

# CONSTITUTION AND ETHICS COMMITTEE



**Date: Thursday, 26 January 2017**

**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

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies for absence and declarations of interest</b><br><i>Guidance on declaring interests is available at</i><br><a href="http://tinyurl.com/ccc-dec-of-interests">http://tinyurl.com/ccc-dec-of-interests</a> |                |
| <b>2</b> | <b>Minutes – 24th November 2016</b>  | <b>3 - 8</b>   |
| <b>3</b> | <b>Amendments arising from changes to Local Government Pension Scheme governance arrangements</b>  | <b>9 - 20</b>  |
| <b>4</b> | <b>Openness of Local Government Bodies Regulations 2014</b>  | <b>21 - 32</b> |
| <b>5</b> | <b>Cambridgeshire and Peterborough Combined Authority - Protocol</b>   | <b>33 - 36</b> |
| <b>6</b> | <b>Selection and appointment of Independent Remuneration Panel (IRP) members</b>   | <b>37 - 52</b> |
| <b>7</b> | <b>A review of the complaints received under the Members' Code of Conduct to 15 November 2016</b>  | <b>53 - 62</b> |

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

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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 24th November 2016

**Time:** 2.00pm – 2.55pm

**Place:** Kreis Viersen Room, Shire Hall, Cambridge

**Present:** Councillors M Smith (Chairwoman), D Brown, E Cearns, J Hipkin, L Nethsingha, P Reeve, P Sales and J Scutt

**Apologies:** Councillors R Hickford, K Reynolds and M McGuire

**127. DECLARATIONS OF INTEREST**

None

**128. MINUTES – 22nd SEPTEMBER 2016**

The minutes of the meeting held on 22nd September 2016 were confirmed as a correct record and signed by the Chairwoman.

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

The Committee received a report outlining proposed modified Standing Orders for the Greater Cambridge City Deal Joint Assembly and Executive Board. Members noted that the intention of the proposed changes was to improve the handling of public questions to these meetings, by allowing officers more time in which to prepare answers, without reducing the time between publication of the agenda and the deadline for submitting a question.

Discussing the proposed changes, members

- welcomed the proposals, including the imposition of a 300-word limit on the length of questions
- reported that in some cases, questioners had been submitting full-length reports as questions requiring an answer
- expressed surprise that the meeting did not usually adopt the approach used by the County Council of undertaking to provide a written response after the meeting where the reply could not conveniently be given orally, but noted that written replies were sometimes given
- suggested that the time limit at paragraph 7.2 of the two appendices should, for consistency, be expressed as 'five working days', not 'one week'
- pointed out the need to renumber the sub-sections of paragraph 11 in the appendices

- disagreed with the proposal to restrict questions to those relating to items that are on the agenda, commenting that the City Deal was already felt to be a distant and undemocratic organisation, and that its agendas often contained only a few items for discussion
- suggested that people should be able to ask questions about other items, such as those on the forward agenda plan, without depending on the exercise of the Chairman/woman's discretion to allow questions to be asked on 'a pressing issue'
- pointed out that many of the matters the City Deal was dealing with were of a strategic nature and took some time to formulate; the public should be encouraged to be engaged in this process. A lack of public engagement would do more harm than the expenditure of officer time in answering questions under current arrangements
- noted that under present arrangements, a team of officers was spending the 24 hours prior to a meeting preparing responses to all the questions which had been asked in the period up to 10am the day before the meeting, and up to three hours could be spent on questions at any one meeting
- urged that gender-neutral language be used in the Constitution, i.e. Chair or Chairperson rather than Chairman and/or Chairwoman
- welcomed the public's interest in City Deal business.

Councillor Reeve asked that his absolute opposition to this paper be recorded. He wished to see more public participation, not less, and in particular did not support the notion of restricting questions to the agenda for the meeting.

Members noted that both Cambridge City Council and South Cambridgeshire District Council had already approved the suggested changes to the terms of reference for the City Deal Assembly and Executive Board.

It was proposed by Councillor Hipkin and seconded by Councillor D Brown that the words 'if it is a pressing issue' be omitted from the last subsection of paragraph 11 of the two appendices. On being put to the vote, the amendment was approved by a majority.

The substantive motion was then put to the vote. The Committee agreed by a majority, Councillors Cearn, Nethsingha and Reeve voting against, and Councillor Reeve abstaining, 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, as amended.

The Committee further asked that the word 'Chairperson' be substituted for 'Chairman', and that 'one week' be changed to 'five working days'.

### **130. COUNCIL – ORAL QUESTIONS BY MEMBERS**

The Committee received a report inviting it to review the current arrangements set out in the Constitution for oral questions at full Council, and to make any recommendations for amendment that it thought appropriate. Members noted that the matter of questions had arisen at Council on 18 October, when a question had been put to the Council's representative on the City Deal Executive Board which could only be answered by expressing an opinion, rather than providing a fact. The Chairman of Council had asked the Constitution and Ethics Committee to consider the rationale of questions at Council to the Council's representative on the Cambridge City Deal Executive Board.

Discussing the matter, members expressed a range of views, including

- it was important that the exercise of devolved powers be subject to scrutiny
- questioners should be permitted to ask questions that sought the reasons behind a course of action; if the reasons proved to be political, that did not indicate a deficiency in the question
- it was not appropriate to frame a question in the terms of 'does Councillor X agree with me'; the Chairman already had the power to disallow such questions
- pointed out that the disputed question could have been asked and answered in the form of a factual question, without 'do you agree'
- Council had recently agreed the need for a protocol for the Council's appointee on the Combined Authority to report to Full Council; something similar should be done for City Deal representatives; in the absence of such a protocol, questions at Council were the only available route to question City Deal representatives
- some service committees already encouraged representatives on outside bodies to report their activities to the relevant service committee
- noted that it would be relatively straightforward to ask the City Deal to provide a short report to Council, along the lines of the Fire Authority report to Council, and for questions on that report to be asked at the Council meeting.

The Committee concluded that no change was required to the present constitutional arrangements for member questions at Full Council, but that a protocol should be drawn up similar to that being developed for the Combined Authority. **ACTION**

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

The Committee received a report of Council activity under the Regulation of Investigatory Powers Act 2000 (RIPA) for the financial year 2015-16, as required by the Council's RIPA policy. It noted that

- only one authorisation for directed surveillance has been granted; this had enabled Trading Standards officers to disrupt a number of counterfeit sellers
- the Monitoring officer and the three authorising officers had attended a RIPA awareness-raising course given by an external training provider.

Members welcomed the Council's restraint in its use of covert surveillance, and officers' attendance at training. The Committee noted the report.

### **132. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 15 NOVEMBER 2016**

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 16 September to 15 November 2016. Members noted that two new complaints had been received during this period, and of the seven complaints already open at the start of the reporting period, two had been resolved by local resolution, two were still being investigated, and three matters on hold were being progressed to an initial assessment.

In the course of discussion, members

- suggested that the report, as a public document, should include more information about the letter to the Councillor, and whether the Councillor had acted on the contents of that letter. The Monitoring Officer confirmed that, for both complaints, a letter had been sent from the Independent Person to the Councillor, asking him to send an apology to the individual whom had upset. The Monitoring Officer was unable to confirm whether that letter had been sent by the Councillor, or had been received by the complainant
- recommended that all group leaders talk to their members about the matters raised in this report, reminding them of the code of conduct, and of the importance of all Councillors dealing with members of the public – and each other – sensitively
- suggested that it could be helpful if Member Services were to offer support to members asked to write what could be a difficult letter. The Monitoring Officer undertook to pursue this suggestion.

**ACTION**

The Committee noted the report.

### **133. FORWARD AGENDA PLAN**

In the course of reviewing its agenda plan, the Committee

- noted the addition of the remuneration of members of the Independent Remuneration Panel to the agenda for 26 January
- noted that SMT would be discussing the Openness Regulations at its meeting on 8 December [subsequently rearranged to 22 December]
- asked about the Committee's role in developing the constitution of the combined authority. Members were advised that the combined authority was responsible for creating its own constitution, as a separate local authority. This would be done by the shadow authority, which would be holding its first meeting in Peterborough on 14 December, in public
- urged that the Committee revisit the question of the use of language in the Constitution to ensure that non-gender specific language be used (chair or chairperson, in contrast to the gender-specific usage of chairman/chairwoman).

**134. DATE OF NEXT MEETING**

It was noted that the next meeting was due to take place at 2pm on Thursday 26th January 2017.

