

# CONSTITUTION AND ETHICS COMMITTEE



**Date: Thursday, 22 September 2016**

**Democratic and Members' Services**  
Quentin Baker  
LGSS Director: Law and Governance

**14:00hr**

Shire Hall  
Castle Hill  
Cambridge  
CB3 0AP

**Kreis Viersen Room**  
**Shire Hall, Castle Hill, Cambridge, CB3 0AP**

## AGENDA

Open to Public and Press

**Election of Vice-Chairman/woman**

*oral*

**Apologies for absence and declarations of interest**

*Guidance on declaring interests is available at*  
<http://tinyurl.com/cccd-dec-of-interests>

**Minutes – 19th April 2016**

**5 - 10**

**Selection and appointment of Independent Remuneration Panel  
(IRP) members**

**11 - 16**

**Northstowe Joint Development Control Committee**

**17 - 22**

**Openness of Local Government Bodies Regulations 2014**

*to follow*

**A review of the complaints received under the Members' Code of  
Conduct to 12 September 2016**

**23 - 26**

**Date of next meeting**

24th November 2016

The Constitution and Ethics Committee comprises the following members:

Councillor Mandy Smith (Chairwoman)

Councillor David Brown Councillor Paul Bullen Councillor Edward Cearn's Councillor Roger Hickford Councillor John Hipkin Councillor Mac McGuire Councillor Lucy Nethsingha Councillor Peter Reeve Councillor Kevin Reynolds 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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**CONSTITUTION AND ETHICS COMMITTEE: MINUTES**

**Date:** Tuesday 19th April 2016

**Time:** 2.00pm – 3.40pm

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

**Present:** Councillors A Bailey (substituting for Cllr Smith), P Bullen, R Hickford, J Hipkin, M McGuire (Vice-Chairman, in the Chair), L Nethsingha, P Reeve and J Scutt

**Apologies:** Councillors D Brown, E Cearns, K Reynolds and M Smith (Chairwoman)

**107. DECLARATIONS OF INTEREST**

None

**108. MINUTES – 4th FEBRUARY 2016 AND ACTION LOG**

The minutes of the meeting held on 4th February 2016 were confirmed as a correct record and signed by the Chairman.

The action log was noted.

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

The Committee received a report setting out proposals for changing the composition of the Cambridgeshire Health and Wellbeing Board (HWB). Members noted that the Board's membership had last been revised in 2013, when the number of County and District Councillors had been increased, while NHS membership had remained unchanged. HWBs had been established under the Health and Social Care Act 2012 as a forum for health, social care and public health to work together; in their original form, their membership had been largely of officers, with a minimum requirement of one elected councillor.

The proposed changes had been discussed by the HWB and its Working Group in the period November 2015 to March 2016, and were due to be discussed again by the HWB on 21st April. On 17th March, the HWB had agreed to invite five representatives for NHS providers to join the HWB, but had been unable to reach a conclusion on whether or how to reduce local authority membership of the Board.

The Cambridgeshire Public Service Board (CPSB) had considered the matter on 13th April; members' attention was drawn to the report to the forthcoming HWB meeting, which had been written after the CPSB meeting.\* Following discussions with CPSB, it had become clear that there would be no easy way of resolving the question of how to achieve a better balance of members on the HWB, and it had been decided to present three options to the HWB (all of which included the addition of five NHS provider representatives). NHS representatives had subsequently fed back that they found it very useful to have all five Districts represented on the Board.

- Option 1: existing Councillor membership to remain
- Option 2: reduce to four County Councillors and one District Councillor
- Option 3: reduce to three County Councillors, but remain with five District Councillors, the three County members perhaps being drawn from the Chairs or Vice-Chairs of the three relevant service committees, i.e. Adults Committee, Children and Young People Committee, and Health Committee.

In the course of discussing these three options, members

- expressed considerable support for the retention of five District Councillors, on the grounds that this would help keep the Board in touch with local circumstances, needs and interests in the five districts, which were all very different from each other.

