

CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Thursday 29th November 2018

Time: 2:00pm – 3:00pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M McGuire (Chairman), K Reynolds (Vice-Chairman), D Connor, L Dupre, R Hickford, L Nethsingha and J Scutt.

Apologies: None received

47. ELECTION OF VICE-CHAIRMAN/WOMAN

It was resolved to elect Councillor Reynolds as Vice-Chairman for the municipal year 2018-2019

48. DECLARATIONS OF INTEREST

There were no declarations of interest.

49. MINUTES – 27TH SEPTEMBER 2018

The minutes of the meeting held on 27th September 2018 were confirmed as a correct record and signed by the Chairman.

50. PROPOSAL TO ESTABLISH JOINT WORKING ACROSS CAMBRIDGESHIRE AND PETERBOROUGH HEALTH AND WELLBEING BOARDS

The Committee received a report which included the proposal recommended by the Cambridgeshire Health and Wellbeing Board to establish joint working across the Cambridgeshire and Peterborough Health and Wellbeing Boards. In presenting the report, the Director of Public Health informed Members that:

- Both boards worked with the same partners on many issues across Cambridgeshire and Peterborough and it had been agreed that the two boards would be more influential if speaking as one voice on these issues.
- The two boards had trialled joint meetings, effectively negating the need to discuss the same items in two separate meetings, but these meetings had been considered cumbersome and organisationally complex, although beneficial in some ways.
- When presented with the option of continuing with joint meetings or forming a joint sub-committee, which would consist of the full membership of the two Health and Wellbeing Boards, it was agreed by a significant majority to form a joint sub-committee, a decision also approved by Peterborough City Council.
- The Cambridgeshire Health and Wellbeing Board and the Peterborough Health and Wellbeing Board, would continue to exist as separate parent committees to the joint sub-committee and would individually deal with issues that were specific to their local areas while those that affected both areas in a similar way would be looked at by the new joint sub-committee.

In discussing the report, Members:

- Considered the problem of defining which issues were local and which were shared, expressing concern that all items could overlap and eventually escalate to the joint sub-committee. It was noted that while Cambridgeshire operated a two tier political system, Peterborough was a unitary authority and as such there were always going to be issues that would be dealt with by the Cambridgeshire Health and Wellbeing Board members representing the County Council and District Councils, as they were not relevant to the Peterborough Health and Wellbeing Board.
- Established that the previous uncertainty over the Health and Wellbeing Board's role alongside the Health Committee had been resolved. It was noted that the Health Committee held an executive and scrutiny function which was different to that of the Health and Wellbeing Board and that both bodies had clearly defined their individual responsibilities. Members were also assured that the Health Committee would not be affected by the establishment of the joint sub-committee.
- Confirmed that membership of the joint sub-committee would be identical to the two parents boards. It was noted that staff who currently supported the Health and Wellbeing Boards would also benefit from the shared approach.
- Noted that the new setup would make it constitutionally easy for the Health and Wellbeing Boards to meet either jointly or separately as necessary.

It was resolved unanimously to:

Agree the required changes recommended by the Cambridgeshire Health and Wellbeing Board to its terms of reference and recommend the changes to Council for approval.

51. REVIEW OF OUTSIDE BODIES

The Committee received a review of all the outside bodies that had a relationship with the Council, as requested by the Committee, to form a part of the process of issuing a guidance for Members and officers on outside bodies. In presenting the review carried out by the Strategic Management Team, the Democratic Services Manager drew Members' attention to the lists of all outside bodies included in the appendices. Members were informed that under the current procedure, the General Purposes Committee approved all outside bodies except for those appointed by Full Council. It was suggested as part of the review that this responsibility be delegated to the relevant Committee. It was noted that those outside bodies currently approved by Full Council would continue to be approved in the same way.

The Committee was informed that a further recommendation would require the Monitoring Officer to advise Members of their responsibilities and obligations when sitting on an outside body as part of a larger training programme.