Chairwoman



**AMENDMENTS ARISING FROM CHANGES TO LOCAL GOVERNMENT  
PENSION SCHEME GOVERNANCE ARRANGEMENTS**

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

*Meeting Date:* **26th January 2017**

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

*Purpose:* **To consider amendments arising from changes to Local  
Government Pension Scheme governance arrangements.**

*Recommendation:* **The Committee is recommended to consider the proposed  
amendments set out below and determine whether to  
recommend to full Council that the Council's constitution  
be amended accordingly.**

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## **1. BACKGROUND**

- 1.1 This report proposes amendments to the Council's constitution. These amendments are recommended in order to ensure that the constitution is consistent with Council policies, supports efficient and effective working and reflects the latest legislative developments and best practice.

## **2. NEW LOCAL GOVERNMENT PENSION SCHEME GOVERNANCE ARRANGEMENTS (ASSET POOLING)**

- 2.1 Following recent amendments to the Local Government Pension Scheme (LGPS) Investment Regulations, changes are required to the operational and governance arrangements of the Cambridgeshire Pension Fund. The revised regulations require all administering authorities in England and Wales to enter into joint (pooled) arrangements for the management of their investment assets, with effect from 1 April 2018. The intended outcome is an improvement in economies of scale and investment capacity.

- 2.2 In preparation for this new way of working, the Council has decided to collaborate with ten other fund managers, all of whom have a strong record of investment performance, to create a joint pension fund investment pool. The authorities/funds in question are:

- Cambridgeshire County Council
- East Sussex County Council
- Essex County Council
- Hampshire County Council
- Hertfordshire County Council
- Isle of Wight Council
- Kent County Council
- Norfolk County Council
- Northamptonshire County Council
- Suffolk County Council
- West Sussex County Council

- 2.3 The funds have taken the name ACCESS for the new pooled arrangement. Together, the funds have collected assets of £33bn, 75% of which are invested across 12 managers. Collectively the funds represent 3,000 employees and 900,000 members.

## **3. THE NEW JOINT COMMITTEE**

- 3.1 In order to ensure there is robust oversight of the joint pension fund investment pool, an Inter Authority Agreement has been created, with formal decision making responsibility exercised via a joint committee established under s.102 of the Local Government Act 1972.
- 3.2 The new joint committee will comprise one councillor from each of the eleven participating authorities. Each council's nominee must be an elected councillor and must be a serving member of the authority's pensions committee throughout the time of their appointment. They need not, however, be a member of the nominating council (i.e. they could be a member of another employing authority co-opted onto the pensions committee). Named


substitutes shall be permitted. The Chairman/woman and Vice-Chairman/woman of the committee shall be elected annually by the committee.

- 3.3 The operational management of the arrangement will be commissioned from an external operator, procured through competitive tender process. That operator will act as an alternative investment fund manager to run and operate one or more collective investment vehicles to allow the administering authorities to pool their respective investments.

#### **4. CHANGES TO THE CONSTITUTION**

- 4.1 It is recommended that Part 2 – Articles, Article 8 – Committees be amended to include the LGPS ACCESS Joint Committee in the list of Joint Committees at 8.04.
- 4.2 It is recommended that Part 3C – Responsibility for Functions Joint Committees be amended to include reference to the new joint committee (see **Appendix A**).
- 4.3 It is recommended that Part 3B – Responsibility for Functions Committees of Council Pension Fund Committee be amended (additions in bold and deletions in strikethrough) to reflect the creation of the new Joint Committee (see **Appendix B**).

<b>Source Documents</b>	<b>Location</b>
Agenda and Minutes of Pension Fund Committee	<a href="https://cmis.cambridgeshire.gov.uk/ccclive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/16/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/16/Default.aspx</a>

 Cambridgeshire County Council	<b>The Constitution</b> Part 3C - Responsibility for Functions Joint Committees Local Government Pension Scheme (LGPS) ACCESS Joint Committee
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## **A. LGPS ACCESS JOINT COMMITTEE**

### **1. Parties**

- Cambridgeshire County Council
- East Sussex County Council
- Essex County Council
- Hampshire County Council
- Hertfordshire County Council
- Isle of Wight Council
- Kent County Council
- Norfolk County Council
- Northamptonshire County Council
- Suffolk County Council
- West Sussex County Council

### **2. Status**

In order to ensure there is robust oversight of the joint pension fund investment pool, an Inter Authority Agreement has been created, with formal decision making responsibility exercised via a joint committee established under s.102 of the Local Government Act 1972.

### **3. Membership**

One Councillor from each of the eleven participating authorities. Each council's nominee must be an elected councillor and must be a serving member of the authority's Pensions Committee throughout the time of their appointment. They need not, however, be a member of the nominating council (i.e. they could be a member of another employing authority co-opted onto the pensions committee). Named substitutes shall be permitted.

### **4. Terms of Reference**

#### **Part 1 Functions in relation to the Operator**

1. **Specifying Operator services:** Deciding, the specification of services and functions that the ACCESS Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
2. **Procuring the Operator:** The appointment and management of the operator for assets pooled under the joint arrangement.
3. **Reviewing the Performance of the Operator:** Reviewing the performance of the Operator and making arrangements to ensure that the Joint Committee is provided with regular and

sufficient reports from the Officer Working Group to enable it to do so including but not limited to:

- 3.1 the performance of the Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and Officer Working Group recommendations on any remedial action;
- 3.2 sub-fund investment performance;
- 3.3 investment and operational costs;
- 3.4 performance against the strategic business plan agreed by the Councils
- 4. **Managing the Operator:** The Joint Committee shall:
  - 4.1 Manage the termination or extension of the Operator Contract; and
  - 4.2 Determine any other action to be taken to manage the Operator Contract including the giving of any instruction or the making of any recommendation to the Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply).
- 5. **Appointment of Advisers**
  - 5.1 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the Constitution of the Host Authority.

#### **Part 1 Functions in relation to management of Pool Assets**

- 6. The Joint Committee shall make recommendations to the Council on the strategic plan for transition of assets that are to become Pool Assets.

#### **Part 2 Functions Concerning Pool Aligned Assets**

- 7. Making recommendations to the Councils about Pool Aligned Assets (including proposals concerning the migration of investments-such as passive investments via life fund policies-to become Pool Aligned Assets) in accordance with this Agreement or any other delegation to the Joint Committee by the Councils.

#### **Part 3 Functions concerning Business Planning and Budget**

- 8. Make recommendations to the Council (through the Pensions Committee) about the annual strategic business plan for the Pool
- 9. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 hereof.
- 10. Keep the structures created by this Agreement under review from time to time and make recommendations to the Council about:
  - 10.1 the future of the Pool;
  - 10.2 any changes to this Agreement; and

- 10.3 as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.
11. The Joint Committee is required to commence the first review of this Agreement by the second anniversary of its first meeting.
12. The Joint Committee is required to undertake a review of the Pool and this Agreement to be completed 18 months before the expiry of each Operator Contract.

## **5. Standing Orders**

- 5.1 The Committee will be governed by the Standing Orders set out in Appendix ? **(currently Schedule 3)**, as amended from time to time.

## **6. Functions of the LGPS ACCESS Joint Committee**

The LGPS ACCESS Joint Committee shall exercise functions delegated by the Council as set below:

- The procurement, appointment and management of the operator for assets pooled under the joint arrangement;
- The appointment of professional advisors as required for the effective management of assets pooled under the joint arrangement;
- Functions related to the management of pooled assets;
- Functions concerning pool aligned assets; and
- Functions relating to the development of an annual business plan and budget relating to the management of assets pooled under the joint arrangement



## 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.

Delegated Authority	Statutory Reference/ Condition
<p>Authority to set the pension fund's objectives and determine and maintain appropriate strategies, policies and procedures with ongoing monitoring in relation to the following areas:</p> <ul style="list-style-type: none"> <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 <b>and to oversee the delivery of the investment strategy by the LGPS ACCESS Joint Committee.</b></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>

Delegated Authority	Statutory Reference/ Condition
Authority to develop and maintain a training policy for all Pension Fund Committee and sub-committee members and for all officers of the Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring attendance at training events.	Regulations under the Superannuation Act 1972
Authority to select, appoint, monitor and where necessary terminate advisors to the Fund not solely relating to investment matters.	As above
Authority to approve and issue Administering Authority responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.	As above
Authority to consider and determine where necessary, alternative investment strategies for participating employers.	As above
Authority to oversee the work of the Investment Sub-Committee and consider any matters put to them by the Investment Sub-Committee.	As above
Authority to set up Sub-Committees and Task and Finish Groups including jointly with other LGPS Administering Authorities.	As above
Authority to review and amend the <del>Statement of Investment Principles</del> <b>Strategic Investment policies</b> on an <del>annual</del> <b>appropriate regular</b> 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
<b>Production of an annual report for consideration by the Council.</b>	
<b>In relation to pooled asset arrangements under the LGPS ACCESS Joint Committee:</b> <ul style="list-style-type: none"> <li>• <b>Determining the requirements of the Administering Authority in relation to the provision of services by LGPS ACCESS to enable it to execute its investment strategy effectively;</b></li> <li>• <b>Receiving and considering reports from the LGPS ACCESS Joint Committee in order to ensure that the Fund's investor rights and views are represented appropriately; and</b></li> <li>• <b>Ensuring arrangements are in place to identify and manage the risks and costs associated with investment pooling.</b></li> </ul>	