One member reported that, in the early days of the Board, when there had been only one District representative on the HWB, five District members would meet before each Board meeting and try to give a steer to their one representative; her experience as a participant in these meetings had been that it was a most unsatisfactory system. Her later experience as a CCC member on the Board was that it was already too large, and seemed to spend much of its time reviewing other people's policies and strategies rather than itself initiating action and holding people to account

- suggested that it was important to appoint elected members who would be in a position to support the Board as a strategic body; appointing Chairs or Vice-Chairs of policy and service committees should achieve this, and it might even be advisable also to appoint the Leader and Deputy Leader of CCC. Members noted that the Peterborough HWB included the Leader and Cabinet Portfolio holder in its membership
- urged that the HWB should not engage in scrutiny, as that function was being carried out by the Health Committee; it was explained that the topics currently coming to the HWB tended to encourage a questioning approach
- in relation to the suggestion that the District representatives should be those members who chaired local health partnerships, noted that not all of these partnerships were chaired by an elected member. Current District members of HWB were frequently the relevant Cabinet Portfolio holder
- noted that one NHS member had had difficulty attending meetings because of a clash between his clinical commitments and the pattern of HWB meetings which had emerged from the date-setting process, but this had now been resolved

Speaking as Chair of the HWB working group, Councillor Nethsingha reported that the group's discussions had focussed largely on the other four elements of its proposed changes, and that the principal rationale for reducing the number of elected members had been to give a better feeling of balance between local authority and NHS, without making the Board too unwieldy in size. However, the addition of five provider representatives would go some way to improve the balance, even if the number of elected members was eight or ten. She would be happy to accept the Board's judgement on councillor numbers, and welcomed the Committee's views.

Councillor Scutt drew attention to the use of the word 'delegate' in the report's recommendation to Committee; she proposed that the recommendation should be to 'authorise the Monitoring Officer', rather than to 'delegate authority to' him. The Monitoring Officer advised that Section 101 of the Local Government Act 1972 did permit such delegation; this was frequently done by local authorities, and accepted by their lawyers as established and lawful practice. The proposal finding no seconder, Councillor Scutt withdrew it but said she would be unable to support the wording of the motion.

It was resolved, Councillor Scutt abstaining,

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

#### **110. ESTABLISHING AN ASSETS AND INVESTMENTS SUB-COMMITTEE**

The Committee received a report inviting it to consider the need for establishing a Sub-Committee of General Purposes Committee in order to determine the most efficient and effective governance arrangements for the administration of property investment and disposal matters.

Members noted that

- the General Purposes Committee (GPC) had already established an Investment Review Group (IRG) to assist the decision-making process regarding property-related matters
- such matters, which required decision by GPC, were increasing in number, to the extent that the IRG was struggling to keep within its monthly time-slot
- because the IRG, as a Member Group, had no decision-making powers, the matters which it discussed still required a decision by GPC
- it was proposed to create a sub-committee of GPC to handle property investment and disposal matters; as a sub-committee, it would have decision-making powers and be politically proportionate
- although the replacement of the IRG by a sub-committee would not reduce the workload for the new sub-committee, it would reduce the number of matters coming to GPC for decision, and would give the meetings a formal place within the Council's published annual meetings calendar
- Group Leaders and the present IRG were all supportive of the creation of an Assets and Investments Sub-Committee.

In the course of discussion, Members

- speaking from experience of sitting on the IRG, fully agreed with everything said in support of the proposal, pointing out that the GPC had a heavy workload and its members were not necessarily those best-qualified to consider property-related matters

- again speaking from experience of the IRG, said that the work of the Group was hampered by its lack of decision-making powers
- suggested that it would be more useful to establish a full Committee, rather than a sub-committee; this would then have its own decision-making powers, and its members could be drawn from the whole body of Councillors
- noted that the membership of a sub-committee could only be drawn from the members and substitute members of the parent committee, though other members could be co-opted onto it; while it would be possible to change who the present substitutes were, it would not be possible to increase the overall number of GPC substitutes
- commented that GPC had a wider remit and overview than just assets and investment matters and pointed out that consideration would have to be given to the effect of a new Committee on the powers of GPC
- reported that East Cambridgeshire had successfully established a small, focussed, asset management committee that had moved from being a sub-committee to a full committee because of the extent of the work it was doing
- noted that the new group, whether a Committee or a sub-committee, would have a completely different role in relation to the Council's property special purpose vehicle (SPV) from that of the SPV's Board of Directors; the new group's responsibility in relation to the SPV would be to ensure the interests of the Council were protected and monitored
- asked that, if the recommendation to Council was that an Assets and Investments Committee be established, all Members be sent draft wording for the terms of reference for the new Committee, and for revised terms of reference for GPC, for discussion in advance of the meeting of Full Council
- noted that the new Committee could be given the power to make Key Decisions, which would be subject to decision review in the same way as decisions made by Policy and Service Committees.

