

CONSTITUTION AND ETHICS COMMITTEE RECOMMENDATIONS TO FULL COUNCIL - CHANGE OF GOVERNANCE ARRANGEMENTS TO A COMMITTEE SYSTEM (RESIDUAL AMENDMENTS AND ADDITIONS)

To: Full Council

Date: 18th February 2014

From: The Monitoring Officer

Purpose: To seek approval of the recommendation from the Constitution and Ethics Committee concerning a number of residual amendments to the new Constitution approved by Full Council at its meeting on 11th December 2013.

Recommendation: It is recommended that Full Council:-

- i) Approve a number of residual amendments to the new Constitution recommended by the Constitution and Ethics Committee (detailed in bold throughout the report) at its meeting on 23rd January 2014; and
- ii) Authorise the Monitoring Officer, in consultation with the Chairman of the Constitution and Ethics Committee, to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

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1. BACKGROUND

- 1.1 At its meeting on 11th December 2013, Full Council approved the new Constitution recommended by the Constitution and Ethics Committee in order to enable the conversion from the existing form of governance and to commence operating the new committee form of governance with effect from its Annual Meeting on 13 May 2014.
- 1.2 The Council's Constitution is not static but is an evolving document, which is likely to change on a regular basis in response to a variety of things including changes in legislation, changes to what is regarded as best practice and as new issues arise simply through experience of the document in action. Given the short timescale in which the new constitution has been prepared and in the light of further review, a number of residual issues have emerged which require minor amendment or are in addition to the document formally approved by Full Council in December 2013.
- 1.3 The majority of these minor changes are simple typographical, formatting or grammatical amendments which have no impact upon the substance of the text. The Constitution and Ethics Committee was asked to consider significant changes or additions which have been made to the text, these are highlighted in this report and appendices. However, given the limited impact of these changes and in the interests of economy, a hard copy of the revised constitution has not been attached. A full copy of the document approved by Full Council in December is available on the council's website by following this link <http://tinyurl.com/ccg-governance>.
- 1.4 The Constitution and Ethics Committee met on 23rd January 2014 to consider the proposed changes and, if in agreement, to recommend them to Full Council for adoption at its meeting on 18th February 2014.

2. PROPOSED AMENDMENTS TO THE CONSTITUTION FOLLOWING THE MEETING OF FULL COUNCIL ON 11TH DECEMBER 2013

Councillor Joan Whitehead's Amendment

- 2.1 At its last meeting, Full Council approved an amendment from Councillor Joan Whitehead to delete the two paragraphs below on page 4 of Part 1 - Summary and Explanation of the Constitution:

“Use of Language

Throughout this document, the words 'he', 'him' and 'his' are used to refer to individual members and officers. This is done because of the lack of straightforward, unambiguous alternative words in the English language, and in all cases should be read as 'she or he', 'him or her', 'her or his'.

By convention, the Council uses the words 'Chairman' and 'Vice-Chairman' as titles for the person presiding over a meeting and his deputy. These words are not intended to imply that only men may hold these posts. Similarly, Lead Members (Spokesmen) may be male or female.

And that throughout the document (most noticeably in the section on the Leader of the Council) where the words he, him or his appear they do be accompanied by the words she, her or hers as appropriate. That the word Chairman should either be replaced by

‘Chairman/woman’ or the single word ‘Chair’, now the most common way of referring to those who chair committees etc.”

- 2.2 Councillor Whitehead’s amendment contains the following wording: “That the word Chairman should either be replaced by ‘Chairman/woman’ or the single word ‘Chair’, now the most common way of referring to those who chair committees etc”
- 2.3 The Constitution and Ethics Committee was asked to consider whether Chairman/woman or Chair should be used throughout the Constitution, and recommend the preferred approach to Full Council. Although, some Members of the Committee suggested that the form of address should be up to the person chairing a meeting, it was acknowledged that, for purposes of the Constitution, a decision was required on how that person be referred to in writing.

Recommendation

The Committee is recommending to Council that the word Chairman should be replaced by ‘Chairman/woman’ [this would also apply to role of Vice-Chairman/woman].