While it was noted that the Committee was required to decide whether to send the original guidance to Full Council for approval or issue it immediately, it would be necessary for any changes to the delegation rules to be approved by Council.

As part of the review process, the Monitoring Officer had proposed the production of an annual report on outside bodies to be presented at the Council's annual meeting which would help identify whether it was necessary to continue to appoint representatives on some outside bodies or whether they could be removed.

In discussing the review, Members:

- Noted the importance of Members understanding clearly the responsibilities and conditions they were under when involved with outside bodies.
- Considered various methods for providing training to Members on the new guidance. It was suggested that Member Seminars were not sufficiently well attended to ensure all Members received the training. The Democratic Services Manager informed Members that each outside body was expected to inform any sitting Member of their terms and conditions and it was also noted that the outside bodies should be made aware of the responsibilities that the Council was willing to allow them to bestow on Members. Members expressed interest in developing an online or interactive training system and the Monitoring Officer noted that her colleagues across the country were interested in developing some form of shared training procedure.
- Suggested that it would be beneficial to maintain a compendium detailing the responsibilities entailed by each outside body, allowing not only the involved Member to be clear on their situation, but also for the rest of the Council to understand what their status, role and responsibilities were. It was noted that it would be ideal for Members to have access to such information before committing to an outside body, rather than afterwards.
- Clarified that a few outside bodies such as the Police and Crime Panel were assigned on the basis of proportionality.
- Noted that the Chief Finance Officer was the officer that sat on the This Land Board of Directors, although potentially a further officer would join in the future.
- Agreed that the guidance should be issued immediately and did not require the approval of Full Council.
- Expressed support for the production of an annual report on outside bodies, noting that it would make the process clearer and simpler, as well as offering the opportunity to ensure Members were fulfilling their responsibilities and how things could be improved.

It was resolved unanimously to:

- (i) Note the full review carried out by SMT of all the outside bodies that have a relationship with the Council to establish their relevance and current status.
- (ii) Recommend that the Monitoring Officer brief and inform all relevant Members and officers of their legal status on outside bodies (e.g. observer, director or trustee).
- (iii) Recommend that the Monitoring Officer brief and inform all relevant Members and officers on their responsibilities and liabilities depending on their specific level of involvement.

- (iv) Issue the guidance without Full Council approval.
- (v) Produce an annual report on outside bodies for each annual meeting of Council.
- (vi) Consider amendments to the Constitution and recommend the changes to Full Council.

52. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 18 SEPTEMBER 2018

The Committee received a report on the completed investigations of two complaints that had been received under the Members' Code of Conduct up to 19th November 2018.

In discussing the report, Members:

- Expressed concern that complainants were able to request anonymity while the subject of the complaint was not able to do so. It was noted by the Monitoring Officer that it was at her discretion whether to agree to a complainant's request for anonymity, while also informing Members that although potentially granting it for the initial assessment stages, once the complaint progressed their identity would usually be made public and if they did not agree to this they would be required to withdraw their complaint.
- Suggested that publicising the identity of Councillors that had received complaints before the complaints were upheld could lead to misinterpretations by the media, especially when breaches were found to have not occurred.
- Proposed a system whereby the identities of a complainant and the subject of their complaint would either both be public or both be anonymous. It was noted, however, that were both sides to be given anonymity, it would not be illegal for the complainant to make the target of their complaint public of their own accord, while still maintaining their own anonymity.

It was moved by Councillor Dupre, seconded by the Chairman and agreed unanimously to carry out a full review of the complaints procedure with the outcome to be considered at the next meeting. It was noted that this was not intended as a rewrite of the process, which had previously been established to increase transparency, but rather to bring it into line with the current practice of other Councils. **Action needed**

It was resolved unanimously to:

Note the report and to carry out a full review of the complaints procedure with the outcome to be considered at the next meeting.

53. AGENDA PLAN

The Committee considered its agenda plan, noting that an additional item had been identified for its next meeting, namely the review of the complaints procedure.

Chairman