It was proposed by the Chairman, and agreed unanimously that

The Constitution and Ethics Committee recommend to Council the establishment of a Committee to deliver the effective governance and management of the Council's property and asset portfolio.

## **111. ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)**

The Committee received a report inviting it to consider what arrangements for the appointment of an Independent Person or Persons should be recommended to Council in preparation for the expiry of the current appointments on 15 October 2016. Members were advised that it would be possible for Council to reappoint the existing two people for a further period; there was no requirement in legislation that the posts be advertised again. Both were willing to continue to serve if required, and many other authorities had adopted this course.

Discussing how best to approach the matter, members



- noted that the Independent Persons had been called upon to act about ten times in their first year of office, then four or five times in each of the subsequent years
- commented that five years would be rather a long time for which to appoint them and suggested that the Independent Persons be appointed on an annual basis
- suggested that, rather than being receiving an annual payment, the Independent Persons should be offered a fee of £500 per adjudication
- noted that extending the period of appointment to the end of October 2019 would avoid the difficulty of perhaps having a gap between the end of the term of appointment and the October meeting of Council.

It was resolved unanimously to recommend to Council that

- (a) Council extend the current appointment of Sean Brady and Gillian Holmes as Independent Persons to 30 October 2019.
- (b) the level of remuneration to each independent person remain at £500 a year plus expenses

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

The Committee received a report seeking to establish whether it would be legally feasible to impose a restriction on the number of times that Cambridgeshire County Council could grant an extension to the six-month rule. Members noted that, while there was in theory no legal authority preventing the Council from adopting such a restriction, the right of Full Council to approve an extension was embedded in UK legislation, and could not be overridden locally.

The Committee noted the contents of the report.

## **113. SCHEME OF DELEGATION**

The Committee received a report inviting it to consider the Council's scheme of delegation as set out in Part 3 of the Constitution, prior to its being agreed by Full Council at its Annual Meeting. Members noted that much of Part 3 had been agreed at the last meeting of Council.

In the course of discussion, Councillor Scutt said that she had no difficulty with delegation of specific powers to an Executive Director, as in the terms of reference of the Children and Young People Committee at Part 3B. She could not however accept the unlimited delegation to the Greater Cambridge City Deal Executive Board, where (terms of reference 4.3) 'The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary for the Board to exercise its powers'. She could also not accept that 'the Executive Board may further delegate to officers of the three Councils', on the grounds that it was not possible for a body to which powers had been delegated further to delegate those powers.

The Monitoring Officer pointed out that any change to the City Deal Executive Board terms of reference would require approval not only by the County Council, but also by Cambridge City Council and South Cambridgeshire District Council.

Both these latter councils, and their legal officers, were content with the terms of reference as they stood; their legal officers did not perceive the delegation of delegated powers as a problem. The Greater Cambridge City Deal Executive Board had limited, defined powers, which in his view did not require amendment. Councillor Scutt said that, while she agreed with the remainder of the Council's scheme of delegation, she could not agree on this point.

It was resolved, Councillor Scutt dissenting

- to recommend to Council that it agree the scheme of delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).

#### **114. ANNUAL REPORT ON WHISTLEBLOWING INCIDENTS**

The Committee received the annual report on whistleblowing incidents. A copy of the Whistleblowing Policy was appended to the report. Members noted that no whistleblowing incidents had been reported to the Monitoring Officer in the past 12 months.

Discussing the report, the view was expressed that it was not necessarily good news that there had been no whistleblowing. One member commented that, while not wishing to suggest that the report was inaccurate, an explanation might be that there was a culture that discouraged whistleblowing.

The Committee noted the contents of the annual report on whistleblowing incidents.

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

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 23 January 2016 to 4 April 2016. Members noted that two complaints had been received during this period; in both cases, the Independent Person had concluded that there had been no breach of the Code of Conduct.

The Committee noted the report.

#### **116. FORWARD AGENDA PLAN**

The Committee reviewed and agreed its forward agenda plan, noting that there would be no need to take a further item on the appointment of Independent Person(s) to the meeting on 5 June 2016.

#### **117. DATE OF NEXT MEETING**

It was noted that the next meeting was due to take place at 2pm on Thursday 30th June 2016.