## 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 <b>including setting benchmarks and targets for the investment pool operator and reviewing performance against those benchmarks.</b>	Regulations under the Superannuation Act 1972
Authority to review and maintain the <del>detailed</del> asset allocation of the Fund within parameters agreed with the <b>Pensions</b> Committee.	As above

Delegated Authority	Statutory Reference/ Condition
Authority to appoint and terminate investment managers to the Fund and to monitor the performance of investment managers leading to review and decisions on termination where necessary <b>where this is not undertaken by the LGPS ACCESS Joint Committee.</b>	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 <b>where this is not undertaken by the LGPS ACCESS Joint Committee.</b>	Regulations under the Superannuation Act 1972
Authority to set benchmarks and targets for the Fund's investment managers <b>where this is not undertaken by the LGPS ACCESS Joint Committee.</b>	As above
Authority to monitor the risks inherent in the Fund's investment strategy in relation to the Fund's funding level.	As above
<del>Authority to determine operational matters such as rebalancing and the most appropriate methodology for asset transitions within parameters agreed by the Pension Fund Committee.</del>	As above
Authority to monitor and review: <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 <b>providers</b> <del>managers</del> as necessary;</li> <li>• The investment <del>managers'</del> <b>providers</b> 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 <del>on Interim Manager meetings and other operational meetings.</del> <b>from investment providers.</b>	<b>As above</b>
Authority to undertake any task as delegated by the Pension Fund Committee.	As above
<del>Authority to provide minutes and such other information to the Pension Fund Committee as they may request from time to time.</del>	<b>As above</b>



**OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

- To:** Constitution and Ethics Committee
- Meeting Date:** 26th January 2017
- From:** LGSS Director of Law & Governance and Monitoring Officer
- Purpose:** To consider the response from Strategic Management Team (SMT) to the points made by the Constitution and Ethics Committee in relation to the threshold of £250,000 to determine materiality under the Openness Regulations.
- Recommendation:** The Committee is recommended to:
- a) Maintain the existing regulations and threshold at £250,000 for using the Openness Regulations form
  - b) Note that the Contract Register enables all contracts over the value of £25k to be reported publicly

<b><i>Officer contact:</i></b>	
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Tel:	01223 727961

## 1.0 BACKGROUND

- 1.1 The Openness of Local Government Bodies Regulations 2014 came into force in September 2014 and intended to promote openness by requiring local authorities to:
- a) permit any person to attend council meetings and to publish/communicate, by any means, the proceedings of the meeting.
  - b) produce and publish a written record of certain types of decisions taken by officers exercising delegated authority.
- 1.2 The regulations require a written record to be made of any decision taken by an officer of the council
- i) under a specific express authorisation, or
  - ii) under a general authorisation where the effect of the decision is to
    - a. grant permissions or licences,
    - b. affect the rights of individuals,
    - c. award contracts or incur expenditure which **materially affects** the body's financial position
- 1.3 The regulations, as drafted, permit some local discretion as to the financial value of the decisions to be recorded. Following a recommendation from the Constitution and Ethics Committee, the Council agreed the recommendation below at its meeting on 12 May 2015:
- a) agree that the requirement for a written record to be made of any decision taken by an officer of the council
    - i) under a specific express authorisation, or
    - ii) under a general authorisation where the effect of the decision is to
      - a. grant permissions or licences,
      - b. affect the rights of individuals,
      - c. award contracts or incur expenditure over £250kbe reflected in Parts 3D (Scheme of Delegation to Officers) and 4.2 (Access to Information Procedure Rules) of the Constitution, as set out in Appendices C and D respectively.
- 1.4 The regulations require that the written records are made available to the public at the council's offices, on their website, by post if requested and on receipt of payment for copying and postage, and through any other means thought appropriate by the council. The written record must be available for public inspection for at least six years, and any supporting documentation for at least four years. Written advice was provided to officers following the Council meeting and is attached at **Appendix A**.
- 1.5 The written record of the officer's decision must be available as soon as reasonably practicable after the decision has been taken. The written record should include:
- The decision taken and the date the decision was taken;
  - the reason(s) for the decision;

- any alternative options considered and rejected; and
- any other background documents.

A copy of the written record template is attached at Appendix B.

## **2.0 CONSTITUTION AND ETHICS COMMITTEE**

2.1 At its meeting on 22nd September, the Constitution and Ethics Committee received a report inviting it to review the threshold of £250,000 to determine materiality under the Openness Regulations. Advice had been sought from SMT regarding the burden of reducing the publication threshold. The Committee was reminded that it had reviewed and approved this threshold at its meeting on 4 February 2016, but had suggested that it be reviewed again in six months' time.

2.2 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.

2.3 The Committee was told that in accordance with the Local Government Transparency Code, the Council is already required to publish all spending transactions over £500, as well as all Government Procurement Card spending and contracts valued over £5,000. From July 2010 spending transactions over £500 have been published on the council's website at [http://www.cambridgeshire.gov.uk/info/20043/finance\\_and\\_budget](http://www.cambridgeshire.gov.uk/info/20043/finance_and_budget); since April 2015, expenditure over £500 has been published on Cambridgeshire Insight at <http://opendata.cambridgeshireinsight.org.uk/dataset/cambridgeshire-county-council-expenditure-over-%C2%A3500>. It was felt that it might be possible to review how this information is presented to meet the requirements of the Openness Regulations.

### **3.0 STRATEGIC MANAGEMENT TEAM (SMT)**

3.1 SMT met on 22 December 2016 and was asked to:

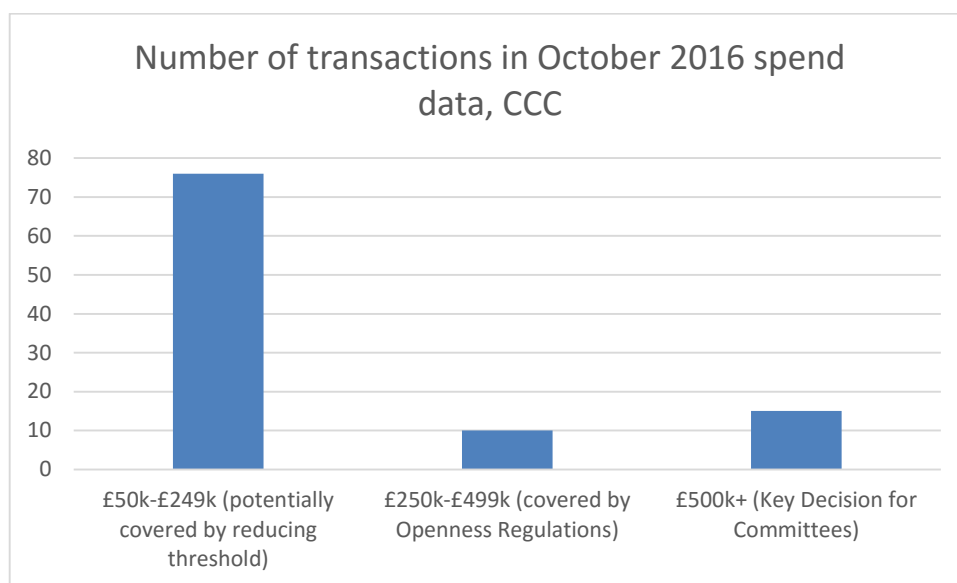
- provide evidence regarding how reducing the threshold would increase the administrative burden significantly.
- investigate ways of using technology to facilitate the process of gathering the information automatically.

#### Evidence of Administrative Burden

3.2 Part 3D of the Council's constitution, and the Scheme of Authorisation, available from [http://www.cambridgeshire.gov.uk/info/20050/council\\_structure/288/councils\\_constitution](http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution), set out the range and structure of delegations to officers of decision-making. It is the decisions referred to in these documents that are required to be reported on by the Openness Regulations. For example, there are more than 50 areas for decision making, ranging from administering partnership agreements with English Heritage to making changes to times for mobile libraries, currently delegated to Economy, Transport and Environment. There are more than 40 distinct areas delegated to Children, Families and Adults, ranging from approving loans to foster parents, applying to control the number of children who attend a school, to fulfilling responsibilities in relation to social care for adults. Many of these decisions could have financial implications that are above a £50k threshold.