Part 2 – Articles, Article 4 – The Full Council

- 2.4 The Constitution and Ethics Committee considered the question of which body should approve the statutory and local plans currently set out in Article 4 as being reserved for approval by Full Council. Members acknowledged the distinction between those plans reserved by law for adoption or approval by Full Council, and those whose adoption or approval could be delegated elsewhere. The Committee accepted the addition of the Annual Review of Pay Policy to the list of plans required to be approved by Full Council, and the removal of the Climate Change and Environmental Strategy from the lists. Members were informed that it was proposed that the relevant service committee would have responsibility for the development of a draft plan for approval by Council in those cases where the power of approval was not delegated to the Committee.

Recommendation

The Committee is recommending to Council that the plans in Section A below continue to be adopted or approved by Full Council following recommendation from the General Purposes Committee, and that the plans, policies and strategies in Section B below be delegated to the relevant Service Committee for approval.

Section A

- **Annual Library Plan**
- **Annual Review of Pay Policy**
- **Business Plan (budget)**
- **Cambridgeshire & Peterborough Minerals & Waste Development Plan**
- **Corporate Asset Management Plan**
- **Crime and Disorder Reduction Strategy**
- **Enforcement Policy**
- **Joint Municipal Waste Strategy**
- **Local Transport Plan**
- **Long Term Capital Strategy**
- **Procurement Strategy**

- **Single Equality Strategy**
- **Strategic Asset Development Strategy**
- **Sustainable Community Strategy**
- **Workforce Strategy (formerly People Strategy)**
- **Youth Justice Plan**

Section B

- **Cambridgeshire Rural Strategy**
- **Greater Cambridge Sub-regional Economic Strategy**
- **Local Flood Risk Management Strategy for Cambridgeshire**
- **Transformation of Adult Social Care strategy**

Part 2 – Articles, Article 7 – The Leader

- 2.5 The Committee accepted that paragraphs 7.01(c) and 7.03(c) of Article 7, referring to the removal of the Leader or Deputy Leader from office by resolution of Council, were not required under the new governance arrangements, because these posts were held by the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee. Members noted that the function of appointing, and therefore of removing, the chairman/woman and vice-chairman/woman of the General Purposes Committee and the service committees rested with Council, and if the Chairman/woman of the General Purposes Committee were to be removed from office, he/she would automatically cease to be Leader.
- 2.6 The Committee considered the part of the draft revised Article 7 which focussed on political groups' spokesmen/women, and discussed whether or not they should also chair service committees, and on what their entitlement to briefings should be.
- 2.7 Speaking at the Chairman's invitation, Councillor Peter Downes said that some members had expressed surprise at the suggestion that the chairman/woman of a committee could also be the political group spokesman/woman for that service area. He argued against one person carrying out both roles. He said that chairing a committee would be a very demanding role, requiring both an understanding of a substantial service area and the ability to encourage a heterogeneous group to arrive at a consensus; it would be better for the chairman/woman to be perceived as impartial rather than as narrowly aligned to a political party. He described the role of spokesman/woman as including both being the group's specialist in their service area and being involved in policy development within and outside their group, which would require an awareness of national policy. It was unreasonable to expect one person to carry out both roles.
- 2.8 After a long discussion, the following amendment to add this clause to the Constitution, on being put to the vote, was not supported by the Committee:
- 7.04 (iii) The Chairman will be appointed from the membership of the service committee but a party spokesman/lead member will not be eligible for appointment to the post of Chairman.
- 2.9 The Committee considered spokesman/woman's entitlement to individual private and confidential briefings from Directors. Concern was expressed that requests for such briefings could place excessive demands on officers' time. The Committee therefore decided to recommend that a clause be added to the end of Article 7 restricting individual briefings to items not covered by the regular monthly chairman/woman and

spokesman/woman briefings.

Recommendation

The Committee is recommending to Council that a revised Article 7 (Appendix A) be approved.

Part 2 – Articles, Article 10 – Joint Arrangements

- 2.10 The Committee was informed that text in the current Constitution relating to the power to delegate health scrutiny functions to a joint Overview and Scrutiny Committee had been omitted from the new Constitution coming into effect on 13th May 2014.
- 2.11 There was also no reference to these powers in the current terms of reference for the Adults, Wellbeing and Health Overview and Scrutiny Committee (see Part 3C, Committees of Council, paragraph 8.1), but it was proposed that they be included the Health Committee's delegated authority in Part 3B.