Chairwoman

\* NB Report to the Health and Wellbeing Board available at <http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/AgendaItem.aspx?agendaItemID=13176>

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

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

*Meeting Date:* **22nd September 2016**

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

*Purpose:* **To consider the selection and appointment of Independent  
Remuneration Panel members.**

*Recommendation:* **The Constitution and Ethics Committee is asked to agree  
the approach to selecting and appointing Independent  
Remuneration Panel members.**

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## 1. BACKGROUND

- 1.1 Local authorities are required to make schemes of allowances for their elected members. The process for making and reviewing these schemes of allowances is strictly regulated in order to ensure that the public can have confidence in the independence, openness and accountability of the process involved. At the heart of this process is the requirement that a local authority must establish an Independent Remuneration Panel (IRP), and before making or amending its scheme of members' allowances, it must have regard to the views of the IRP as set out in a report submitted to the relevant decision making body which, in the case of a County Council, is Full Council.
- 1.2 Statutory guidance stresses the importance of local authorities developing an appointments process that will command public confidence throughout all the communities in the local area. The following extract from the guidance deals with the appointment of the panel itself.
33. *The 2001 Regulations do not specify how a local authority may go about finding members of its remuneration panel. A local authority will need to consider carefully and plan its appointments process having regard to this guidance and the need to ensure that this process commands public confidence throughout all the communities in the local authority's area.*
34. *The council should adopt an appointments process which it considers is best able to result in the membership of its independent remuneration panel being truly independent, well qualified to discharge the functions of the panel and representative of the diversity of the communities in the local authority's area.*
35. *Local authorities may wish to advertise for candidates in local papers or may wish to ask particular stakeholders, eg the voluntary sector or the local business community, if they wish to put forward candidates. Councils may consider it best to use a combination of advertising and inviting the putting forward of candidates. In all cases the local authority will need to ensure that its appointment process is open to public scrutiny.*
36. *A local authority should give very serious consideration not only to ensuring the independence of its independent remuneration panel but also the public perception of this independence. To maintain the credibility of its panel a local authority will need to consider the extent to which some, if not all, of its panel members are recognisable members of the local community. Political appointments, and appointments which are made through friendship or any other personal association of any members of the council, should always be avoided.*
37. *Local authorities should consider very carefully the extent of any candidate's connections to a political party and whether these are such as to risk the effective discharge of the panel's functions were the candidate to be appointed.*
38. *In appointing its panel, a local authority should consider candidates' knowledge of local government and the way it works although lack of familiarity with the functions of councils should not be a bar to appointment.*
- 1.3 The Council's Constitution and Ethics Committee has been given the formal role in the process by being delegated with the authority to select and appoint persons as members of

the County Council's IRP as set out in the Committee's terms of reference contained within the Council's Constitution<sup>1</sup>.

- 1.4 The current scheme of allowances was last reviewed in March 2014. The 2003 Regulations require councils to review their schemes every four years, with a minimum requirement to review any index link applied to allowances. It is proposed that a review should take place after the May 2017 elections following the appointment of an IRP.
- 1.5 One of the key requirements of the process is that the council must, before determining the content of its scheme of allowances, have considered the report of an IRP, established for this purpose. In accordance with the Council's constitution, the current IRP was appointed following a process agreed by the old Standards Committee at a meeting on 11 January 2012. The terms of reference of the Panel are attached at **Appendix A**.
- 1.6 Panel members were appointed, following an interview process, for a period of five years. The appointments therefore come to an end in February 2017. The membership of the current IRP comprises the following:  
  
David Sales – Chairman  
Professor Helen Valentine – Vice-Chairman  
Robert Smith  
Yolanda Warwick  
Dr Sam Weller
- 1.7 Panellists are paid £20 per hour up to a maximum of £150 per one day to include time spent in meetings, preparation and reading time. They can also charge mileage and parking costs.

