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Wednesday 12 June 2013

To: Chairman – Councillor David Bard
Vice-Chairman – Councillor Tony Orgee
Members of the Civic Affairs Committee – Councillors Neil Davies,
Simon Edwards, Alison Elcox, Sebastian Kindersley, Douglas de Lacey,
Janet Lockwood, Ray Manning, Raymond Matthews, Jim Stewart, Robert Turner
and Bunty Waters

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **CIVIC AFFAIRS COMMITTEE**, which will be held in **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **THURSDAY, 20 JUNE 2013 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

	PAGES
1. Apologies	
2. Declarations of Interest	
3. Minutes of Previous Meeting To instruct the Chairman to sign the minutes of the meeting held on 14 March 2013, as a correct record.	1 - 6

ANNOUNCEMENTS

4. **Appointment of Lead and Deputy Independent Persons**
In July 2012 the Council appointed Kathleen English as the lead independent person and Eric Revell as her deputy. Their role was to assist in the assessment of conduct complaints, as required by law. Due

to the requirements of the transitional provisions of the Localism Act the post-holders could only be appointed until 30 June 2013, as both were former members of the Council's Standards Committee.

Following a robust recruitment process Full Council made the following appointments at its meeting on 23 May:

- 1) Grant Osbourn as lead Independent Person
 - 2) Gillian Holmes as deputy Independent Person
- For the period 1 July 2013 to 30 June 2016

Grant Osbourn has worked in the private sector for the last 20 years as both national and regional sales manager for three multinational companies. He was previously the independent Chairman of Fenland District Council's Standards Committee for three years and an independent member of East Cambridgeshire District Council's Standards Committee for two years. In 2012 he was appointed as lead Independent Person for ECDC.

Gillian Holmes is a qualified solicitor who has spent the majority of her working life within public service at the Courts Service, responsible for advising 125 lay justices and involved in contributing to the development and monitoring of codes of practice for both magistrates and staff. In 2012 she was appointed as Independent Person to both Cambridgeshire County Council and Peterborough City Council.

DECISION ITEMS

- | | | |
|-----------|--|----------------|
| 5. | Independent Person Protocol | 7 - 10 |
| 6. | Amendments to the Council's Constitution | 11 - 28 |
| 7. | Trumpington Meadows Community Governance Review | 29 - 30 |

INFORMATION ITEMS

- | | | |
|------------|---|----------------|
| 8. | Northstowe Community Governance Review
A verbal update will be given at the meeting. | |
| 9. | Update on Code of Conduct Complaints | 31 - 32 |
| 10. | Training on Code of Conduct
Arrangements are currently being finalised for a Code of Conduct/Pre-determination and bias training session in conjunction with Huntingdonshire District Council at South Cambridgeshire District Council run by Peter Keith-Lucas from Bevan Brittan Solicitors. The training date, which is likely to be at the end of September/beginning of October, will be announced at Civic Affairs Committee, along with further details. This will be an interactive session where members will be given an overview of the Code of Conduct and the rules on interests and asked to consider a number of short scenarios and what types of interest need to be considered or declared, along with how to apply for a dispensation. Members will also be given practice at how to make a verbal declaration of interest at a committee/full council so that they comply with the Localism Act requirements. | |

11. Protocol Between Cambridgeshire/Peterborough Monitoring Officers and Cambridgeshire Police

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The Monitoring Officer signed a joint protocol on the 10th May with Cambridgeshire Police and Huntingdonshire District Council and East Cambridgeshire District Council to set out liaison procedures between monitoring officers and the police on handling Councillor complaints where there is a potential criminal sanction. This follows new criminal offences in relation to non-disclosure of Disclosable Pecuniary Interests being introduced by the Localism Act. A copy of the protocol is attached for information. Cambridgeshire Police has agreed that the Information Management Unit at Thorpe Wood in Peterborough will act as the single point of contact for councils.

12. Dates of Next Meeting

To note that the next meeting will be held on 20 September 2013 at 10am.

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

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In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

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Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. The Council and all its committees, sub-committees or any other sub-group of the Council or the Executive have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) upon request to enable the recording of business, including any audio / visual or photographic recording in any format.

Use of social media during meetings is permitted to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

Vision and Values

OUR VISION

South Cambridgeshire will continue to be the best place to live and work in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment. The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focussing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Civic Affairs Committee held on
Thursday, 14 March 2013 at 10.00 a.m.

PRESENT:	Councillor Mick Martin – Chairman Councillor Alison Elcox – Vice-Chairman	
Councillors:	Sebastian Kindersley Janet Lockwood Raymond Matthews Robert Turner	Douglas de Lacey Ray Manning Jim Stewart Bunty Waters
Officers:	Graham Aisthorpe-Watts Andrew Francis David Lord Fiona McMillan	Democratic Services Team Leader Electoral Services Manager Senior Lawyer Legal & Democratic Services Manager and Monitoring Officer
Advisors:	Eric Revell (Deputy Independent Person)	

(Councillor Alison Elcox, Vice-Chairman, was in the chair for the commencement of the meeting).

20. APOLOGIES

Apologies for absence were received from Councillor Simon Edwards, Tony Orgee and Edd Stonham. Kathleen English, Independent Person, also submitted her apologies for absence.