Recommendations

The Committee is recommending to Council that (as the power is included in the current Article 12, Joint Committees, paragraph 12.02 (e) and (f)), the new Article 10 should also include it. The proposed new text to be inserted as 10.02 (b) and (c) is detailed below.

- (b) The Health Committee may delegate its functions under Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 to a joint overview and scrutiny committee when this is required by the Direction issued by the Secretary of State for Health in July 2003 or is conducive to the efficient scrutiny of proposals affecting more than one Social Services local authority area.**
- (c) The Health Committee may appoint members to a joint overview and scrutiny committee established under paragraph (b) above. In this case the political balance requirements will apply to such appointments.**

The Committee is also recommending to Council that the proposed new text be inserted in the Health Committee's terms of reference in Part 3B is detailed below:

To delegate its functions under Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 to a joint overview and scrutiny committee when this is required by the Direction issued by the Secretary of State for Health in July 2003 or is conducive to the efficient scrutiny of proposals affecting more than one Social Services local authority area.

To appoint members to a joint overview and scrutiny committee established under the paragraph above. In this case the political balance requirements will apply to such appointments.

Part 3B – Responsibility for Functions, Committees of Council, Children and Young People Committee

- 2.12 The Committee was informed that the direction requiring local authority committees dealing with education to include diocesan representatives as non-elected voting members would continue to apply under the Council's new governance arrangements. This meant that such members would have to be included in the membership of the Children and Young People Committee, and would be entitled to speak and vote on education matters being considered by the Committee.

The Committee is recommending to Council the appointment of Church of England and Roman Catholic diocesan representatives as non-elected voting members, on education matters only, on the Children and Young People Committee.

Part 3B – Responsibility for Functions, Committees of Council, Cambridgeshire Health and Wellbeing Board

- 2.13 The Committee agreed to recommend the addition of a catch-all clause to the terms of reference of the Health and Wellbeing Board giving it authority to discharge functions set out in legislation and guidance, circulars and directives received from national government.

Recommendation

The Committee is recommending to Council the following to add to the Cambridgeshire Health and Wellbeing Board's terms of reference:

Authority to discharge any other functions specifically reserved to be undertaken by the Health and Wellbeing Boards as set out in legislation, guidance, circulars and directives received from national government.

Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules

- 2.14 There is an opportunity for up to four members of the public to ask questions at meetings of the County Council to the Leader of the Council and the Chairman of any Committee. However, the Constitution requires the member of the public to be present at the Council meeting to ask the question. The Constitution and Ethics Committee considered a request from Councillor Susan van de Ven to add the following to 9.3 Public Question Time:

“if the questioner cannot be present at the council meeting to pose her/his question, due to work or study obligations, ill health, transport difficulties, care duties or other personal circumstances, a written question will be accepted and answered orally during Public Question Time.”

Recommendations

The Committee is recommending to Council the following amendment to 9.3 Public Question Time:

“if the questioner cannot be present at the council meeting to pose her/his question, a written question will be accepted and answered in writing.”

- 2.15 The Committee considered a proposed revised County Council Petition Scheme, noting that there was no longer a statutory requirement to include in the scheme provision to call officers to account. Under the committee system, significant decisions would be made by service committees, which would themselves have responsibility for calling officers to account; it would be more appropriate for the public to hold the service committee, not the officer, to account.

The Committee is recommending to Council a revised Petition Scheme be included as Section 9.4, in Part 4.1 – Council Procedure Rules, Part 4 – Rules of Procedure in the Council’s Constitution.

Part 4 – Rules of Procedure, Part 4.4 – Committee and Sub-Committee Meetings

- 2.16 The Committee considered a proposal to incorporate within the rules of procedure for meetings of committees and sub-committees the same provisions relating to disturbance by the public and photography and audio recordings of meetings as were already included in the Council Procedure Rules.
- 2.17 The Committee also considered a proposal to include within the Constitution arrangements for public speaking at service committees, in addition to existing provision for public speaking within the Council Procedure Rules.

