

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Civic Affairs Committee held on
Monday, 17 December 2012 at 5.00 p.m.

PRESENT:	Councillor Mick Martin – Chairman Councillor Alison Elcox – Vice-Chairman	
Councillors:	Simon Edwards Ray Manning Jim Stewart Richard Barrett	Janet Lockwood Tony Orgee Bunty Waters Deborah Roberts
Officers:	Alex Colyer Graham Aisthorpe-Watts Fiona McMillan	Executive Director, Corporate Services Democratic Services Team Leader Legal & Democratic Services Manager and Monitoring Officer
Other:	Kathleen English (Independent Person)	Eric Revell (Deputy Independent Person)

Councillor Ben Shelton was in attendance, by invitation.

10. APOLOGIES

Apologies for absence were received from Councillor Sebastian Kindersley, Douglas de Lacey, Raymond Matthews and Robert Turner.

11. DECLARATIONS OF INTERESTS

No declarations were made at this stage of proceedings.

12. MINUTES OF PREVIOUS MEETING

The Committee agreed the minutes of the previous meeting held on 24 September 2012 as a correct record and the Chairman signed them, subject to the insertion of the word 'of' after 'details' on the first sentence of the second paragraph in minute 2 and the insertion of the word 'held' after 'already' on the first sentence of the second paragraph of minute number 5.

13. AMENDMENTS TO THE COUNCIL'S CONSTITUTION

The Democratic Services Team Leader presented a report setting out a number of proposed amendments to the Council's Constitution. There were eleven main areas of the Constitution that required consideration as highlighted in the report, which Members were taken through. The Civic Affairs Committee was invited to consider the proposed amendments and determine whether it would formally recommend the changes to the meeting of Council scheduled to be held on 31 January 2013.

The publication of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 meant that all local authorities were obliged to amend their procedures with regards to meetings and access to information. A revised version of the District Council's Access to Information Procedure Rules, complying with the new requirements, was appended to the report. In addition, the Regulations changed the definition of a Key Decision. The first two definitions currently in the Constitution had

been retained as the official definitions for a Key Decision, with definitions three to ten being deleted. The Committee sought clarity on the term 'significant' that appeared in both definitions and asked officers to investigate this prior to the meeting of the Council on 31 January 2013.

One of the proposed amendments referred to Portfolio Holder decisions and the fact that such decisions could be made outside of a formal meeting. Discussion ensued on this issue as South Cambridgeshire District Council had historically held public meetings for Portfolio Holder decisions in order that other Members had an opportunity to contribute and members of the public could attend. The Chairman stated that the proposed amendment only sought to add clarity to the Constitution around a Portfolio Holder's right to take a decision outside of a public meeting, reminding the Committee that the Access to Information Procedure Rules and Call In would still apply.

The Corporate Governance Committee recently considered how it intended to review the Strategic Risk Register and agreed that this would be done through monitoring the Portfolio Holder's review of the Risk Management Strategy. It was therefore necessary to remove paragraph (ii) under the Responsibility for Council Functions on pages 41 and 42 of the Constitution in respect of the Corporate Governance Committee.

The Chairman of the Scrutiny and Overview Committee had requested that the Committee be renamed as the Overview and Scrutiny Committee, to emphasise the overview aspect of its role. It was reported that the Scrutiny and Overview Committee was scheduled to consider this request at its meeting on 10 January 2013. The Civic Affairs Committee therefore supported the change of name, subject to agreement by the Scrutiny and Overview Committee.

It was proposed to add a process for dealing with a Councillor Call for Action to the Scrutiny and Overview Procedure Rules, a copy of which was attached to the report at Appendix C, and allocate the Council's Scrutiny and Overview Committee as its Crime and Disorder Committee. The Council was currently adhering to statutory requirements for both of these issues, but the Committee supported the view that it would be prudent to ensure that they were adequately referred to in the Constitution.