21. DECLARATIONS OF INTEREST

Councillor Sebastian Kindersley declared a non-pecuniary interest in minute number 25 as a member of Cambridgeshire County Council and a non-pecuniary interest in minute number 30 as he represented two of the Parish Councils named in the report.

Councillor Robert Turner declared a non-pecuniary interest in minute number 30 as he represented three of the Parish Councils named in the report.

22. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 17 December 2012 were agreed and signed as a correct record.

23. NORTHSTOWE - COMMUNITY GOVERNANCE REVIEW

(Councillor Janet Lockwood attended the meeting at this stage of proceedings).

Consideration was given to a report which set out issues and implications for the future governance of Northstowe.

David Lord, Senior Lawyer, presented the report which had been written in response to the Committee's agreement at its previous meeting to consider the implications and proposed way forward regarding the establishment of a new Parish or Town Council at Northstowe.

The Local Government and Public Involvement in Health Act 2007 required the Council to take into account the views of a wide range of persons and bodies when reviewing issues of community governance. This included local government electors for the area under review, Parish Councils, Residents' Associations, Community Forums and the County Council.

After submission of the Northstowe outline planning application in 2008 an informal consultation exercise was undertaken which enabled officers at the time to identify and resolve any potential issues that Parish Councils or local residents may have had in relation to establishing a new boundary for Northstowe. In view of the fact that this exercise took place five years ago, officers agreed that it would be necessary to consult again with any interested parties, particularly existing residents and Parish Councils, to ascertain their views on any community governance proposals for Northstowe. The following three-stage approach was therefore suggested: -

Stage one – informal pre-consultation

Officers intended to repeat the informal consultation exercise carried out in 2008 over the coming months, involving affected Parish Councils, the local Rampton Drift Residents' Association and other interested parties, to inform a proposed formal Community Governance Review process in 2014. This would investigate options for boundaries and any potential community governance structure, adding to the information collated as part of the 2008 informal consultation.

Stage two – formal Community Governance Review process

The formal Community Governance Review process would be followed, as outlined in the report, further to which the making of an Order may be agreed to create a new Parish Council, set or alter parish boundaries and set out how the new council would be governed.

Stage three – post Community Governance Review

This would be the final stage of the process, facilitating the implementation of the Order and arranging the first Parish Council elections.

A proposed timescale for each of these stages was set out in the report, commencing in March 2013 and ending with the first elections to the new Parish Council in May 2015.

During discussion Members questioned whether changing Parish Council boundaries could result in a review of District Council electoral ward boundaries by the Boundary Commission. Mr Lord reported that the District Council had the power to alter Parish Council boundaries, following the undertaking of the Community Governance Review process, but any decision by the Boundary Commission to undertake a boundary review was out of South Cambridgeshire District Council's control.

Reference was made to the initial size of a Parish Council for Northstowe, with it having to be small to reflect a relatively low number of electors currently in the area, and the process that would be followed should the number of Parish Councillors need to be increased to reflect the growing number of electors as Northstowe developed. It was anticipated that an initial Parish Council for Northstowe would consist of five Parish Councillors for the first five years, or for such time as the Parish Council agreed that it needed more Councillors to serve the growing population for its area. Changes to the governance of a Parish Council, such as a request to increase or decrease the number of its Parish Councillors, would be submitted to the Civic Affairs Committee for consideration where a decision could then be made to instigate another Community Governance Review. This process would have to be followed each time a request was received to change the number of Councillors on a Parish Council. It was emphasised, however, that the timetable included

in the report was not reflective of all Community Governance Reviews and that a much shorter review timescale could be followed to consider any such requests.

(Councillor Mick Martin attended the meeting at this stage of proceedings).

Discussion ensued on the proposed timetable included in the report and Members agreed that officers should be given the flexibility to truncate the process at any stage if necessary.

The Committee **APPROVED** the proposed timetable and way forward for the Northstowe Community Governance Review, as set out in the report, but agreed that officers should be given the flexibility to truncate the process at any stage of the proposed timetable if necessary.

(Councillor Mick Martin, Chairman, took the chair at this stage of the meeting).

24. HAUXTON: COMMUNITY GOVERNANCE REVIEW

Councillor Janet Lockwood declared a non-pecuniary interest in this item as she was a Member of Hauxton Parish Council.

The Committee considered a report which set out Hauxton Parish Council's request to increase the number of Parish Councillors at the next Parish Council election from seven to nine.

Councillor Mick Martin, Chairman of the Civic Affairs Committee, presented the report and informed Members that five responses had been received as a result of going through the Community Governance Review process, copies of which were appended to the report.

The Committee **RECOMMENDED TO COUNCIL** that an Order be made pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007 to increase the number of Councillors at the next parish council election for Hauxton Parish Council from seven to nine.

25. TRUMPINGTON MEADOWS: COMMUNITY GOVERNANCE REVIEW

Consideration was given to a report which informed the Committee that the Chief Executive had recently received a letter from the Chairman of Haslingfield Parish Council outlining a request for a Community Governance Review to be undertaken in respect of Trumpington Meadows.