Recommendations

The Committee is recommending to Council the inclusion of paragraphs relating to disturbance by the public and photography and audio recordings of meetings in the Rules of Procedure for Committee and Sub-Committee Meetings.

The Committee is recommending to Council the inclusion of arrangements for public speaking in the Rules of Procedure for Committee and Sub-Committee Meetings (Appendix C).

Part 4 – Rules of Procedure, Part 4.5 – Decision Review Rules

- 2.18 The Committee considered a proposed revision of the Decision Review Rules which set out two clear routes for reviewing a decision, either by the General Purposes Committee or by Full Council; a request by at least 24 members for review by Full Council would go direct to Full Council.

Recommendation

The Committee is recommending to Council the adoption of the revised version of the Decision Review Rules (Appendix D).

Source Documents	Location
Report and minutes to Council – 13th December 2013	http://tinyurl.com/ccc-cc-131211
Report and minutes to the Constitution and Ethics Committee – 23rd January 2014	http://tinyurl.com/ccc-con-eth-230114

ARTICLE 7 – THE LEADER, CHAIRMEN/WOMEN AND VICE-CHAIRMEN/WOMEN OF COMMITTEES AND SPOKESMEN/WOMEN

7.01 Leader

The Leader shall hold office until the day of the annual meeting which follows his/her appointment as Leader, unless:

- (a) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (b) He/she ceases to be a Councillor or Chairman of the General Purposes Committee.

7.02 Role of the Leader

The role of the Council's Leader is to:

- Provide a focal point for political leadership and strategic direction for the Council
- Represent the interests of the Council in circumstances where that is necessary

The duties and responsibilities are to:

- Ensure effective decision making, including working with all political groups to seek to achieve, where possible, cross party co-operation.
- Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Strategic Management Team (SMT) or Corporate Leadership Team (CLT).
- Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council within the media.
- Promote the long-term financial, business and economic stability of the Council.

7.03 Deputy Leader

The Deputy Leader will assume the full powers of the Leader in any circumstances in which the Leader is unable to act. The Deputy Leader will also act as Leader if the Leader is unavailable. The Deputy Leader will hold office until the end of the Leader's term of office, unless

- (a) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he may resume office at the end of the period of suspension); or
- (b) He/she ceases to be a Councillor or Vice-Chairman/woman of the General Purposes Committee.

7.04 **Chairmen/women and Vice-Chairmen/women of Committees**

The Council shall appoint:

- (i) the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee which roles shall include the role of Leader and Deputy Leader of the Council respectively.
- (ii) the Chairman/woman and Vice-Chairman/woman of each of the five service committees.

7.05 **Spokesmen/women**

Each of the Council's political groups may designate one of their group members as lead member [spokesman/woman] for each service committee.

The Chief Executive, Executive Directors, Corporate Directors and/or the Director of Public Health shall hold monthly briefing meetings jointly with their relevant service committee Chairman/woman, Vice Chairman/woman and spokesmen/women to plan the agenda for future service committee meetings and consider any other issues the officer may think appropriate. These meetings will be confidential subject to any relevant legal requirements to the contrary.

Spokesmen/woman shall also be entitled to individual private and confidential briefings from Executive Directors, Corporate Directors, Service Directors, LGSS Directors and/or the Director of Public Health on any relevant policy matter within the remit of that Director. Information shall be provided at these briefings on a confidential basis in accordance with the Guidance on Confidentiality attached to the Members' Code of Conduct. Requests for such briefings must be reasonable in extent and number, as determined by the Chief Executive in consultation with the relevant Group Leader, in accordance with paragraph 7.9 of the Protocol on Member/Officer Relations in Part 5 of the Constitution and will only be considered for items not covered by a monthly spokes meeting.

9.4 Petition Scheme

The Council will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition and it meets the criteria set out below.

Paper petitions can be sent to:

The Petitions Officer
Cambridgeshire County Council
Box Number SH1102
Shire Hall
Castle Hill
Cambridge
CB3 0AP

Electronic petitions will also be accepted provided they are:

- submitted using the ePetitions facility; or
- submitted as one document, containing either all the local persons' individual e-mails received by the organiser on a specific date - these must include the individual names and addresses in order to be valid, or if a standard template e-mail has been used, the list of names, postal addresses and e-mail addresses of those supporting the petition. These petitions should be sent to: DemocraticServices@cambridgeshire.gov.uk.