3.3 However, it is difficult to precisely estimate the number of decisions that could be affected by a change in the threshold because the scope and range of decisions is so broad. This means that there is not a consistent process for making them. The lack of a consistent process means it is difficult to count these decisions because they are not recorded in a single place.

- 3.4 In order to estimate the additional work required by providing more information on lower value transactions, we can use other data sources. These show that the volume of transactions is higher at lower values, implying that reducing the threshold for reporting would increase the administration required to comply with the regulations.
- 3.5 This report has looked at two data sources – the £500 spend data, and the care budgets. Looking at the October 2016 spend data, there were over 14,000 transactions with a value £500 or more. Most of these transactions (nearly 12,000) were less than £50k. However, of the remainder, there were nearly 8 times more in the band £50k-£249k than in the £250k-£499k band, suggesting that providing more information about lower value decisions would represent a significant extra burden for the organisation.



- 3.6 Approximately 75% of all the transactions are with care establishments, although less than 0.1% of these are above £50k individually. This suggests that a significant volume of the transactions is about care package costs, and over a full year some of these care packages may cost more than £50k<sup>1</sup>. Analysis of the estimated annual value of care packages in children's and adults' services in February 2015 showed that the distribution was as follows:

<b>Adult Social Care packages, snapshot February 2015</b>		
Estimated gross annual value (data rounded to nearest £10,000)	Number of packages	Proportion of packages
Up to £49k	7939	91.79%
£50k - £99k	576	6.66%
£100k - £149k	104	1.20%
£150k - £199k	20	0.23%
£200k - £249k	7	0.08%
£250k +	3	0.03%
Total	8649	

<sup>1</sup> It is difficult to estimate the true annual value of care packages because the circumstances of each package are unique and the duration of the package / placement may vary depending on need.

<b>Children's services packages, snapshot February 2015</b>		
Estimated gross annual value (data rounded to nearest £1,000)	Number of packages	Proportion
Up to £49k	416	76.75%
£50k - £99k	78	14.39%
£100k - £149k	27	4.98%
£150k - £199k	14	2.58%
£200k - £249k	6	1.11%
£250k+	1	0.18%
Total	542	

- 3.7 In both of these service areas, changing the threshold would be likely to bring many more packages under the reporting requirements, increasing the administrative burden of this requirement.
- 3.8 Analysis by Finance has suggested that it would require approximately an extra day per month to produce the required information for new packages using a £50k threshold.
- 3.9 However, this may not be a helpful investment of resource. Decision-making on the residential / placement packages, and high value community-based packages, is managed by panels in both adults' and children's services. Application materials are prepared by social workers or care managers. The detail of these applications are extremely personal, as they are based on assessed social care needs, and disclosure is very carefully handled. Publication of the details of applications considered by these panels would require anonymisation, and redaction of commercially sensitive information such as agreed prices for care. Based on experience completing Subject Access Requests and other statutory disclosures of information, this process is likely to add extra time, and reduce the usefulness of the information, because the detail of the specifics of someone's need and placement is necessary to understand why a particular placement has been made.

#### Investigate Way of Using Technology to Facilitate the Process

- 3.10 However, it is believed that there may be an alternative way to transparently share information about decisions that imply lower value expenditure. As previously noted, the Council publishes data about spending decisions in a number of different ways. These are summarised in the table below.

Value of expenditure	Public report	Key data items under the regulations	Location
<£500	Not publicly reported		
>£500	Transparency data	Date paid, transaction number*	Cambridgeshire Insight open data website
>£25k (contracts)	Contract Register	Date awarded, officer contact, reference numbers*	Public Contracts Register portal (available via CCC website)

Value of expenditure	Public report	Key data items under the regulations	Location
£250k - £500k	Openness Regulations report	Date decision made, officer contact, reason for decision, alternative options, references to background documents	Committee minutes section of CCC website
>£500k	Key Decision for Committee	Date decision made, officer contact, reason for decision, alternative options, references to background documents	Committee papers website
Expenditure and activity data	Finance and Performance reports to Committees	Spend, profile, activity data – for all care budgets	Committee papers website

\* These reference numbers enable the circumstances and reasons for that expenditure or commitment to be reported. This research process would be done manually at present, in a similar way to the process for FOI requests for example.

- 3.11 It may be possible to use the publication of the Contract Register information to support the current arrangements of the Openness Regulations. It is the policy of the Council that all contracts with a value of more than £25k should be recorded on the Contract Register. This is accessible to the public via [http://www.cambridgeshire.gov.uk/info/20092/business\\_with\\_the\\_council/37/business\\_with\\_the\\_council/2](http://www.cambridgeshire.gov.uk/info/20092/business_with_the_council/37/business_with_the_council/2). Analysis of an extract from the Contract Register taken in January 2017 showed the following contracts had been awarded since May 2015:

#Award date	May 15- Dec 16				
Central purchasing body	Cambridgeshire County Council				
Department	Number of contracts	Estimated overall value	Estimated annual value	Number of contracts with overall value <£500k	Number of contracts with overall value <£250k
CCC - Adults Services	25	£55,547,124	£11,706,823	8	5
CCC - Childrens Services	35	£40,576,940	£13,596,806	23	17
CCC - Highways and Transport	24	£875,206,077	£201,011,618 <sup>2</sup>	15	12
CCC - Other Services	17	£3,834,075	£664,754	14	13
CCC - Public Health and Wellbeing	4	£2,510,786	£684,898	2	1
LGSS - Finance	3	£1,060,000	£335,000	2	1
LGSS - Insurance	2	£400,000	£60,000	2	1
LGSS - IT	2	£261,400	£192,000	2	2
LGSS - Legal	1	£150,000	£50,000	1	1
LGSS - Other Services inc. Corporate and Business Services	1	£500,000	£166,666		
LGSS - Property Estates	1	£1,600,000	£400,000		
LGSS - Property FM Services	6	£27,660,473	£7,353,491	1	
<b>Grand Total</b>	<b>121</b>	<b>£1,009,306,875</b>	<b>£236,222,056</b>	<b>70</b>	<b>53</b>

<sup>2</sup> This includes a large contract for Highways Services, managed by the Council on behalf of Eastern Highways Alliance, which increases the value significantly.

- 3.12 Referring to this as a key data source for reporting decisions that have implications for spending between £25k and £250k would enable the use of existing procedures for reporting contracts publicly with a value of £25k and up, with no extra bureaucracy.
- 3.13 The protocol for updating the Contract Register is currently being reviewed by the Commercial Board (chaired by the Deputy Chief Executive). The revised protocol will set out how the Contract Register can be used to report the wide variety of spending decisions the Council makes, including reporting of social care framework contracts and placements, section 75 agreements, and contract exemptions. It will also refer to the requirement to complete the written record form at the appropriate threshold.
- 3.14 The current system for maintaining the Contract Register (Due North) cannot be updated to include the information on alternative options, reasons for decision etc. but the Contract Register does include the contact name of the Officer responsible for the contract who will be required to maintain the written record. The opportunity will be taken to review whether the move to ERP Gold will allow this written record to be held on the system to simplify data collection and publication.

Source Documents	Location
Spend over £500 reports	<a href="http://opendata.cambridgeshireinsight.org.uk/dataset/cambridgeshire-county-council-expenditure-over-%C2%A3500">http://opendata.cambridgeshireinsight.org.uk/dataset/cambridgeshire-county-council-expenditure-over-%C2%A3500</a>
Contract Register	<a href="https://www.lgssprocurementportal.co.uk/">https://www.lgssprocurementportal.co.uk/</a>
Agenda and minutes of the Constitution and Ethics Committee, 22 September 2016	<a href="https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/166/Committee/10/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/166/Committee/10/Default.aspx</a>

### **Draft Guidance as to which Decisions Must be Recorded.**

Due to the broad scope of the regulations and the large number of decisions that they could cover, it would be extremely difficult to produce an exhaustive list of the decisions which must be recorded and published. This briefing note does not attempt to do this. Instead, it has been designed to raise awareness of the requirements and provide some guidance and advice for officers charged with making such decisions.

Examples of decisions that should be recorded under these regulations include:

- A decision to awarding a contract or incur expenditure above the threshold of (£250k - £500k);
- A decision to grant a permission for major road works;
- A decision to grant, suspend or revoke licences or concessions;
- A decision to determine a permission, such as for planning permission or to serve a planning contravention, breach of condition or stop notice; and
- A decision which could result in the rights of a specific individual differing from those of the majority of the general public (e.g. a vexatious individual being banned from council premises).

### **Exceptions and Decisions which do not need to be Recorded**

It is important to note that where decisions are already required to be published by other legislation, they do not need to be recorded again provided that the record published includes the date the decision was taken and the reasons for the decision.