Councillor Mick Martin, Chairman of the Civic Affairs Committee, presented the report which was solely to note receipt of the letter from the Chairman of Haslingfield Parish Council at this stage, with a more detailed report scheduled for submission to the Committee in due course.

The Committee **NOTED** the report.

26. RECRUITMENT OF NEW INDEPENDENT PERSON AND DEPUTY

The Committee considered a report which set out the requirements and suggested process for recruiting a new lead and deputy independent person.

Fiona McMillan, Monitoring Officer, presented the report and outlined that the current lead and deputy independent persons could only be appointed until 30 June 2013 as per the

requirements of the transitional provisions of the Localism Act 2011, due to them being former members of the Council's Standards Committee. A proposed recruitment pack for the appointment of the new lead and deputy independent person was appended to the report.

The Committee:

- (a) **DELEGATED** to the Chairman of the Civic Affairs Committee and the Monitoring Officer the responsibility of recruiting a lead Independent Person and a deputy Independent Person with the aim of recommending two appointments to Annual Council on 24 May 2013, with the roles to commence on 1 July 2013.
- (b) **AGREED** the updated recruitment pack appended to the report, subject to the incorporation of slight amendments to the language used in some of the documents to be agreed by the Monitoring Officer in liaison with Councillor Douglas de Lacey.

27. REVISED NOLAN PRINCIPLES

Consideration was given to a report which set out revised descriptions of the principles of public life, further to the fourteenth report on standards by the Committee on Standards in Public Life entitled 'Standards matter – a review of best practice in promoting good behaviour in public life' which was presented to Parliament in January 2013.

The Committee **RECOMMENDED TO COUNCIL** that:

- (a) the Council adopts the revised wording of the principles and amends the revised principles to the Council's Code of Conduct for members as part of the constitution, as outlined in Appendix F to the report.
- (b) the Council amends the revised principles to the Council's Officers' Code of Conduct, as outlined in Appendix G to the report.
- (c) the Council appends the revised principles in its standard contract documentation.

28. UPDATE ON CODE OF CONDUCT COMPLAINTS

Consideration was given to a report which updated Members on complaint cases regarding alleged breaches of the Code of Conduct.

The Committee **NOTED** the report.

29. TRAINING ON CODE OF CONDUCT

Fiona McMillan, Monitoring Officer, provided the Committee with an update on Code of Conduct training.

It was reported that a decision had been made to jointly procure an external facilitator to deliver training on the Code of Conduct for District and Parish Councillors. It was proposed to hold this session in June as there would be at least one new District Councillor elected in May this year and the new lead and deputy independent persons should also be appointed by then, who would benefit from receiving the training. The date of this training session would be circulated to all Members as soon as it was confirmed.

One of the action learning sets from the Council's Leadership Development Programme focused on consultation with Parish Councils and the delivery of training. A further meeting of this action learning set working group, consisting of senior managers from the Council, was scheduled to be held in April.

It was noted that sessions on the Code of Conduct for Parish Councillors had not been very well attended in the past. In order to address this issue it was proposed to include training on the Code of Conduct as part of other training sessions that attracted higher levels of attendance from Parish Councillors.

The Committee **NOTED** the update.

30. REGISTRATION OF INTERESTS UPDATE

The Committee considered a report which provided Members with progress on the implementation of the provisions of the Localism Act 2011 in relation to the registration of interests.

In presenting the report Fiona McMillan, Monitoring Officer, reminded the Committee that the Localism Act 2011 required all Councillors to complete a register of interests. For South Cambridgeshire District Council this applied to all District and Parish Councillors and these registers had to be published on the Council's website, including the respective Parish Council's website if they had one.

All South Cambridgeshire District Councillors had completed their registers of interest, which had been published on the Council's website.

Appended to the report was a table indicating how many Parish Councils had returned registers for their Parish Councillors. A number of Parish Councils had not yet submitted registers for their Councillors and the Monitoring Officer would continue to liaise with the respective Parish Clerks to remind them of and emphasise their statutory obligations in this regard.

The Committee **NOTED** the report.

31. NEW MODEL CONSTITUTION

Fiona McMillan, Monitoring Officer, provided the Committee with an update on the new model constitution, further to minute number 13 of the previous meeting.

It was noted that officers now had access to a template for the new model and would be undertaking some work to populate this with information relevant to South Cambridgeshire District Council. An update on this piece of work would be reported to the next meeting of the Civic Affairs Committee.

The Committee **NOTED** the update.

32. DATES OF NEXT MEETING

The Committee **NOTED** the dates of the next meetings as follows: -

- Thursday 20 June 2013 at 10.00am
- Friday 20 September 2013 at 10.00am

The Meeting ended at 11.13 a.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee

20th June 2013

AUTHOR/S: Monitoring Officer

INDEPENDENT PERSON PROTOCOL**Purpose**

1. The Committee is requested to consider adopting an Independent Person Protocol to clarify the relationships between the lead and deputy Independent Person (IP) and South Cambridgeshire District Council in the process of handling standards complaints and wider promotion of standards.