When a petition is received the Council may consider undertaking one, or more of the following actions:

- taking action as requested in the petition
- meeting with petitioners
- referring the petition to Full Council or one of the Council's Committees
- calling a referendum [A referendum on constitutional change could be triggered with a petition submitted by 5% of the local government electors registered in the local authority's area.]

Once a petition has been received, the Petition Officer will assign the petition to a Democratic Services Officer, who will be responsible for advising the Petition Organiser on the action to be taken by the authority. A Democratic Services Officer will acknowledge and advise the Petition Organiser within 10 working days.

Petition Guidelines – Types of Petition

Ordinary Petitions

The petition must relate to functions for which the Council has powers or duties [follow this link for more information: Council Structure], or to improvements in the economic, social or environmental welfare of Cambridgeshire, to which the Council, or any of its partners, can contribute.

Format of Petitions

Petitions submitted to the Council must include the following:

- A clear statement of your concerns and what you want the Council to do.
 - The name and contact details of the Petition Organiser, who should be a local person*. This may be either a postal address or e-mail. This is the person we will contact to explain how we will respond to the petition and to discuss matters of process.
 - The name (preferably in block capitals) and full address of each local person* who signs it. This will help the Council assess the extent to which the views expressed represent a particular locality. Where the petition is in paper form, this should include an actual signature. Where the petition is submitted in electronic form a list of the names and addresses will suffice.
- * *A 'local person' is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.*

Speaking at Council/Committee Meetings

The Petition Organiser, or their nominee** will be able to speak at the meeting providing the following conditions are met:

- The petition must relate to the powers and duties of that committee / body.
- It must be signed by at least 50 'local people' *** who have an interest in the subject of the petition - the addresses of the signatories must be included for this purpose.
- The petition must be received by no later than 9.00 a.m. 5 working days before the meeting.
- It must be accepted by the Chairman of the Committee for presentation at the meeting. This is likely to be agreed unless there are exceptional circumstances.

** *County Councillors will not usually be allowed to speak to petitions under this procedure as they have other opportunities to make their views known. This may however be allowed where the Councillor has a prejudicial interest preventing them from speaking to a report, or where the Petition Organiser or other representative of the petitioners is unable to attend the meeting. In these circumstances the Chairman of the meeting concerned will be consulted and asked to exercise their discretion to allow a County Councillor to present the petition.*

*** *A 'local person' is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.*

Process at the Meeting

If there is an item / report on the agenda which relates to the petition, the Petition Organiser will usually be asked to make their presentation at the beginning of that item. The meeting will take into account the views expressed in the petition when reaching a decision on the issue. Time for presenting a petition will be limited to 3 minutes. The Chairman of the meeting may extend the time allowed, but only in exceptional circumstances. Once they have spoken to the meeting, Councillors may wish to ask them questions about the petition. The person presenting the petition will not be allowed to take part in the subsequent debate on the petition unless the Chairman considers it appropriate with the agreement of the Committee.

If there is no relevant item on the agenda, petitions will usually be heard at the start of the meeting. The petition after its presentation cannot normally be discussed at the meeting. However the petition will be considered informally by the relevant officer and Councillors following the meeting and the Petition Organiser will be informed of the outcome. This could involve a report being made to a future meeting of the Committee.

Where the Petition Organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.

If your petition is about something over which the Council has no direct control, the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible, will liaise with these partners to respond to your petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then it will set out the reasons for this in the Council's response to the Petition Organiser.

Petitions for Debate at Council

If a petition contains at least 3,000 signatures, the Petition Organiser can ask for it to be debated at a meeting of Full Council. This means that the issue raised in the petition will be discussed at a public meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will be deferred to the following meeting.

The Petition Organiser, or nominee, may speak to a petition presented at the Council meeting provided that the above conditions are met.

The Petition Organiser, or nominee, will be given 5 minutes to present the petition at the meeting and the petition may be discussed by Councillors for a maximum of up to 15 minutes. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by the relevant committee. Where the Petition Organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.