The Government has also issued guidance which states that decisions which are operational and administrative – in other words decisions which the public would reasonably expect to be taken by an officer in order for the council to operate on a day-to-day basis - do not need to be recorded. Decisions which do not need to be recorded might include the following examples:

- Routine administrative and organisational decisions such as giving permission to a local society to use the authority's premises;
- Decisions on operational matters such as day to day variations in services;
- Decisions to issue permissions or licences which are purely routine such as a licence for a skip;
- Decisions to give business relief to individual traders;
- Decisions taken in response to requests under the Data Protection Act 1998 or the Freedom of Information Act 2000.

There are also important exemptions which outline circumstances in which records of decisions must not be published:

- Information relating to any individual.
- Information which is likely to reveal the identity of an individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information relating to any consultations or negotiations in connection with any labour relations matter arising between a council and its employees.
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Please note that these decisions must still be recorded – they are just exempt from the requirement to publish a record of the decisions.

**Cambridgeshire County Council Record of Decision****Decision taken by an officer of the Council**

<b>Title of decision</b>	
<b>Date decision taken</b>	
<b>Decision maker</b>	
<b>Details of decision taken</b>	
<b>Reasons for taking decision</b>	
<b>Options considered</b>	
<b>Details of any conflict of interests declared</b>	
<b>Details of any disclosable pecuniary interest or non-statutory disclosable interest declared</b>	

Signature of decision maker (if appropriate)

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**CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY**  
**– PROTOCOL**

**To:** Constitution and Ethics Committee

**Meeting Date:** 26th January 2017

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

**Purpose:** To consider proposed arrangements to require the Council's appointee to the Combined Authority to provide a briefing report to each meeting of full council setting out the activities and decisions of the Combined Authority.

**Recommendation:** The Constitution and Ethics Committee is asked to recommend a protocol for inclusion in the Council's Constitution:

- i) to enable the Council's appointee to provide a briefing report to each meeting of full council setting out the activities and decisions of the Combined Authority; and
- ii) to enable Councillors to ask questions for a response by the Council's appointee on the Combined Authority or simply comment on concerns or issues.

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## **1. BACKGROUND**

- 1.1 The Council at an extraordinary meeting on 22nd November 2016 consented to:
- a. the Secretary of State making an Order to establish the Cambridgeshire and Peterborough Combined Authority; and
  - b. the Council being a constituent member of the Cambridgeshire and Peterborough Combined Authority with effect from the commencement date determined by the final Order.
- 1.2 Council also agreed the following:
- (i) agree in principle, the need for a protocol to require the Council's appointee and the Chairman/woman of the relevant Overview and Scrutiny Committee to provide a briefing report to each meeting of full council setting out the activities and decisions of the Combined Authority and its O&S Committee.
  - (ii) request that the Chairwoman and Vice Chairwoman of the Constitution & Ethics Committee engage their fellow committee members with a view to devising and agreeing the wording of such a protocol for inclusion in the Council's constitution.

## **2. CAMBRIDGESHIRE AND PETERBOROUGH FIRE AUTHORITY - PROTOCOL**

- 2.1 The Council currently receives a short report from the Chairman of the Cambridgeshire and Peterborough Fire Authority, in March and October, outlining some of the key issues facing the Authority in recent and coming months. Members then have an opportunity to ask questions and comment on fire issues at the Council. If they wish to raise questions or issues requiring a detailed response, they are asked to give advance notice so that the necessary information can be obtained in advance of the meeting. The usual five minute time limit applies to all speeches and the Chairman of Council exercises discretion over the amount of time allocated to the discussion of this item.
- 2.2 The Cambridgeshire and Peterborough Fire Authority is a separate corporate body. The County Council is not in a position to direct any course of action by this organisation. There is therefore no reference to this protocol in the Council's Constitution.

## **3. CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY – PROTOCOL**

- 3.1 It is proposed to use the Cambridgeshire and Peterborough Fire Authority protocol as the basis for the Cambridgeshire and Peterborough Combined Authority protocol (draft attached at Appendix A).
- 3.2 Constitution and Ethics Committee is asked to consider the following issues:
- To bring the protocol in line with the existing procedure for "Questions By Members", it is proposed to exclude questions at extraordinary or special meetings of the Council and the first annual meeting of a new Council.

- Should the usual five minute time limit apply to all speeches or should Members have two minutes in which to ask the question and one minute for a supplementary with up to a maximum of two minutes for a direct oral answer to both.
- Should the Chairman of Council exercise discretion over the amount of time allocated to the discussion of this item or should the maximum time allowed for these questions and answers be 60 minutes.

#### **4. DISCUSSION**

- 4.1 The Committee is asked to consider, comment, and recommend a protocol to require the Council's appointee to provide a briefing report to each meeting of full council setting out the activities and decisions of the Combined Authority.

<b>Source Documents</b>	<b>Location</b>
Agenda and Minutes of full Council – 22 November 2016	<a href="https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/487/Committee/20/SelectedTab/Documents/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/487/Committee/20/SelectedTab/Documents/Default.aspx</a>

**CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY –  
ORAL QUESTIONS AT COUNTY COUNCIL MEETINGS**

- **Members will have an opportunity to ask questions and comment on Cambridgeshire and Peterborough Combined Authority issues at meetings of the County Council except extraordinary or special meetings of the Council and the first annual meeting of a new Council.**
- **The Council's appointee on the Combined Authority will prepare a short paper for inclusion in the agenda setting out the activities and decisions of the Combined Authority.**
- **Councillors may ask questions for a response by the Council's appointee on the Combined Authority or simply comment on concerns or issues.**
- **If Members wish to raise questions or issues requiring a detailed response, it will usually be helpful if they give advance notice so that the necessary information can be obtained in advance of the meeting.**
- **The usual five minute time limit will apply to all speeches.**
- **The Chairman of Council will exercise discretion over the amount of time allocated to the discussion of this item or the maximum time allowed for these questions and answers will be 60 minutes.**

**SELECTION AND APPOINTMENT OF INDEPENDENT REMUNERATION PANEL (IRP) MEMBERS**

**To:** Constitution and Ethics Committee

**Meeting Date:** 26th January 2017

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

**Purpose:** To consider the interview process for the selection and appointment of Independent Remuneration Panel (IRP) members, and the proposed rate of remuneration.

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

- i) agree the interview process for the selection and appointment of Independent Remuneration Panel (IRP) members; and
- ii) agree the proposed rate of remuneration for IRP members

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## **1. BACKGROUND**

1.1 At its meeting on 22 September 2016, 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.

1.2 The Committee 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.

## **2. EXISTING MEMBERS OF THE INDEPENDENT REMUNERATION PANEL**

2.1 The five existing members of the IRP have been thanked for their contribution and invited to reapply if they so wish.

## **3. INDEPENDENT REMUNERATION PANEL ADVERT**

3.1 Following the Committee's recommendation to advertise inviting expressions of interest from far and wide in becoming a member of the panel. The Council's Corporate Communications Manager issued a Press Release in early January. He is also promoting the position on the Council's website and via social media. The deadline for applications is 31 January 2017. A copy of the advert used as the basis for the press release and website/social media promotion is attached at **Appendix A**.

3.2 A briefing pack for candidates giving more details of what is involved is attached at **Appendix B**.

## **4. INTERVIEW PROCESS**

4.1 As Members are already aware, the Committee has the authority to select and to appoint persons as members of the County Council's IRP. However, Members may wish to consider whether to proceed with an interview panel of eleven members. They may instead wish to nominate three members of the Committee to shortlist and interview applicants with the recommended persons for appointment being considered by Committee for final approval.

- 4.2 The deadline for applications is 31 January 2017 so the interviews should take place in February. There is a meeting of Constitution and Ethics Committee provisionally scheduled for 2 March.

## **5. RATE OF REMUNERATION FOR IRP MEMBERS**

- 5.1 The Committee raised the need to consider the rate of remuneration for IRP members. 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
- 5.2 Information on rates paid to IRP members elsewhere has been gathered by email, by web search, and from the Association of Democratic Services Officers' members' forum. It is clear that very different rates are paid, from nothing to several hundred pounds a year, as can be seen from the table at **Appendix C**. The basis on which members are paid also varies, and includes an annual retainer and a fee per meeting. The Local Government Association has been asked if there is any LGA-recommended rate for such work; any reply will be reported at the meeting.
- 5.3 The County Council calls on the services of other local people for various purposes, and rewards them at various rates:
- Members of Education Admission Appeals panels are reimbursed their expenses and provided with refreshments.
  - The two co-opted diocesan representatives serving on the Children and Young People Committee are eligible to claim a £50.00 flat fee per meeting attended in addition to travel and subsistence allowances.
  - The District Council non-voting members on Health Committee are not paid anything by the County Council.
  - The two Independent Persons receive a flat fee of £500 a year, payable quarterly, plus expenses.
- 5.4 Members may wish to consider the information in Appendix C and paragraph 5.3 as context for their discussion of the rate of remuneration for IRP members.