2. **RECOMMENDATIONS:**

That the Civic Affairs Committee:

- a) **adopt the Independent Person Protocol as detailed in Appendix A**
- b) **review the Protocol in 12 months' time in consultation with the Independent Person and the Monitoring Officer to ensure it is still fit for purpose.**

BACKGROUND

3. The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Authority discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members.
4. The protocol has been established to clarify how the Independent Person will fulfill this role. A copy of the proposed Protocol is attached at Appendix A of the report.
5. The Localism Act 2011 introduced a new regime for Councils in promoting and maintaining high standards of conduct amongst Members and co-opted Members. This includes having in place a process for dealing with complaints made under the Authority's Code of Conduct.
6. The role of the Independent Person is key to the complaints process and involves the following:
 - To be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member
 - May be consulted by the Authority in respect of a standards complaint at any other stage;
 - May be consulted by a Member or Co-opted Member of the Authority against whom a complaint has been made;
 - To read and digest investigation reports into complaints against Members and co-opted Members.

7. Members are requested to note the content of the report and to adopt the proposed Role of Independent Person Protocol.

BACKGROUND PAPERS: Localism Act 2011
SCDC Code of Conduct Complaints procedures

Contact Officer: Fiona McMillan
Monitoring Officer
Telephone: (01954) 713027

South Cambridgeshire District Council

PROTOCOL RELATING TO THE INDEPENDENT PERSON

This protocol is to clarify the relationships between the lead and deputy Independent Person (IP) and South Cambridgeshire District Council in the process of handling standards complaints and wider promotion of standards. The aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

Considering written allegations

1. The Monitoring Officer (MO) will seek the views of the Independent Person (IP) before reaching a decision on whether any further action should be taken on a written complaint
2. When issuing the written notification of the initial decision on a complaint, the MO will record that the IP has been consulted and that their views have been taken into account. Where the view of the MO and IP differ, the MO will record the reasons for following a particular course.

Matters under investigation

3. A member of the district council or a town or parish council who is the subject of a complaint may seek the views of the IP. A member wishing to contact the IP should do so via the MO who will arrange for a meeting to take place. These arrangements will be communicated to the subject member by the MO in the decision notice.
4. Where the IP has given views to the subject member, those views shall be put in writing and made available to all relevant parties in the case. Where appropriate the deputy IP may be asked to take over the role of IP in a particular case if the lead IP is no longer able to be impartial due to views given.
5. The IP will need to agree in advance with the subject member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential and, even where there is confidential information disclosed to the IP, there should be a public statement that confidential matters were discussed.
6. The complainant may also seek the views of the IP. As with the subject member, contact should be arranged through the MO and any views expressed should be made public. Where appropriate the deputy IP may be asked to take over the role of IP in a particular case if the lead IP is no longer able to be impartial due to views given.
7. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
8. Where a matter has been referred to a Civic Affairs Committee for determination, the committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Civic Affairs Committee and not the IP who is the decision-maker.
9. The IP shall not make any comments to the media on any matter without prior agreement of the MO or council communications team. Any requests for comments

from media shall be referred in the first instance to the MO who may refer these to the Chair of the Civic Affairs Committee as appropriate.

10. The IP may be requested by the MO or Civic Affairs Committee to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
11. The IP may be requested by the MO or Civic Affairs Committee to assist in any training on conduct issues as appropriate.
12. Where the lead IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by the deputy IP.

Relationship with the Civic Affairs Committee

13. The IP and reserve shall receive agendas and minutes of all meetings of the Civic Affairs Committee and shall be entitled to request for items to be added to the agenda with the agreement of the chair and to speak at the committee.
14. The lead and deputy IP are not members of the Civic Affairs Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the chair.

Other matters

15. The IP has the right to raise any concerns about standards issues or implementation of the process with the authority's chief executive and has the right to address a meeting of the full council about any concerns.
16. The council, through its Civic Affairs Committee and MO, is responsible for ensuring that the council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
17. The IP has the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.
18. The IP has the right of access to council buildings in order to carry out their role. Access should be agreed in advance with the MO.
19. The MO will meet at least quarterly with the lead and deputy IP to review relevant matters.
20. The lead and deputy IP will agree to sign a code of conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO who will decide whether the interest conflicts them out of involvement in the matter.
21. The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee

20 June 2013

AUTHOR/S: Alex Colyer, Executive Director of Corporate Services and
Fiona McMillan, Legal and Democratic Services Manager

AMENDMENTS TO THE COUNCIL'S CONSTITUTION**Purpose**

1. To recommend that Council approves the amendments to the Constitution as outlined in this report.
2. This is not a key decision but changes to the Constitution must be approved by Council.

Recommendations

3. That Council be recommended to: -
 - (a) Approve the revised version of Article 6 of the Constitution, as set out in **Appendix A** to the report.
 - (b) Approve the revised version of the Scrutiny and Overview Procedure Rules, as set out in **Appendix B** to the report.
 - (c) Approve the amendment of those sections of the Constitution referred to in paragraph 10.1 of the report to reflect the establishment of the Partnerships Review Committee as a second scrutiny and overview committee.
 - (d) Amend the Member role descriptions under Part 5 of the Constitution relating to the Scrutiny and Overview Committee so that they apply to both the Partnerships Review Committee and the Scrutiny and Overview Committee.
 - (e) Allocate the Partnerships Review Committee as the authority's Crime and Disorder Committee.