## **2. SELECTION AND APPOINTMENT OF PANEL MEMBERS**

- 2.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 state that an independent remuneration panel shall consist of a least three members. The Committee is asked to consider whether to advertise for three members only or continue with five members which is the current composition of the panel.
- 2.2 The 2003 Regulations provide that where an independent remuneration panel was set up, under the Local Authorities (Members' Allowances) Regulations 2001, it shall continue to operate providing recommendations to the relevant authority. The Committee may therefore wish to re-appoint the current panel or appoint a completely new panel or a new panel with fewer members. It is important to note that a panel may become more effective as its knowledge and understanding of members' allowances is increased.
- 2.3 The Regulations suggest that local authorities may wish to consider appointing members of the panel for a term of office of several years, perhaps 3-5 years. They may also wish to consider phasing appointments to ensure that there is always one member of the panel who has some experience. Transitionally, on setting up the independent remuneration panel this would need different periods of office. This could be achieved by differing lengths of appointment. A local authority will also need to consider the relationship

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<sup>1</sup> Part 3B-Responsibility For Functions, Committees of Council, Constitution and Ethics Committee

between appointment dates and the electoral cycle and the benefits of continuity in the panel's membership.

- 2.4 The Regulations permit the Council to pay the expenses incurred by an IRP. The Committee is asked to consider whether to pay panellists on an hourly basis as detailed in 1.5 or to opt for a one off payment of £550 for panellists and a slightly higher taxable allowance of £650 to reflect the additional responsibilities and duties of the IRP Chairman/woman; the latter is currently being used by East Cambridgeshire District Council to cover time plus expenses. Panel members are not remunerated beyond reimbursement of out of pocket expenses.
- 2.5 If the Committee decide to advertise for a completely new Panel, candidates for panel membership will be sought utilising a combination of advertising for applicants, and inviting interest groups to propose a suitably qualified representative. Advertising will be in multiple media, including the internet, social media, the press via a press release not formal advert, voluntary sector publication(s) and Chamber of Commerce channels. Subject to the Panel's decision, a draft application pack (which will include a role and person description) and an information pack will be shared with the Committee first. Proposed interest groups are:
- Chamber of Commerce
  - Voluntary sector
  - Health services
  - School Governors' Advisory Group
  - Recognised Trade Unions
- 2.6 Following the advertising process, it is proposed that the Constitution and Ethics Committee appoint three of its members, based on political proportionality i.e. one Conservative, one Liberal Democrat and one UKIP, to undertake the function of interviewing and recommending for approval the appointment of members of the IRP.
- 2.7 The Committee will need to appoint people who they think will best meet the requirements of the role. It will also need to try to avoid all of the people appointed having the same background or experience or coming from the same part of the County. The appointment process will be as open as possible.
- 2.8 Based on the interviews, the interview panel will recommend to Constitution and Ethics Committee one of the successful candidates to chair the panel. Applicants will be asked as part of the interview process whether they are prepared to be Chair.
- 2.9 Candidate interviews will be held in private. However, once Panel members have been appointed, the membership will be publicised including the background and qualifications of Panel members.

Source Documents	Location
New Council Constitutions: Guidance on Regulation for Local Authority Allowances. ODPM July 2003	DCLG Website <a href="http://www.legislation.gov.uk/ukxi/2003/1021/pdfs/ukxi_20031021_en.pdf">http://www.legislation.gov.uk/ukxi/2003/1021/pdfs/ukxi_20031021_en.pdf</a>

**TERMS OF REFERENCE FOR AN INDEPENDENT REMUNERATION PANEL**

The role of the Panel is to consider and keep under review and, as and when requested by the Monitoring Officer, submit reports making recommendations, in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003, to the Council on:

- The amount of basic allowance that should be payable to its elected members.
- The responsibilities or duties which should lead to the payment of a special responsibility allowance and the amount of such an allowance.
- Any arrangements for the withdrawal of Basic and/or Special Responsibility Allowance if a member is wholly or partially suspended
- Whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.
- The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.
- Allowances for co-opted members.
- Whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run.
- Which members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972.
- Treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.





**NORTHSTOWE JOINT DEVELOPMENT CONTROL COMMITTEE**

- To:** Constitution and Ethics Committee
- Meeting Date:** 22nd September 2016
- From:** LGSS Director of Law & Governance and Monitoring Officer
- Electoral division(s):** Papworth and Swavesey, Willingham, Bar Hill, Cottenham, Histon and Impington
- Purpose:** The Committee is asked to consider the future function of the Northstowe Joint Development Control Committee
- Recommendation:** That the Committee recommend to Council that:
- a) the Northstowe Joint Development Control Committee be wound up with immediate effect
  - b) there be further consideration of committee arrangements for the new settlements when there is more clarity about the timing of the relevant strategic decisions
  - c) the Constitution be amended by deleting Part 3C-B, Terms of Reference for Northstowe Joint Development Control Committee, and renumbering subsequent sections of Part 3C
  - d) the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, be authorised to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