## **6. SUPPORT TO THE INDEPENDENT REMUNERATION PANEL**

- 6.1 The authority has to pay for the support provided to the panel. It is proposed to invite Paul Hanson, Democratic Services Manager, Northamptonshire County Council, to provide support. Paul has considerable experience in this area and has provided support to a number of authorities, including East Northamptonshire Council, Fenland District Council and Northampton Borough Council. This support is provided at cost price. The estimated cost of support for a review is £1,760. Paul is part of LGSS so the cost of this support would remain within the three Councils comprising LGSS.

## **7. DISCUSSION**

- 7.1 The Committee is asked to consider the interview process and the proposed rate of remuneration for the IRP.

<b>Source Documents</b>	<b>Location</b>
Agenda and Minutes of Constitution and Ethics Committee – 22 September 2016	<a href="https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/t/abid/70/ctl/ViewMeetingPublic/mid/397/Meeting/166/Committee/10/SelectedTab/Documents/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/t/abid/70/ctl/ViewMeetingPublic/mid/397/Meeting/166/Committee/10/SelectedTab/Documents/Default.aspx</a>

**Cambridgeshire County Council**

**Independent Members**

**Required for Independent Remuneration Panel**

Cambridgeshire County Council is looking for three people over the age of 21 living or working in the county to join its Independent Remuneration Panel, which makes recommendations to the Council on the type and level of allowances paid to County Councillors. The ideal candidate will be active in the local community and/or representative of one of the Council's stakeholder groups, for example social care, the voluntary sector, the local business community, or education.

The work involves carrying out reviews of the existing allowances scheme, taking into account changes to the roles and responsibilities of County Councillors.

You will not be eligible for appointment if you are employed by Cambridgeshire County Council or another local authority (except a parish council), or serving as a councillor, or are actively involved in a political party. You do not necessarily need experience of local government and the roles of elected councillors, but should have an interest in public affairs and be able to command respect and confidence.

The Panel will meet to undertake a review of the Scheme, which will take place after May 2017 and is supported by officers of the Council. Training and advice will be given, and travel expenses are payable. Panel members will be reimbursed for time spent at a rate of £20.00 per hour up to a maximum of £150.00 in any one day. This includes time spent in meetings, preparation and meeting time. (Please note that this current rate of remuneration is under review).

If you are interested in joining the Panel and would like a briefing pack giving more details of what is involved, please contact Michelle Rowe on 01223 699180 or e-mail [michelle.rowe@cambridgeshire.gov.uk](mailto:michelle.rowe@cambridgeshire.gov.uk).

**Closing Date: 31 January 2017**

# **Independent Panel for Councillors' Allowances**

## **Information Pack for Applicants**

## 1. Introduction

### About the Independent Panel for Councillors' Allowances

The Local Authorities (Members' Allowances) Regulations 2003 allows local councils to establish and maintain an Independent Remuneration Panel. The Panel is responsible for the developing and monitoring of the Councillors' Allowances Scheme by making recommendations to the Council. Recommendations may include the level of basic and special allowances for Councillors and, childcare and dependent carers' allowances, plus the level of allowances for travel and subsistence.

The Panel will need to meet a number of times during 2017 at Shire Hall, Cambridge. Panel membership is not a salaried position. However, panel members will be reimbursed for time spent at a rate of £20.00 per hour up to a maximum of £150.00 in any one day. This includes time spent in meetings, preparation and meeting time. *(Please note that this current rate of remuneration is under review).* Training will also be provided.

The panel will be provided with advice and administrative support by the Council.

## 2. Cambridgeshire County Council's Democratic Structure

The County Council currently comprises 69 elected Councillors. The current political make up is as follows:

Conservative –	32
Liberal Democrat –	14
UKIP -	10
Labour –	8
Independents -	5

The Local Boundary Commission for England is proposing a reduction in council by eight to 61 members which it believes will ensure the Council can perform its roles and responsibilities effectively.

Each councillor represents a geographical area known as an electoral division. Many of our councillors also undertake additional roles, such as the Leader of the Council, Committee Chairs and Spokes for which Special Responsibility Allowances can be paid.

Further information about Cambridgeshire County Council is available on our website <http://www.cambridgeshire.gov.uk/> *(information on Councillors and meetings, under the Your council tab, may be of particular interest)*

### 3. Role Description

#### **Purpose of the Role:**

Working as one of a Panel, to evaluate the roles and responsibilities of councillors and make recommendations to the County Council on the level of allowances which should be paid to councillors for carrying out particular duties.

#### **Principal Responsibilities:**

1. Contributing to reviews of the County Council's Members' Allowances Scheme and other related work carried out by the Panel.
2. Analysing written and oral reports submitted to the Panel on issues connected with the provision of Members' Allowances.
3. Discussing information received by the Panel constructively with other Panel members to develop objective recommendations on issues under consideration.
4. Contributing to the preparation and presentation of reports to Council meetings setting out particular recommendations agreed by the Panel.
5. Attending meetings of the Panel that are arranged to enable it to carry out its work.
6. Ensuring that your own conduct complies with the County Council's Health and Safety policies and procedures and takes reasonable care of your own safety and that of others.
7. Ensuring that your own conduct reflects the County Council's equal opportunities policies

## 4. Person Specification

### Essential Skills

Panel members should be able to:

1. Analyse verbal and written information effectively;
2. Assess differing views on a particular question objectively;
3. Contribute constructively to open discussion during Panel meetings;
4. Reach coherent conclusions based on a range of evidence;
5. Work with Council officers and councillors to carry out the Panel's duties.

### Desirable Skills

Panel members should be able to show an understanding of the work and responsibilities involved in being a councillor through, for example:

- a) Involvement in community / voluntary work;
- b) Knowledge of local government or other public services.

### Additional Requirements

1. Panel members must be resident in Cambridgeshire.
2. Panel members must **NOT** be:
  - a) A councillor of any local authority except a parish council;
  - b) Related to a councillor of any local authority except a parish council;
  - c) A close friend or associate of a county councillor, or someone with any other direct links - personal or public - with a county councillor;
  - d) Associated with a political party to the extent that it might be thought to affect the independence of the Panel;
  - e) An employee of Cambridgeshire County Council.

## 5. Important information about making an application

An application form can be found at the end of this information pack. In addition to completing the application form, please include answers to the following questions in your supporting statement that relate specifically to your ability to be a panel member.

1. Are you or have you ever been a Councillor of any authority excluding a Parish Council?

If so please give dates regarding your term of office.

2. Are you or have you ever been actively or formally connected with a political party? If so please give details.
3. Please give details of any voluntary organisations you are actively involved with.
4. Please indicate whether there is any matter concerning your conduct which, if it were generally known, might affect public confidence in your ability to be a panel member.

Please provide your answers to the above questions with your completed application form.

If you have any questions regarding the Independent Panel for Councillors' Allowances or the selection process, please contact:

Michelle Rowe  
Democratic Services Manager  
Democratic and Members' Services  
Cambridgeshire County Council  
County Hall  
Box SH1102  
Shire Hall  
Castle Hill  
Cambridge  
CB3 0AP

01223 699180

Email [michelle.rowe@cambridgeshire.gov.uk](mailto:michelle.rowe@cambridgeshire.gov.uk)

## Application Form



<b>Application for the post of:</b>	<b>Member, Independent Remuneration Panel</b>
<b>Location:</b>	<b>Shire Hall, Cambridge, CB3 0AP</b>

<b>Surname</b>	<b>First Name(s):</b>		
<b>Title (Mr, Mrs, Miss, Ms etc)</b>	<b>Preferred Name:</b>		
<b>Address:</b>	<b>Telephone Numbers</b>		
	<b>Home:</b>		
	<b>Business:</b>		
	<b>Mobile:</b>		
<b>Post Code:</b>	<b>email address:</b>		
<b>Are you aged 16 or over?</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>

<b>Employment Status</b> *(please delete as appropriate) Employed/Self-employed/Retired
<p><b>If employed or self-employed please give the following details. If retired please give the relevant details at the time of retirement.</b></p> <p><b>Name of Employer/Business:</b></p> <p><b>Nature of Business:</b></p> <p><b>Position Held:</b></p>

**Are you, a relative or close friend of a present County Councillor: Yes /No**  
**Please give details where relevant:**

**Are you currently a Member of any other Local Authority?** (This includes Parish Councils)

Yes/No

**If yes please provide the name of the Authority:**

**Please provide details of any organisations (including political parties) you are, or have been a Member of during the past 5 years.**

**Please describe any links which you have or have had with the County Council or with the community of the County Council** e.g. living or working in the County, through work or business, through voluntary bodies, public bodies etc.