Reasons for Recommendations

4. This report suggests a number of amendments to the Council's Constitution further to the decision by Council at its Annual General Meeting on 23 May 2013 to abolish the Sustainable Energy Committee and introduce a second scrutiny and overview committee called the Partnerships Review Committee.

Background

5. The Council made a decision at its Annual General Meeting on 23 May 2013 to abolish the Sustainable Energy Committee and establish a Partnerships Review Committee as part of the authority's scrutiny and overview arrangements.

6. The Council also resolved “that a report be submitted to the meeting of Council on 25 July 2013, setting out the constitutional changes required as a result of the proposed changes to the committee structure being implemented”. This report sets out recommended changes to the Council’s Constitution resulting from the changes made to its committee structure.
7. The Scrutiny and Overview Committee on 4 July 2013 and the inaugural meeting of the Partnerships Review Committee currently scheduled to be held on 11 July 2013 will also consider these recommended changes to the Council’s Constitution.

Considerations

8. Partnerships Review Committee

- 8.1 The Partnerships Review Committee was introduced as part of the Council’s scrutiny and overview function to scrutinise, challenge and hold decision takers to account on those issues considered as external, which may or may not involve formal partnerships. It is proposed that the committee will therefore liaise with external organisations operating in South Cambridgeshire, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- 8.2 Major projects such as the Greater Cambridge City Deal, the A14 Improvement Scheme or the Northstowe development all involve a great deal of partnership working, which the Partnerships Review Committee may wish to scrutinise or monitor.
- 8.3 The committee may also wish to consider how the Council contributes towards some of the cross-cutting issues that affect South Cambridgeshire, such as the health and wellbeing agenda, services to children and young people or crime and disorder.
- 8.4 Due to the external focus of the Partnerships Review Committee’s remit, it is recommended that the Council formally allocates the Partnerships Review Committee as its Crime and Disorder Committee.

9. Scrutiny and Overview Committee

- 9.1 It is proposed that the Scrutiny and Overview Committee will continue to hold decision takers to account on those issues considered as the authority’s internal business.
- 9.2 Scrutiny monitors would continue to be allocated to specific Portfolio Holders and act as a bridge to Cabinet, promote constructive dialogue and support effective scrutiny that adds value to the work of Cabinet and its Portfolio Holders.
- 9.3 The Scrutiny and Overview Committee would also retain responsibility for considering Call Ins and Councillor Call for Actions.

10. Sections of the Constitution requiring changes

- 10.1 There are a number of sections within the Constitution that refer to the Council’s scrutiny and overview function as consisting of one scrutiny and overview committee. The Partnerships Review Committee is considered as a second scrutiny and overview committee under this function, sitting alongside the Scrutiny and Overview Committee. It is therefore proposed that the following sections within the Constitution be amended to reflect the Partnerships Review Committee as a second scrutiny and overview committee: -

- **Part 1 – Summary and Explanation** under ‘how the Council operates’;
- **Article 3: Citizens and the Council** under ‘participation’;
- **Article 4: The Full Council** under ‘participation’;
- **Article 10: Area Committees** under ‘conflicts of interest – membership of Area Committees and the Scrutiny and Overview Committee’;
- **Article 13: Decision-making** under ‘decision making by the Scrutiny and Overview Committee’;
- **Schedule 1: Description of arrangements** under “Scrutiny and Overview Committee Procedure Rules”;
- **Council Standing Orders** (throughout the Standing Orders where appropriate);
- **Access to Information Procedure Rules** (throughout the Procedure Rules where appropriate);
- **Executive Procedure Rules** (throughout the Procedure Rules where appropriate);
- **Part 5 – Procedural guidance – Public Addressing Scrutiny and Overview Committee** (throughout the procedure where appropriate);
- **Petitions Scheme** (throughout the Scheme where appropriate).

10.2 Article 6 of the Constitution sets out the composition, mission statement, objectives and terms of reference for the Council’s scrutiny and overview function. Taking into account the proposals for the Partnerships Review Committee and the Scrutiny and Overview Committee set out in paragraphs 8 and 9 above, attached at **Appendix A** to this report is a revised version of Article 6, showing the changes that have been made.

10.3 The Council’s Scrutiny and Overview Committee Procedure Rules are included under Part 4 of the Constitution and it is recommended that these be renamed to ‘Scrutiny and Overview Procedure Rules. **Appendix B** to this report sets out a revised version of the Procedure Rules, taking into account the proposals outlined in paragraphs 8 and 9 above, showing the changes that have been made.

10.4 Member role descriptions under Part 5 of the Constitution set out role descriptions for the Chairman of the Scrutiny and Overview Committee, the Vice-Chairman of the Scrutiny and Overview Committee and Members of the Scrutiny and Overview. The roles, duties and responsibilities included within these role descriptions apply to any overview and scrutiny committee and are not specific to the Council’s Scrutiny and Overview Committee. It is therefore proposed to amend the role descriptions to reflect that they apply to both the Partnerships Review Committee and the Scrutiny and Overview Committee.

Options

11. The Council has already agreed to the establishment of a Partnerships Review Committee as part of the authority’s scrutiny and overview function.

12. The purpose of this report is to recommend a Terms of Reference for the Partnerships Review Committee and any consequential amendments to the Constitution. The proposals outlined in the report reflect the principles that were approved at the Council’s Annual General Meeting on 23 May 2013.