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

- 1.1 The Northstowe Joint Development Control Committee (JDCC) was established in 2007 by Cambridgeshire County Council and South Cambridgeshire District Council (SCDC), and first met on 2 August 2007. It has met intermittently since that date, most recently on 29 July 2015.
- 1.2 The Committee is a joint committee formed under the provisions of section 101(5) of the Local Government Act 1972 to enable District and County Council members to come together to consider and decide upon planning applications for the new town. There are six Members from South Cambridgeshire District Council and four Members from Cambridgeshire County Council.
- 1.3 To quote its terms of reference (attached as Appendix A), the functions delegated to the JDCC are, within a geographical area defined on an accompanying map, 'To exercise each of the Councils' powers and duties in relation to development control on Major Developments and ancillary developments including for the avoidance of doubt the power to approve authorise and direct the respective Councils to enter in to agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers and to prepare for approval by each Council a scheme of delegation to officers insofar as this has not been agreed prior to commencement of the Committee and thereafter to keep such scheme of delegation under review.'

## 2. PROPOSAL TO WIND UP THE JOINT COMMITTEE

- 2.1 At its meeting on 26 November 2015, SCDC Full Council received a report from the Planning Portfolio Holder recommending that the JDCC be wound up, on the grounds that the Northstowe Joint Development Control Committee had determined the strategic applications for Phases 1 and 2 and that the forthcoming applications for Northstowe did not require a dedicated committee. The Planning Portfolio Holder told Council that the JDCC had been successful for what it needed to do in relation to the new town of Northstowe, but there was a feeling that it was now time for the body to be disestablished.
- 2.2 The report considered by the Planning Portfolio Holder had stated that as the Local Plan progressed and the intentions of the promoters for the new settlements at Waterbeach and Bourn became clearer, it would be sensible to review the approach to all the New Communities in South Cambridgeshire next year. In view of this, and also the weight of demands currently facing members and officers of both authorities, such as devolution, City Deal and shared services, it was considered appropriate for the JDCC to be wound up and, for the time being, planning decisions at Northstowe would revert to the South Cambridgeshire District Council Planning Committee.
- 2.3 As its other partner in the Joint Committee, SCDC, has already decided that the JDCC should be wound up, the County Council has little choice but to accept the proposal.

Source Documents	Location
Agenda, Decisions & Minutes of SCDC 26 November 2015	<a href="http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=410&amp;MId=6520&amp;Ver=4">http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=410&amp;MId=6520&amp;Ver=4</a>
Report considered at the Planning Portfolio Holder Meeting on 17 November 2015	<a href="http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=1059&amp;MId=6670&amp;Ver=4">http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=1059&amp;MId=6670&amp;Ver=4</a> (agenda item 10)



**Appendix A**

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

**1. Parties**

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

**2. Status**

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

**3. Membership**

4 Members appointed by Cambridgeshire County Council  
6 Members appointed by South Cambridgeshire District Council

**4. Terms of Reference**

- 4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2. The functions delegated include the power of the Councils to determine planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
- 4.2 The Committee shall only discharge the functions in respect of major developments<sup>1</sup> falling wholly or substantially within the areas shown on the plan forming Appendix 2 and ancillary applications relating to such Major Developments referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question. ‘Major development’ is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 15<sup>th</sup> May 2007 or as subsequently amended or replaced.
- 4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.
- 4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.

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<sup>1</sup> “Major development means development including any one or more of the following:

- (a) waste development;
- (b) the provision of dwelling-houses where
  - i) the number of dwelling houses to be provided is 10 or more; or
  - ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (c) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (d) development carried out on a site having an area of 1 hectare or more;
- (e) Regulation 3 developments for all new facilities



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

**5. Standing Orders**

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

**6. Administration**

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

6.2 South Cambridgeshire District Council's staff shall be responsible for all matters connected with the administration of the committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet.