Exclusions

Certain petitions are not covered by this Scheme and are dealt with under separate processes. These are:

- Petitions relating to planning applications. These are considered by the Council's Planning Committee. Further details on how you can make your views known to the Committee can be found via the following link: [Planning Committee](#)
- Petitions in response to consultation on a specific issue or proposal. These should be sent to the return address as detailed in the relevant consultation document.
- Statutory petitions (for example requesting a referendum on having an elected mayor)
- A matter whether there is an existing right of appeal

The Council will not consider:

- Petitions that do not follow the guidelines set out in this Petition Scheme.
- Petitions that do not relate to something which is the responsibility of the authority, or over which the authority has some influence.
- Petitions disclosing matters that are personal or confidential.
- Petitions which are in the opinion of the Monitoring Officer, in consultation with the relevant committee chairman, to be libellous, rude, offensive, vexatious, abusive or otherwise inappropriate, or which are in breach of the Council's statutory duties in respect of equality, diversity and inclusion.
- Petitions from, or submitted on behalf of a business, or person, where the main purpose of the petition is to influence a forthcoming commercial decision of the Council, or the terms and conditions of a commercial transaction.
- Duplicate petitions. Where more than one petition is received in time for a particular meeting, each supporting the same outcome, each Petition Organiser will be treated as an independent Petition Organiser, but only the organiser of the first petition to be received will be invited to address the relevant meeting.
- Repeat petitions. Petitions will not normally be considered within six months of another petition on the same matter having been considered by a committee of the Council.

Where any of the above applies, the Council's Petitions Officer will contact the Petition Organiser to explain the reasons behind the decision.

Public Speaking at County Council Committees

1. Public Speaking at County Council Committee Meetings

The County Council recognises the value that can be added by enabling contributions by the public to meetings of council committees and in order to facilitate this, the Chairman/woman or the person presiding at a meeting of a council committee may, at their absolute discretion, grant permission to a member of the public to speak during the meeting.

Speakers will usually only be permitted to speak once in any debate and speeches will usually be time limited to 3 minutes. Permission to speak may be refused in circumstances where this is not conducive to the orderly conduct of council business including where it is likely, in the opinion of the Chairman/woman, that defamatory, vexatious, discriminatory or offensive language will be used.

Permission to speak may also be declined if the anticipated contribution is not relevant to the agenda items of the meeting.

In order to assist meeting organisers members of the public* wishing to speak at a Committee meeting** are asked to make a request in writing no later than 12.00 noon three working days before the meeting via letter to the Democratic Services Officer, Democratic and Members' Services, SH1102, Cambridgeshire County Council, Shire Hall, Cambridge CB3 0AP or via e-mail (this information is available at the bottom of the agenda front sheet) and provide the following details:

- **Name, address and contact details** of the person making a comment or asking a question
- **Details of the request to speak:** The full text of the question to be asked or a list of the main points regarding a comment about a matter on the agenda.

(Requests to speak received after the three day deadline may be permitted, at the discretion of the relevant Committee Chairman/woman).

2. Participating in a Committee Meeting

If registered to speak, members of the public should arrive at the venue (usually Shire Hall) at least 15 minutes before the start of the meeting and report to the Democratic Services Officer present. The register of speakers will be kept by Democratic Services and provided to the Chairman/woman in advance of the meeting. No more than three speakers will normally be permitted per subject at a meeting (subject to the Chairman/woman's discretion). Only one question or comment may be allowed per speaker.

When the meeting reaches the agenda item, the Chairman/woman will ask the member of the public to speak. The member of the public is asked to behave appropriately for the nature of the meeting, and show courtesy and respect to everyone present. He/she should not make any remarks which are offensive, defamatory, insulting or discriminatory. The time limited to pose a question or make a comment will be three minutes for each speaker. The Democratic Services Officer will time each speaker to ensure that he/she does not exceed three minutes. The member of the public must cease speaking when so instructed by the Chairman/woman. The Chairman/woman may allow questions from Committee members to the speaker for clarification only.

The Chairman/woman will deal with the question or statement or request that an appropriate Member or Officer reply orally. If this is not possible, the member of the public will be provided with a written answer using the contact details provided within ten working days.