13. The Civic Affairs Committee is invited to consider any additions, deletions or changes to the proposals put forward in this report.

Implications

14.	Financial	None specific to the content of this report.
	Legal	The recommendations set out in this report ensure that the Council's Constitution is up to date and reflects arrangements and procedures agreed by Council at its Annual General Meeting on 23 May 2013.
	Staffing	None specific to the content of this report.
	Risk Management	None specific to the content of this report.
	Equality and Diversity	The Council's Equality Impact Assessment screening process was followed in relation to this report, further to which no concerns in relation to equality and diversity were identified.
	Equality Impact Assessment completed	No. This is primarily an administrative matter only.
	Climate Change	None specific.

Consultations

15. No consultation has been carried out at this stage. It is usual practice for the Civic Affairs Committee to consider changes to the Constitution and submit recommendations to Council, if necessary.
16. The Scrutiny and Overview Committee on 4 July 2013 and the Partnerships Review Committee on 11 July 2013 will be invited to consider the proposals set out in this report, together with any recommendations from the Civic Affairs Committee.

Consultation with Children and Young People

17. No consultation with children and young people has taken place on the content of this report.

Effect on Strategic Aims

18. The proposed Terms of Reference for the newly established Partnerships Review Committee, as set out in this report, could support the Council's Strategic Aim 'we will work with partners to create opportunities for employment, enterprise, education and world-leading innovation'.

Conclusions / Summary

19. The Civic Affairs Committee is invited to consider the recommendations set out in this report as a basis for submitting a recommendation to the Council on amendments to the Constitution.

Background Papers: the following background papers were used in the preparation of this report:

South Cambridgeshire District Council Constitution.

Contact Officer: Graham Aisthorpe-Watts – Democratic Services Team Leader
Telephone: (01954) 713030

Article 6: Scrutiny and Overview

6.01 Composition

The Council will appoint scrutiny and overview committees to discharge the functions conferred by section 21 of the Local Government Act 2000 and regulations under section 32 of that Act.

The Chairman and Vice-Chairman of Council may be members of such committees. Membership shall have regard to the principles of proportionality set out in Part 5 (Codes and Protocols).

No member of the Executive shall be a member of any scrutiny committee.

6.02 Mission Statement, Principal and Supporting Objectives

Scrutiny and Overview Mission Statement

To support the work of the Council in achieving its corporate objectives and annual priorities through constructive challenge and the promotion of best practice, innovation and democratic accountability.

The Committee will add value to the work of the Council by -

- Challenging policies, performance and decisions in a constructive way
- Making recommendations for improvement, based on best practice
- Looking for new ways of doing things
- Making sure that the Council remains responsible to local people.

Principal Objectives

The principal objectives of scrutiny and overview at South Cambridgeshire District Council shall be as follows:

- (1) To improve the delivery of policies and services by:
 - Holding the Cabinet to account for its policies and actions;
 - Assessing the performance of the Cabinet in achieving the Council's corporate objectives and annual priorities;
 - Ensuring the rigour and objectivity of performance management and service reviews.
- (2) To enhance the quality of life in South Cambridgeshire through the investigation and recommendation of actions to address issues of concern to the district's residents.
- (3) To assist the Executive and the Council in establishing a comprehensive evidence-based policy framework to guide the Council in the achievement of its objectives and addressing the future challenges facing the district.
- (4) To give guidance to ensure that Council policies are action-orientated, based on consultation, realistic within the resources available to the Council, and consistent with national and regional priorities and with other plans of the Council and its partners.

Supporting Objectives

Supporting objectives, within the four principal objectives above, shall be as follows:

- (1) To review and scrutinise the decisions made, or about to be made by and performance of the Cabinet and / or committees and council officers both in relation to individual decisions and over time;

- (2) To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- (3) To question members of the Cabinet and / or committees and senior management about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (4) To review and scrutinise the performance of other bodies having public functions in the area and invite reports from them by requesting them to address committee meetings and local people about their activities and performance; and question and gather evidence from any person (with their consent);
- (5) To inform future decisions of the Council on matters identified in previously-agreed work programmes
- (6) To assist the Council and Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (7) To make recommendations to the Cabinet and / or appropriate committee and / or Council arising from the outcome of the policy development process including the need for, or changes to, relevant policies.

6.03 Terms of Reference

The Council's scrutiny and overview function will consist of two scrutiny and overview committees; the Scrutiny and Overview Committee and the Partnerships Review Committee.