Paragraph 2.2 of the Council Procedure Rules referred to the removal of a Member from a Committee or Sub-Committee. The Civic Affairs Committee, at its previous meeting, agreed upon sanctions for the removal of a Member, removal of a Member of Cabinet and removal of the Leader of the Council. The current wording of paragraph 2.2 did not reflect rules relating to political balance and the rights of political group leaders to appoint or remove Members of their respective groups to or from a Committee or Sub-Committee. In view of this, and the sanctions already in existence, the Civic Affairs Committee supported the deletion of this paragraph from the Constitution.

The remaining proposals in the report related to minor amendments that were suggested solely to ensure consistency throughout the Constitution.

In closing, the Committee noted that a new model constitution was being developed for all English local authorities and would be hosted for all Association of Council Secretaries and Solicitors (ACSeS) members on a web-based platform. Work was now well advanced on this project, with software designed to allow for the quick and easy production of a draft constitution from a bank of precedents, tailor-made for the differing models of council governance and incorporating the unique features of each local authority. A Welsh model was also being developed, following a specific request, aimed at making the constitution easier to use by cataloguing certain subjects rather than having them spread across different sections of the document. English authorities would be given the freedom to

choose which of the two models they adopted. Officers agreed to produce draft constitutions for South Cambridgeshire District Council based on the new English and Welsh models, as soon as they became available. A number of working groups would be set up in due course to facilitate contributions from Members on the format and content of the two documents.

The Committee **RECOMMENDED** to Council: -

- A) That the revised Access to Information Procedure Rules, as set out in Appendix A to the report, be adopted.
- B) That, subject to officers investigating an explanation of the term 'significant', the Constitution be amended to reflect the new definitions of a key decision, as detailed in paragraph 9 of the report.
- C) That paragraph 1.2 of the Executive Procedure Rules be amended to read "the Executive will meet at least six times per year at times to be agreed by the Leader".
- D) That paragraph 3.1 of the Executive Procedure Rules be amended to read "Individual Portfolio Holders may take decisions outside of a formal meeting where expedient to do so. Formal meetings, when held, will be held in public in accordance with the provisions of Procedure Rules 1.3 and 1.6 above".
- E) That any reference to prejudicial interests in the Executive Procedure Rules be amended to read "disclosable pecuniary interests".
- F) That the following paragraph under the Responsibility for Council Functions on pages 41 and 42 of the Constitution in respect of the Corporate Governance Committee be removed: -

"to receive quarterly, the strategic risk register, covering reports and other associated documents presented to the appropriate portfolio holder, together with the minutes of the portfolio holder meetings, to monitor that the strategic risk register has been properly considered by the portfolio holder".
- G) That, subject to the Scrutiny and Overview Committee's agreement, the name of the Scrutiny and Overview Committee be changed to "Overview and Scrutiny Committee".
- H) That the Constitution be amended to include the process set out in Appendix C for dealing with a Councillor Call for Action.
- I) That the Scrutiny and Overview Committee be allocated as the Council's Crime and Disorder Committee and it meets in this capacity at least once a year, or as required, and the Constitution be amended to reflect this accordingly.
- J) That the term "Task and Finish Group" be used throughout the Constitution in place of the term "Task and Finish Panel", where appropriate.
- K) That paragraph 2.2 of the Council Procedure Rules be deleted.

14. **DISCUSSION PAPER: SETTING UP OF PARISH AND TOWN COUNCILS**

The Legal and Democratic Services Manager presented a report which provided the

Committee with an opportunity to respond to a consultation by the Department for Communities and Local Government entitled 'making it easier to set up new Town and Parish Councils'. The consultation document was appended to the report and set out three options for consideration.

In discussing the contents of the consultation document, Members were concerned that it included reference to reducing the timescale for Community Governance Reviews from 12 months to 6 months. They agreed that a reduction in this timeframe would create difficulties in adequately consulting on any proposals.