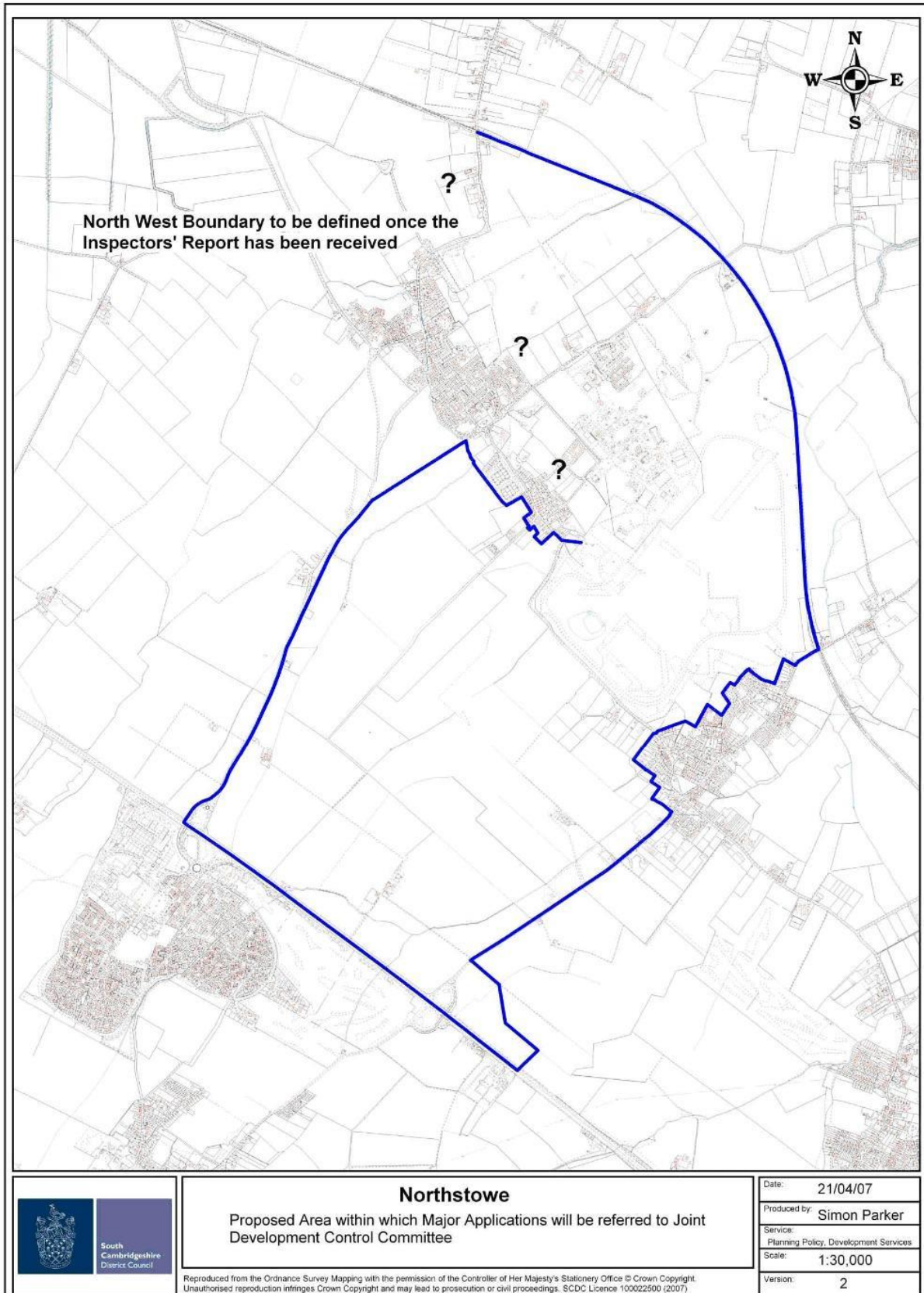


## **Appendix 1 - Functions delegated to the Committee**

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



## Appendix 2 - Plan of Northstowe Area



**A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 12 SEPTEMBER 2016**

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

*Meeting Date:* **22 September 2016**

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

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

*Purpose:* **To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 4 April 2016 to 14 September 2016.**

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

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

- 1.1. The Localism Act (“the Act”) places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2. The requirements of the Act are supported by Article 9 of the Constitution which also requires the Constitution & Ethics Committee to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution & Ethics Committee with an overview of the complaints received under the Code of Conduct from 4 April 2016 to 14 September 2016.