**Experience and Qualities**

Please explain why you wish to be an Member on the Independent Remuneration Panel and give details of any relevant experience you may have for the role.

**Please explain how you meet the person specification laid out in the key attributes.  
Give examples from your work or other experience to evidence how you can demonstrate them.**

**Please supply the name and address of a person whom we may contact for a reference as to your suitability for the role.**

**Name:**

**Address:**

**Tel:**

**E-mail:**

***Continue on a separate sheet if necessary.***

In submitting this application I declare that I am aware of the disqualifications that apply to this appointment and confirm that I am eligible to apply for membership of the Panel.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed forms by 31 January 2017 to Michelle Rowe, Democratic Services Manager, Democratic and Members' Services, Box No. Res 1102, Shire Hall, Cambridge, CB3 0AP. E-mail:michelle.rowe@cambridgeshire.gov.uk**

## Appendix C

### Rates of remuneration for members of IRPs

Authority	Date of info	Allowance at date of info	Expenses	Panel size	Other	Source	Notes
Cambs CC	170126	£20per hour to max £150 per day		3 (was 5)		C&E report	
Cambridge CC	170117	£200 retainer for year				personal email	
East Cambs DC	170117	<sup>i</sup> £650 chair, £550 rest				personal email	
Hunts DC	170118	reimbursement of lost work; no annual retainer	refreshments			personal email <sup>ii</sup>	
Peterborough CC	170118	none	lunch & travel			personal email	
Cannock Chase DC	170111	£220 per year	mileage	3		ADSO forum	
Newcastle on Tyne	170111	£414 per year <sup>iii</sup>		5		ADSO forum	equivalent of 5% of Councillors' basic allowance
Essex CC	170103	£500	none			ADSO forum	
Broadland DC	161222	none	mileage		one meeting only, 2-3 hours	ADSO forum	
Bracknell Forest	1609	<sup>iv</sup> £152.77 day session fee	covered by fee			info for panel members	
Cornwall	160630		travel 45p/mile	3	provide refreshments	ADSO forum	
Worcestershire	160621	£670 per year	travel costs	5		ADSO forum	panel & costs shared among 5 of 6 district councils
Lancaster City	160620	none	travel costs			ADSO forum	
Basildon BC	160617	£50 per meeting				ADSO forum	
Northants	160617	<sup>v</sup> £100 per meeting				ADSO forum	

Authority	Date of info	Allowance at date of info	Expenses	Panel size	Other	Source	Notes
Southampton CC	160617	£250 for 4-year term			chair gets extra £150	ADSO forum	
Surrey CC	160617	<sup>vi</sup> £2,500 chair £2,000 rest				ADSO forum	
Tonbridge & Malling	1603	£12.52 per hour	travel & subsistence	3		info for panel members	
Derbyshire Dales	1506	none mentioned	travelling & subsistence			info for panel members	
Dorset	140324	none	travel expenses			ADSO forum	from member of several IRPs; paid for none
North Kesteven DC	140320	£250	travel		meet about 2/3 times	ADSO forum	
Bristol	140304	£50 per meeting					
Blackpool	140302	none	travel		get car park permit		
Cheshire West and Chester	140228	£25 per meeting offered	travel			ADSO forum	not all claim
Nottingham City C	140227	offer £50 per meeting per member <sup>vii</sup>				ADSO forum	£50 allowance rarely claimed
Staffordshire	140227	£588 per year	expenses		panel meets 2-4 times pa	ADSO forum	
Burnley	140226	none	travel costs offered			ADSO forum	travelling expenses rarely claimed
Anon	140224	£50 per meeting per member				ADSO forum	

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<sup>i</sup> Each ordinary member of the Panel receives a taxable allowance of £550 on the delivery of its report to the Council. The IRP Chairman will receive a slightly higher taxable allowance of £650 to reflect the additional responsibilities and duties

<sup>ii</sup> No set fee, but reimbursement for lost work. Panel members are asked to provide a statement from their employer of what they would have been paid. No annual retainer paid.

Refreshments provided on the day of the review. In the past reviews have taken a number of days. Last time it was done in a single day.

<sup>iii</sup> Set amount paid to each member of IRP and the chair regardless of number of meetings. The rate of £414 per year is the equivalent of 5% of the Basic Allowance paid to elected members.

<sup>iv</sup> Membership of the Panel is voluntary however a day session fee of £152.77 is available to cover out of pocket expenses. This is based on the Local Government Association's most recently recommended daily rate for this category of work.

<sup>v</sup> same rate quoted in March 2014 'the same rate as other co-opted members'

<sup>vi</sup> these rates in force since 2001, review being considered in June 2016

<sup>vii</sup> IRP meets infrequently; no automatic remuneration, but members are invited to submit a claim for an attendance allowance of £50.00 per meeting. Members rarely claim this.

**A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 17 JANUARY 2017**

**To:** Constitution and Ethics Committee

**Meeting Date:** 26 January 2017

**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 November 2016 to 17 January 2017

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

<b><i>Officer contact:</i></b>	
Name:	Maria Damigos
Post:	Corporate Lawyer
Email:	<a href="mailto:Maria.damigos@centralbedfordshire.gov.uk">Maria.damigos@centralbedfordshire.gov.uk</a>
Tel:	0300 300 4733

## **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 November 2016 to 17 January 2017.

## **2. OVERVIEW OF COMPLAINTS**

- 2.1. From 16 November 2016 to 17 January 2017 no new complaints against a Member have been received by the Monitoring Officer. These are still awaiting an initial assessment. Of the seven complaints open as at 15 November 2016 four have been concluded on the basis of no breach, one is awaiting the Independent Person's comments on the initial assessment and two continue to be investigated.
- 2.2. Details of complaints which have been concluded since 16 November 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.

## **3. UPDATE ON PREVIOUS COMPLAINTS**

- 3.1. At the meeting of 24 November details of the two complaints concluded between 16 September 2016 and 15 November 2016 were provided.
- 3.2. In both cases the Independent Person had concluded that there was a potential breach of the Code of Conduct and recommended a local resolution in the form of an explanation as to why the Councillor had attended the Walsoken Parish Council meeting and an apology for any offence caused to the complainant in each case. A copy of the Decision Notices for the complaints is attached as Appendix 2.
- 3.3. Despite a letter being sent to the Councillor no explanation or apology has been given and on 13 December 2016 the Councillor has verbally confirmed to the corporate lawyer that he will not apologise.
- 3.4. The Independent Person, the complainants and the Councillor have been informed that the matter is being referred back to this Committee.

3.5. If considered necessary to take further action it is open to this Committee to move a motion for the issue of a public censure for the failure to comply with the recommendations or to refer the matter for an investigation and hearing.

<b>Source Documents</b>	<b>Location</b>
Decision Notice – Complaint against Councillor McGuire	Held by LGSS Law Limited Ref L-22674
Decision Notice – Complaint against Councillor Butcher	Held by LGSS Law Limited Ref L-22674
Decision Notice – Complaint against Councillor Clark	Held by LGSS Law Limited Ref L-22674
Decision Notice – Complaint against Councillor Clark	Held by LGSS Law Limited Ref L-23035

**Report to the Constitution and Ethics Committee****Overview of complaints made against Members****16 November 2016 to 17 January 2017**

<b>Complaint against:</b>	Cllr McGuire
<b>Date of Complaint:</b>	27 May 2016
<b>Complainant:</b>	Cllr Lay supported by Cllr Clapp
<b>Allegation:</b>	Failing to declare an interest in that Cllr McGuire was a member of the executive committee of FACT, participating in an item at the Economy and Environment Committee on 24 May 2016 and a conflict of interest.
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that as Cllr McGuire had been appointed to the FACT board by the Economy and Environment Committee as a representative for the Council there was no Disclosable Pecuniary Interest and no Non Statutory Disclosable Interest to declare and the of Code of Conduct had not been breached.
<b>Date of final decision:</b>	17 January 2017

<b>Complaint against:</b>	Cllr Butcher
<b>Date of Complaint:</b>	27 May 2016
<b>Complainant:</b>	Cllr Lay supported by Cllr Clapp
<b>Allegation:</b>	A general conflict of interest existed as Cllr Butcher was the Chairman of the Highways and Community Infrastructure Committee and was also a member of the board of the Fenland Association of Community Transport.
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	Cllr Butcher is not the Chairman of the Highways and Community Infrastructure Committee. The Independent Person concluded that there was no Disclosable Pecuniary Interest and there was no evidence to show that a Non Statutory Disclosable Interest had arisen which had not been declared. There was accordingly no breach of the Code of Conduct. The Independent Person did however suggest that Cllr Butcher was reminded of the procedures for interests for future reference.