If there should be a large number of requests for public speaking regarding one or more items on the agenda, the Chairman/woman may take steps to ensure that the meeting can be conducted in an appropriate fashion; for example, move the agenda item to the beginning of the meeting or limit the number of speakers. If the Chairman/woman should decide to limit the number of speakers, the Democratic Services Officer will ensure that all steps are taken to inform the “unsuccessful” speakers in advance and a written reply will be sent within ten working days after the meeting.

This process does not apply to County Councillors as their speaking rights as non-Committee members are covered in the Council’s Constitution under part 4.4, paragraph 15. It also does not apply to employees of the Council except when acting as Trades Union representatives or private individuals, as they have sufficient channels of communication, both internally and through their representative bodies.

- * *For the purposes of this guide a “member of the public” is defined simply as anyone who lives or works in Cambridgeshire or is affected by a decision made in Cambridgeshire.*
- ** *This procedure does not apply to meetings of Full Council and Planning Committee as these meetings have their own procedures.*

DECISION REVIEW PROCEDURE RULES

1. Overview

The Decision Review mechanism provides a way in which controversial decisions made by certain committees and officers under delegated authority, may be reviewed by the General Purposes Committee and in some cases revised by Full Council.

Due to the costs and delay caused by review, it is intended that it should only be used in exceptional circumstances as a last resort.

Where the review process is initiated the implementation of the decision subject to the review shall be suspended until the process is complete or the review withdrawn.

There are two routes for decision review the first via the General Purposes Committee and the second being direct to Full Council.

2. Decisions which may be subject to review

Subject to the exceptions set out below, the Decision Review Procedure applies to any decisions made by committees and to any Key Decisions made by officers.

The General Purposes Committee may not review its own decisions and these may only be subject to review via the Full Council route,

3. Decisions which may not be reviewed

The following categories of decision are exempt from the decision review process:

- i) A decision which was made more than 3 working days ago;
- ii) A decision which satisfies the criteria for urgent decisions as set out in the Council's Rules of Procedure;
- iii) A decision by Full Council or subject to Full Council approval; or
- iv) Decisions made by regulatory committees and/or decisions of a quasi judicial or regulatory nature.

4. Decision Review Process

a) Review by General Purposes Committee

Where at least 8 elected members of the Council wish to initiate a review of a decision which falls within the remit of the procedure, they may do so by submitting a written request for review to the Monitoring Officer or Chief Executive. Such a request must be received by the Monitoring Officer or Chief Executive before the end of 3 full working days from the date on which the decision notice was published.

Where this criterion is met, the matter shall be referred to the General Purposes Committee for consideration as to whether the review request should be dismissed or upheld.

If the request is dismissed, those members requesting the review will be notified and the original decision shall take effect by 9.30am the next working day following the day of the GPC meeting which reviewed the request.

If the review is upheld the matter shall be referred back to the relevant committee or decision-taker with a recommendation from the GPC.

b) Review by Full Council

Where at least 24 elected members of the Council wish to initiate a review by Full Council of a decision, they may do so by submitting a written request for review to the Monitoring Officer or Chief Executive.

Requests must be received by the Monitoring Officer or Chief Executive before the end of 3 full working days from the date on which the decision notice was published, or, where a review request has been dismissed by the GPC, by 9.30 am on the working day following the publication of the notice of the GPC's decision to reject the review.

Full Council may either:

- i) Dismiss the review request;
- ii) Refer the decision back to the committee or decision maker with a recommendation, or
- iii) Substitute its own decision which shall have immediate effect.

[When a decision is made by the GPC and/or a service committee, or a key decision is made by an officer with delegated authority from these committees, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. An electronic copy will be sent to all Members of the Council.]

5. The Decision Review Procedure Timescales

Where a valid review request is received, the Monitoring Officer shall convene a meeting of the General Purposes Committee or Full Council as appropriate, to take place within 10 working days or as soon as is practically possible thereafter.

In setting the date of the review hearing, all reasonable efforts will be made to enable attendance by Members, relevant Officers and other witnesses. Councillors who have requested the review shall have the right to address the Committee or Full Council when it deals with the issue subject to the usual limits on speeches.