## 2. OVERVIEW OF COMPLAINTS

- 2.1. For the period 4 April 2016 to 14 September 2016, ten new complaints against Members were received by the Monitoring Officer.
- 2.2. Three complaints have been concluded. Two of these complaints were concluded as no breach and the third on the basis of a local resolution.
- 2.3. As regards the remaining complaints: the Independent Person has recommended that two complaints should be investigated; three complaints are on hold pending other investigations and the last two complaints are awaiting an initial assessment.
- 2.4. Details of complaints which have been concluded are set out in Appendix 1.

Source Documents	Location
Decision Notice – Complaint against Councillor Clapp	Held by LGSS Law Limited Ref L-COR00266
Decision Notice – Complaint against Councillor Connor	Held by LGSS Law Limited Ref L-COR00270
Decision Notice – Complaint against Councillor Bailey	Held by LGSS Law Limited Ref L – COR00270



## APPENDIX 1

### **Report to the Constitution and Ethics Committee**

#### **Overview of complaints made against Members**

**4 April 2016 to 14 September 2016**

<b>Complaint against:</b>	Cllr Paul Clapp
<b>Date of Complaint:</b>	4 April 2016
<b>Complainant:</b>	Ms Annalise Calvert
<b>Allegation:</b>	Cllr Clapp breached the Code of Conduct by allegedly calling a relative of the complainant a drug user within a post on social media on 30 March 2016
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that the comment made by Cllr Clapp was inappropriate and could have been better worded. Local resolution was an appropriate remedy and a letter would be sent to the Cllr
<b>Date of final decision:</b>	3 May 2016

<b>Complaint against:</b>	Cllr David Connor
<b>Date of Complaint:</b>	7 July 2016
<b>Complainant:</b>	Mr Martin Wright
<b>Allegation:</b>	Cllr Connor breached the Code of Conduct by allegedly using his position as a councillor to undermine the planning process and the enforcement of a S.106 Agreement and using his political position to prevent the sale of the site.
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that there was no breach as the Councillor was acting correctly and under the guidance of officers at all times.
<b>Date of final decision:</b>	7 September 2016

<b>Complaint against:</b>	Cllr Anna Bailey
<b>Date of Complaint:</b>	7 July 2016
<b>Complainant:</b>	Mr Martin Wright
<b>Allegation:</b>	Cllr Bailey was alleged to have breached the Code of Conduct by using her political position to unfairly influence a Planning Committee, misleading the general public and preventing the sale of land.
<b>Current Status:</b>	Concluded
<b>Outcome:</b>	The Independent Person concluded that there was no breach as the Councillor was acting correctly and under the guidance of officers at all times.
<b>Date of final decision:</b>	7 September 2016

<p><b>CONSTITUTION AND ETHICS COMMITTEE</b></p> <p><b>AGENDA PLAN</b></p>
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DATE 24.11.16	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.	Changes to the City Deal Assembly and Board Standing Orders	A Blowers
	4.	Appointment of member panel to interview potential members of the Independent Remuneration Panel (IRP) and to recommend them for appointment to the IRP (provisional)	
	5.	Summary of activity in relation to the Regulation of Investigatory Powers Act 2000**	S Edge
	6.	Quarterly report on investigation of complaints*	M Damigos
	7.	Agenda Plan	R Yule

DATE 26.01.17	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.		
	6.	Quarterly report on investigation of complaints*	
	7.	Agenda Plan	R Yule

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

DATE 20.04.17	AGENDA ITEMS		
	1.	Declaration of Interests	R Yule
	2.	Minutes	R Yule
	3.		
	4.		
	5.	Annual report on whistleblowing incidents	Q Baker
	6.	Quarterly report on investigation of complaints*	
	7.	Agenda Plan	R Yule

<b>DATE</b> <b>June 17</b>	<b>AGENDA ITEMS</b>		
June 2017	1.	Election of Vice-Chairman/woman	
	2.	Declaration of Interests	
	3.	Minutes	
		Quarterly report on investigation of complaints*	
		Agenda Plan	

\* Council report on agenda item 7, July 2012, refers

\*\* Extract from minutes of Standards Committee 3rd July 2009:

The Committee noted that the Council had approved a number of changes to procedures relating to the exercise of powers under the Regulation of Investigatory Powers Act (RIPA) 2000. This included presenting an annual monitoring report on the use of the powers to the Standards Committee. The Committee's terms of reference had been amended to facilitate this.