It was noted that South Cambridgeshire was adequately covered by Parish and Town Councils, but Members acknowledged the development of the new town of Northstowe and the fact that a Town Council would need to be established at some stage. Furthermore, it was unclear how the immediate establishment of a Town Council in the early phases of the town's development could be justified and questions were raised about any transitional or progressive arrangements required, such as creating a Parish or Community Council first and then altering the status of the settlement as the population of the new town and the size of the development increased.

The Committee

AGREED

- A) To submit a response to the consultation document on the basis that the Committee had concerns over a proposal to reduce the timescale for Community Governance Reviews from twelve months to six months.
- B) To consider the implications and proposed way forward regarding the establishment of a new Parish or Town Council at Northstowe at the Committee's next meeting.

15. TRAINING ON CODE OF CONDUCT

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, presented an update report on Code of Conduct training for Councillors.

Further to the previous meeting of the Committee, a quote had been received for the external facilitation of training for District Councillors on the Code of Conduct at a cost of £2,500, plus VAT. Members previously expressed concerns at the cost of an external trainer, but both Huntingdonshire District Council and Braintree District Council had indicated their interest in sharing the cost for this training. The Committee agreed to proceed with an external trainer on this basis.

In terms of training for Parish Councils, the Committee was informed that work was progressing with officers from across the Council as part of an Action Learning Set from the Leadership Development Programme on 'Working with Parish Councils'. This cross-departmental group was now looking at how the authority currently communicated with Parish Councils to identify where there was scope for improvement, including the provision of training and parish forum events and what the level of interest was in various topics. Members agreed that, as well as Parish Councillors, Parish Clerks should be invited to attend any training or parish forum events.

The Committee **AGREED** to proceed with the facilitation of training sessions for District Councillors on the Code of Conduct, as outlined in the report.

16. UPDATE ON CODE OF CONDUCT COMPLAINTS

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, presented an update report on complaints cases regarding alleged breaches of the Code of Conduct.

An overview of complaint cases outstanding at 7 December 2012 was provided as part of the report.

The Committee **NOTED** the report.

17. REGISTER OF INTERESTS UPDATE

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, presented an update report on progress made with regard to the implementation of the provisions of the Localism Act 2011 in relation to registration of interests.

It was noted that the Localism Act 2011 required all Councillors to complete a register of interests. South Cambridgeshire District Council had a responsibility to publish all registers for District Councillors and Parish Councillors on its website, with Parish Councils also being required to publish the registers for their respective Councillors on their own websites, if they had one. Appended to the report was a table of Parish Councils, indicating the number of registers returned. It was highlighted that the table was slightly misleading due to the fact that it did not reflect some of those Parish Councils that currently had vacancies.

Elsworth, Fulbourn, Meldreth, Orwell, Stow-cum-Quy, Little Wilbraham and Wimpole Parish Councils had not yet returned any registers, despite being written to twice by the Council's Monitoring Officer. A further letter would be sent directly to the Chairman of those Parish Councils, asking them to ensure that the registers were completed and returned as soon as possible.

Reference was made to Little Wilbraham Parish Council as it had indicated that its Councillors did not want to complete their registers until the Government had responded to a letter setting out concerns about the new arrangements. A response had been received from the Government and the Parish Council was still required to publish registers for its Councillors. The Monitoring Officer would continue to work with Little Wilbraham Parish Council on this issue.

The Committee **NOTED** the update.

18. LETTER FROM BRANDON LEWIS MP ON LOCALISM ACT 2011

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, informed the Committee that a response had been received from the Parliamentary Under Secretary of State to the letter by the Chairman of the Council in relation to the Localism Act 2011 and the new standards regime. A copy of the response had been circulated to Members with the agenda for this meeting and it was agreed that they would also be provided with a copy of the original letter from the Chairman.

The Committee **NOTED** the update.

19. DATES OF FUTURE MEETINGS

The Committee **AGREED** that future meetings would be held on the following dates: -

- 14 March 2013 (10.00 a.m.)
- 20 June 2013 (10.00 a.m.)
- 20 September 2013 (10.00 a.m.)

The Meeting ended at 6.05 p.m.