In order to meet the principal and supporting objectives set out in Article 6.02 above, both scrutiny and overview committees shall:

- Agree, and keep under regular review, annual work programmes;
- Establish task and finish groups to take forward specific topics for investigation;
- Conduct research, community and other consultation in the analysis of policy issues and possible options;
- Seek to ensure that the expertise of all non-executive members is fully utilised in the development of Council policy;
- Liaise with the Cabinet to ensure that the advice of the committee is timely and useful;
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- Question members of the Cabinet and senior management about their views on issues and proposals affecting the area;
- Make annual reports to Council on their activities, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance;
- Exercise overall responsibility for the finances made available to them;
- ~~Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;~~

- ~~Make annual reports to Council on their activities, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance;~~

~~Exercise overall responsibility for the finances made available to them;~~

- ~~The Scrutiny and Overview Committee will scrutinise, challenge and hold decision takers to account on those issued considered as the Council's internal business and shall:~~

- ~~Appoint monitors to each Cabinet Portfolio to act as a bridge to the executive, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet and its Portfolio Holders;~~
- ~~Consider any Call Ins that are submitted ;~~
- ~~Consider any Councillor Call for Actions that are submitted.-~~

~~The Partnerships Review Committee will scrutinise, challenge and hold decision takers to account on those issues considered as external, which may or may not involve formal partnerships, and shall:~~

- ~~Liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;~~
- ~~Promote well-being through partnership working;~~
- ~~Be designated as the Council's Crime and Disorder Committee.~~

~~When an item of business cannot be naturally allocated to a specific overview and scrutiny committee, the Chairman of the Scrutiny and Overview Committee and the Chairman of the Partnerships Review Committee will agree upon the most appropriate body for the consideration of that item. If there is no Chairman of either Committee, or if he or she is unable to act, then the decision will be made by the Chairman of the Council, or in his / her absence the Vice-Chairman of the Council will suffice.~~

6.04 Proceedings of scrutiny and overview committees

The scrutiny and overview committees will conduct their proceedings in accordance with the Scrutiny and Overview ~~Committee~~ Procedure Rules set out in Part 4 of this Constitution.

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Scrutiny and Overview ~~Committee~~ Procedure Rules

1. What will be the Arrangements for Scrutiny of Executive Decisions and Council Services?

The Council will have a Scrutiny and Overview Committee, as required by Article 6, and a Partnerships Review Committee and will appoint members to them who shall not be members of the Executive. The committees may appoint sub-committees or task and finish groups as they considers appropriate, as referred to in their Terms of Reference.

The Terms of Reference for the committees set up under the Council's scrutiny and overview arrangements are set out in Article 6 above.

2. Members of Scrutiny and Overview Committee and Partnerships Review Committee

No member may be involved in scrutinising a decision or policy made by a body of which he / she was a member at the time the decision was made, but he / she may attend to give evidence.

3. Co-Optees

The committees may not co-opt persons who are not councillors but may invite representatives from any body or organisation or any individual to attend meetings to give their views on any matter being considered.

This restriction does not extend to task and finish groups established by either committee.

4. Meetings of the Scrutiny and Overview Committee

There shall be at least five ordinary meetings of the Scrutiny and Overview Committee and at least three ordinary meetings of the Partnerships Review Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A committee meeting may be called by the Chairman of the relevant Committee, by half the members or by the proper officer if he / she considers it necessary or appropriate. All members of the Council may attend meetings of both the committees and, by agreement with the Chairman, may address the meeting.

The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Chairman. Where, in exceptional circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so following consultation with the Chairman. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.

5. Quorum

The quorum for the committee shall be at least one half of its membership.

6. Chairmaen and Vice-Chairmean

The Chairman and Vice-Chairman of the Scrutiny and Overview eCommittee and the Partnerships Review Committee, and any sub-committees appointed by them, will be drawn from among the councillors sitting on the committees / sub-committees, and subject to this requirement the committees / sub-committees may appoint such a person as they considers appropriate as Chairman or Vice-Chairman. The Chairman or other person presiding, in the event of a voting tie, shall have a second or casting vote. Task and finish groups and other groups established by either the committee from time to time may elect a Chairman from amongst their membership.

7. Work Programmes

- (a) The Scrutiny and Overview eCommittee and Partnerships Review Committee will be responsible for setting their work programmes and, in doing so, they shall use the following process:
- initial topic selection, including input from officers, Cabinet and external stakeholders;
 - establishment by the committee of priority work areas based on key factors such as importance to residents, ability of the committee to influence, Council / local performance in the work area concerned;
 - consultation with Executive Management Team;
 - consultation with Leader and Cabinet; and
 - final adoption by the committee.
- (b) Any member of the Council may give written notice to the proper officer that he or she wishes an item to be included on the agenda of either the committee. If the proper officer receives such a notification, then he / she will consult the Chairman of the relevant committee who will decide, having regard to the agreed Work Programme and other current priorities, whether to include the item on the first available or any agenda of the committee for consideration by the committee.
- (c) The committees shall also respond, as soon as their work programme permits, to requests from the Council and, if it they considers it appropriate, the Executive to review particular areas of Council activity. Where they does so, the committees shall report their findings and any recommendations back to the Executive and / or Council. The Council and / or the Executive shall consider the report of the either committee as soon as reasonably practicable after receiving it.
- (d) The Overview and Scrutiny committee may decide to allocate roles to individual members of the committee to oversee specific functions of the Executive and ensure that all functions of the Executive and all services provided by the Council are open to scrutiny. The committee may form any group or sub-group of non-executive members to carry out specific tasks or projects.
- (e) Projects for formal review will be carried out by the either committee in accordance with their agreed Work Programmes and will normally not exceed five each year. The agreed Work Programmes will be published on a roll-forward basis as frequently as the committee shall decide.

