures, the issue of oral question time in detail. Some Members were of the view that oral questions should be replaced with written questions, which would be published on the Council's website before the meeting of Council. In discussion, it was felt that the current system had worked well under the old governance arrangements but was not appropriate for the new Committee System. On balance, the Committee agreed by a majority that the following should be recommended to full Council:

- i) that the procedure for Oral Questions by Members at Full Council be removed, and
- ii) the limit on the number of written questions submitted to a Full Council meeting be removed.

1.3 At full Council on 22nd March 2016, Councillor Count proposed the following amendment to the recommendation from Constitution and Ethics Committee, seconded by Councillor Hickford, which was agreed unanimously.

Additions in bold and deletions shown in strikethrough

Amend the recommendation as follows:

It is recommended that Full Council approve the amendments to the Council's Constitution, ~~as recommended by the Constitution and Ethics Committee~~, as follows:-

- iii) that the procedure for Oral Questions by Members at Full Council ~~be removed~~ **should allow for questions to be asked of any member of the Council who has a position of responsibility i.e. Leader of the Council, Group Leaders, Chairmen/women, Vice-Chairmen/Women, Spokesmen/women, Council representatives on Outside Bodies, Partnership Liaison and Advisory Groups and Internal Advisory Groups and Panels, and**
- iv) the limit on the number of written questions submitted to a Full Council meeting **should remain** ~~be removed~~.

2. COUNCIL MEETING – 18 OCTOBER 2016

2.1 At the meeting of Council on 18 October 2016, two oral questions were asked of the Council's representative, Councillor Bates, on the City Deal Executive Board. The Council's Constitution permits questions to Council representatives on Outside Bodies.

2.2 The Chairman of the Council raised concerns regarding the nature of the questions and in particular, whether Councillor Bates was actually a representative of an Outside Body. His view was that Councillor Bates was part of a separate decision making body. He was also of the view that the appropriate place to ask these questions was at the City Deal Executive Board. The County Council should only receive questions about the representative's role as a County Councillor on the Board rather than as part of the Executive Board making decisions at the City Deal. He suggested that further legal thought was needed.

- 2.3 Councillor Scutt, Vice-Chairwoman of Constitution and Ethics Committee, suggested that the Chairwoman of the Constitution and Ethics Committee, in conjunction with the Monitoring Officer, might wish the Constitution and Ethics Committee to consider it in greater detail.
- 2.4 The Constitution states that a member of the Council can ask a question. The first question put to Councillor Bates at full Council was a question requiring a factual answer which would therefore be permitted under the current Constitution:

This is a question to Councillor Bates in his position as our member on the City Deal Executive Board. There's been a statement recently from the Chair of the City Deal Board, Councillor Lewis Herbert, that as part of the proposals for Milton Road, mature trees will be put back or replaced in some way if the final decision is to cut them down. My understanding of the City Deal terms is that they are very specific about what City Deal money can and can't be spent on, especially talking about transport schemes. Has he or the Board received specific confirmation that City Deal money can be spent on mature trees?

- 2.5 The second question put to Councillor Bates was not a question requiring a factual answer but one requiring an opinion. It should therefore have been disallowed.

Councillor Bates. There's considerable unease about the City Deal Phase 1 proposals. This comes from business people who see them as obstructive, from those who commute to work in the City who see them as adding expense with little benefit and from residents, who just see irreversible damage to the public realm. This has been evidenced by protest marches and meetings, petitions, a poll in the Cambridge News and our MPs calling for a rethink. I would not be surprised if the current consultation does not add further reinforcement to this position. Does Councillor Bates agree with me that, given this broad public concern, it would be appropriate for the City Deal Executive Board to show real leadership and to pause, before going ahead and maybe spending £100,000,000 quickly and badly?

3. DISCUSSION

- 3.1 The Committee is asked to consider the following options:
- a) to remove questions to Council representatives on Outside Bodies, Partnership Liaison and Advisory Groups and Internal Advisory Groups and Panels.
 - b) to reinforce in the Constitution the need for oral questions to require a factual response rather than an expression of opinion.
 - c) to make no change to the Constitution.

Source Documents	Location
Council's Constitution	http://www.cambridgeshire.gov.uk/info/20050/council/structure/288/councils_constitution
Agenda and Minutes of full Council and Constitution and Ethics Committee meetings	https://cmis.cambridgeshire.gov.uk/ccc_live/Committees.aspx

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

To: **Constitution and Ethics Committee**

Meeting Date: **24th November 2016**

From: **Director of LGSS Law Ltd**

Electoral division(s): **All**

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

Purpose: **For the Committee to consider a report of Council activity
under the Regulation of Investigatory Powers Act 2000
(RIPA) for 2015 – 16**

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

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

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

2. MAIN ISSUES

- 2.1 For the financial year 2015 – 16, one authorisation for directed surveillance has been granted. This arose from ongoing investigations by the Council's Trading Standards team, to target organised crime groups controlling the illegal manufacture/ import and ultimately the sale of counterfeit goods in Cambridgeshire.