<b>Date of final decision:</b>	17 January 2017
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<b>Complaint against:</b>	Cllr Clark
<b>Date of Complaint:</b>	27 May 2016
<b>Complainant:</b>	Cllr Lay supported by Cllr Clapp
<b>Allegation:</b>	Failing to declare an interest relating to a contract with the Fenland Association of Community Transport (FACT) at the meeting of the Economy and Environment Committee of 24 May 2016. Having a business relationship with FACT
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that there was no Disclosable Pecuniary Interest in relation to any contract with FACT but there may be a Non Statutory Disclosable Interest. A Non Statutory Disclosable Interest was declared in accordance with the requirements of the Code of Conduct. The interest was not considered to be a prejudicial interest. Accordingly there was no breach of the Code of Conduct. The Independent Person did nevertheless recommend Cllr Clark is given advice regarding interests and he is advised to fully consider his position when dealing with matters relating to FACT in the future.
<b>Date of final decision:</b>	17 January 2017

<b>Complaint against:</b>	Cllr Clark
<b>Date of Complaint:</b>	16 October 2016
<b>Complainant:</b>	Cllr Lay
<b>Allegation:</b>	Failing to declare an interest relating to his business relationship with the Fenland Association of Community Transport (FACT) and participation at the meeting of the Economy and Environment Committee on 13 October 2016 in an item of business.
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that Cllr Clark's Register of Interests contained the relevant declarations required by the Code of Conduct. There was no evidence to indicate the Non Statutory Disclosable Interest was a prejudicial one and

	therefore there was no bar to participation. There was accordingly no breach of the Code of Conduct. The Independent Person did nevertheless recommend Cllr Clark is given advice regarding interests and is advised to fully consider his position when dealing with matters relating to FACT
<b>Date of final decision:</b>	17 January 2017

**INITIAL ASSESSMENT OF COMPLAINT**

**DECISION NOTICE**

**SUBJECT MEMBER: CLLR PAUL CLAPP**

**Background**

1. A complaint was sent on 11 August 2016 by Mr Andy Houghton ("the Complainant") alleging that at a meeting of Walsoken Parish Council on 12 July 2016 Cllr Paul Clapp ("the Subject Member") was rude and insulting towards the Parish Council thereby failing to show respect and courtesy and bringing Cambridgeshire County Council into disrepute.

**Summary of the Allegations**

2. The Parish Council meeting on 12 July 2016 included discussion about a controversial planning application which the Parish Council had already objected to. During that discussion the Complainant alleged that: *"Cllr Clapp then took it upon himself to shout, loudly and aggressively, "you're not doing your jobs!" whilst stabbing his finger in the general direction of the Parish Council. He continued this inflammatory tone for a short period"*.
3. The Complainant also alleges that the Subject Member's contribution was a *"bullying and bullish tirade"*.
4. The Complainant further alleges that the Subject Member stated that he was a Cambridgeshire County Councillor and was upset that he had not been consulted about the planning issue. As Walsoken comes under Kings Lynn and West Norfolk Borough Council neither Cambridgeshire County Council nor the Subject Member would have any jurisdiction and would not have been consulted or even notified of the planning application.

**Evidence Considered**

5. The following documents were considered for the purposes of this complaint:-
  - a) Email complaint dated 11 August 2016 Complainant to Monitoring Officer;
  - b) Comments of Subject Member in response;
  - c) Parish Council minutes

**Jurisdiction**

6. For a complaint to be considered in connection with the Member's Code of Conduct, the following test must be satisfied:

- a) the complaint was made against a person who, at the time the alleged action took place, was a member of Cambridgeshire County Council; and
  - b) the Subject Member had signed up to the Members' Code of Conduct in force at the time the alleged action took place; and
  - c) the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.
7. The Independent Person has concluded all three limbs of this test are satisfied in this matter. Whilst the Subject Member is not the Ward Councillor for Walsoken Parish, he attended the meeting in his official capacity after being asked to do so by residents of his Ward.

### **Initial Assessment Decision**

8. The Independent Person has considered whether the actions of the Subject Member described in paragraphs 2 to 4 above constitute a breach of the following provisions of the Members' Code of Conduct:
- a) Treating others with respect (paragraph 2.1); and
  - b) Bringing your office or authority into disrepute (paragraph 2.2(e)).
9. The Independent Person has concluded that, if proved, the actions complained of could amount to a breach of the Councillors Code of Conduct as the Subject Member was attending a meeting in another local authority area and should have been more circumspect in his comments.

### **Further Action**

10. The Independent Person has however also concluded that any potential breach is of a relatively low level and that the matter could be appropriately dealt with by way of local resolution.
11. The Independent Person accordingly recommends that the Subject Member provides an explanation of his viewpoint/actions together with an apology for any offence which may have been caused to the Complainants.

**Approved by:** Gill Holmes (Independent Person)  
Quentin Baker (Monitoring Officer)

**Dated:** 29 September 2016

**INITIAL ASSESSMENT OF COMPLAINT**

**DECISION NOTICE**

**SUBJECT MEMBER: CLLR PAUL CLAPP**

**Background**

1. A complaint was received on 21 August 2016 from Mrs Jennifer Snow ("the Complainant") alleging that at a meeting of Walsoken Parish Council on 12 July 2016 Cllr Paul Clapp ("the Subject Member") was rude and insulting towards the Parish Council thereby failing to show respect and courtesy and bringing Cambridgeshire County Council into disrepute.

**Summary of the Allegations**

2. Public participation during the Parish Council meeting on 12 July 2016 included discussion about a controversial planning application which the Parish Council had already objected to. During that discussion the Complainant alleged that the Subject Member stood up and *"shouted, that he was "A County Councillor and that no one had informed him about this". He continued to make comments inferring that we as a Parish Council should have consulted him."*
3. As Walsoken comes under Kings Lynn and West Norfolk Borough Council neither Cambridgeshire County Council nor the Subject Member would have any jurisdiction and would not have been consulted or even notified of the planning application.
4. The Complainant further alleges that the Subject Member was inciting the rest of the public by his behaviour.

**Evidence Considered**

5. The following documents were considered for the purposes of this complaint:-
  - d) Email complaint dated 11 August 2016 Complainant to Monitoring Officer;
  - e) Comments of Subject Member in response;
  - f) Parish Council minutes

**Jurisdiction**

6. For a complaint to be considered in connection with the Member's Code of Conduct, the following test must be satisfied:
  - a) the complaint was made against a person who, at the time the alleged action took place, was a member of Cambridgeshire County Council; and

- b) the Subject Member had signed up to the Members' Code of Conduct in force at the time the alleged action took place; and
  - c) the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.
7. The Independent Person has concluded all three limbs of this test are satisfied in this matter. Whilst the Subject Member is not the Ward Councillor for Walsoken Parish, he attended the meeting in his official capacity after being asked to do so by residents of his Ward.

### **Initial Assessment Decision**

8. The Independent Person has considered whether the actions of the Subject Member described in paragraphs 2 and 4 above constitute a breach of the following provisions of the Members' Code of Conduct:
- a) Treating others with respect (paragraph 2.1); and
  - b) Bringing your office or authority into disrepute (paragraph 2.2(e)).
9. The Independent Person has concluded that, if proved, the actions complained of could amount to a breach of the Councillors Code of Conduct as the Subject Member was attending a meeting in another local authority area and should have been more circumspect in his comments.

### **Further Action**

10. The Independent Person has however also concluded that any potential breach is of a relatively low level and that the matter could be appropriately dealt with by way of local resolution.
11. The Independent Person accordingly recommends that the Subject Member provides an explanation of his viewpoint/actions together with an apology for any offence which may have been caused to the Complainants.

**Approved by:** Gill Holmes (Independent Person)  
Quentin Baker (Monitoring Officer)

**Dated:** 29 September 2016

<p><b>CONSTITUTION AND ETHICS COMMITTEE</b></p> <p><b>AGENDA PLAN</b></p>
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<b>DATE</b> <b>02.03.17</b>	<b>AGENDA ITEMS – reserve date</b>		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.	Appointment of members of IRP (provisional)	Q Baker
	4.		

<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*	
	7.	Agenda Plan	R Yule
20.06.17	1.	Election of Vice-Chairman/woman	R Yule
	2.	Declaration of Interests	R Yule
	3.	Minutes	R Yule
		Quarterly report on investigation of complaints*	
		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.