In 2014 - 15, directed surveillance operations, authorised under RIPA, enabled the Trading Standards Team to disrupt a number of counterfeit sellers, leading to the seizure of stock which was examined and confirmed to be counterfeit by Trade Mark representatives and confiscations of cash under the Proceeds of Crime legislation. A number of arrests were made by supporting Police detectives. Prosecutions are going through the courts in the coming months for the possession and sale of counterfeit goods against some of the targeted nominals.

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

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

- 2.2 The limited number of authorisations reflects the cautious approach adopted by Officers to the use of surveillance in recent years and in particular following changes to the RIPA regulations introduced in 2012 which restricted the scope of offences for which the Council may make use of RIPA authorisation.

2.3 RIPA awareness raising training

In June 2016 a number of Council staff attended a RIPA awareness-raising course given by an external training provider.

2.4 RIPA policy

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

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

Source Documents	Location
Regulation of Investigatory Powers Act 2000	http://www.legislation.gov.uk/ukpga/2000/23/contents

A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 15 NOVEMBER 2016

To: Constitution and Ethics Committee

Meeting Date: 24 November 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 16 September 2016 to 15 November 2016.

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

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

- 1.1. The Localism Act (“the Act”) places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2. The requirements of the Act are supported by Article 9 of the Constitution which also requires the Constitution & Ethics Committee to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution & Ethics Committee with an overview of the complaints received under the Code of Conduct from 16 September 2016 to 15 November 2016.

2. OVERVIEW OF COMPLAINTS

- 2.1. From 16 September 2016 to 15 November 2016, two new complaints against a Member were received by the Monitoring Officer. These are still awaiting an initial assessment. Of the seven complaints already open as at 16 September 2016 two were concluded on the basis of a local resolution. Two continue to be investigated and the three matters on hold are now being progressed to an initial assessment.
- 2.2. Details of complaints which have been concluded since 16 September 2016 are set out in Appendix 1.
- 2.3. The publication of details of complaints only takes place after conclusion of the complaint to reduce speculation on limited information, ensure there is no compromise of any assessment or investigation and that the Data Protection Act 1998 is complied with.

Source Documents	Location
Decision Notice – Complaint against Councillor Clapp	Held by LGSS Law Limited Ref L-22870
Decision Notice – Complaint against Councillor Clapp	Held by LGSS Law Limited Ref L-22852

APPENDIX 1

Report to the Constitution and Ethics Committee

Overview of complaints made against Members

13 September 2016 to 15 November 2016

Complaint against:	Cllr Paul Clapp
Date of Complaint:	21 August 2016
Complainant:	Mrs Jennifer Snow
Allegation:	Cllr Clapp breached the Code of Conduct by allegedly being rude and insulting towards Walsoken Parish Council at a Parish Council meeting on 12 July 2016
Current Status:	Concluded
Outcome:	The Independent Person concluded that there was a potential breach of the Code of Conduct. Local resolution was an appropriate remedy and a letter would be sent to the Cllr
Date of final decision:	29 September 2016

Complaint against:	Cllr Paul Clapp
Date of Complaint:	11 August 2016
Complainant:	Mr Andy Houghton
Allegation:	Cllr Clapp breached the Code of Conduct by allegedly being rude and insulting towards Walsoken Parish Council at a Parish Council meeting on 12 July 2016
Current Status:	Concluded
Outcome:	The Independent Person concluded that there was a potential breach of the Code of Conduct. Local resolution was an appropriate remedy and a letter would be sent to the Cllr
Date of final decision:	29 September 2016

CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN
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DATE 26.01.17	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.	Appointment of member panel to interview potential members of the Independent Remuneration Panel (IRP) and to recommend them for appointment to the IRP	
	3.	Openness of Local Government Bodies Regulations 2014	M Rowe
	4.		
	5.		
	6.	Quarterly report on investigation of complaints*	M Damigos
	7.	Agenda Plan	R Yule

DATE 02.03.17	AGENDA ITEMS – reserve date		
	1.	Declaration of Interests	
	2.	Minutes	
	3.	Appointment of members of IRP (provisional)	
	4.		

DATE 20.04.17	AGENDA ITEMS		
	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*	
	7.	Agenda Plan	R Yule
June 2017	1.	Election of Vice-Chairman/woman	
	2.	Declaration of Interests	
	3.	Minutes	
		Quarterly report on investigation of complaints*	
		Agenda Plan	

* 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.