8. Making Sure that Reports from the Scrutiny and Overview Committee and Partnerships Review Committee are Considered by the Executive (Cabinet)

- (a) The agenda for Executive meetings shall include an item entitled 'Issues arising from the Scrutiny and Overview Committee and Partnerships Review Committee'. Any reports of ~~either~~the committee referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the committee completing its report / recommendations.
- (b) Once ~~either~~the committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, he / she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have three weeks in which to respond to the report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the committee proposals.
- (c) Where ~~the~~either committee agrees to submit a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision-making power to another individual member of the Executive, then the committee will submit a copy of its report to him / her for consideration. At the time of doing so, the committee shall serve a copy on the proper officer. The member with delegated decision-making power must consider the report and respond in writing to the committee within three weeks of receiving it. A copy of his / her written response to it shall be sent to the proper officer and the Leader. The member will also attend a future meeting of the committee to present his or her response.

9. Rights of Committee Members to Documents

- (a) In addition to their rights as councillors, members of the Scrutiny and Overview Committee and Partnerships Review Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and ~~either~~the committee as appropriate depending on the particular matter under consideration.

10. Members and Officers Giving Account at the Scrutiny and Overview Committee and Partnerships Review Committee

- (a) The Scrutiny and Overview Committee and Partnerships Review Committee or any of ~~their~~its sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions as specified in their Terms of Reference. As well as reviewing documentation, ~~it~~they may require any member of the Executive, the Head of Paid Service, Executive Director, any Director and / or any Head of Service to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and / or
 - (iii) their performance;
- and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend a meeting of ~~either the~~ committee under this provision, the Chairman of the committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five clear working days' notice of the meeting at which he / she is required to attend. The notice will state the nature of the item on which he / she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation. **Wherever possible, invitations should be made and accepted without recourse to the formal summons outlined here, which should be used only in the event of disputes which cannot be resolved by other means.**
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

11. Attendance by Others

~~Either The~~ committee may invite people other than those people referred to in paragraph ~~4011~~ above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The public has a right to speak at open meetings of the committee as set out in the Access to Information Rules and the Guidance in Part 5: Codes and Protocols.

12. Call-In by the Scrutiny and Overview Committee

- 12.1 Call-in should be used only in exceptional circumstances and can relate only to executive decisions made by the executive decision takers referred to in the Budget and Policy Framework Rules, Rule 7¹. There are only two grounds on which call-in of any decision can be requested:
 - 12.1.1 It is or would be contrary to the policy framework or contrary or not wholly in accordance with the Council's budget – a "Departure Decision" as defined in Budget and Policy Framework Rule 7; or
 - 12.1.2 It is not in accordance with the principles set out in Article 13 (Decision-making) ("Outside Article 13 decision")

¹ The Cabinet; any member of the Cabinet; any Committee or group of the Cabinet; any officer (key decision only); an area committee; or a committee under joint arrangements.

- 12.2 The Chairman of the Scrutiny and Overview Committee has discretion, unless otherwise advised by the Monitoring Officer, to refuse a call-in request if s/he considers that the reasons given do not satisfy the grounds above; or may limit the issues to be considered to those satisfying the grounds.

Procedure

- 12.3 When a decision is made by any of the executive decision takers referred to in Budget and Policy Framework Rule 7, the decision will be published in accordance with Rule 18 of the Access to Information Procedure Rules.
- 12.4 At any time until the expiry of the call-in period (five working days after publication), or before the decision is made, the proper officer shall call-in an executive decision for scrutiny by the Scrutiny and Overview Committee if so requested by the Chairman of the committee, or any five councillors, whether or not they are members of that committee, on either of the grounds in 12.1 above, and shall notify the executive decision taker straightaway of the call-in.
- 12.5 No further action on the decision or any implementation shall take place other than in accordance with these Rules.
- 12.6 Before invoking call-in of any **departure decision** the Chairman of the Scrutiny and Overview Committee or the five invoking councillors must seek advice from the Monitoring Officer and / or the Chief Finance Officer as appropriate on whether the decision is contrary to the policy framework or the budget. The invoker shall notify the proper officer accordingly and within the call-in period.
- 12.7 In the case of a **departure decision**, the Monitoring Officer and / or Chief Finance Officer (as appropriate) or an experienced senior officer authorised by them will report as soon as possible to the executive decision-taker(s), proper officer, the invoker and the Chairman of the Scrutiny and Overview Committee on whether the decision is or would be a departure from policy or budget. If the report concludes that the decision is not a departure, the Chairman of the Scrutiny and Overview Committee has discretion to refuse the call-in request or put the matter before the committee for consideration.
- 12.8 In all cases, unless the decision is revoked or withdrawn by the executive decision taker(s) or is not to be proceeded with, or has been refused by the Chairman of the Scrutiny and Overview Committee, the proper officer shall, within five working days of the request to call-in, call a meeting of the Scrutiny and Overview Committee on such date as the proper officer may determine, where possible after consultation with the Chairman of the committee, to consider the decision.
- 12.9 If, having considered the decision, the Scrutiny and Overview Committee is concerned about it or agrees that the decision is a departure, it may take one of the following courses:
- 12.9.1 refer the decision back to the executive decision taker for re-consideration, setting out in writing the nature of its concerns. If referred back, the executive decision taker shall then respond within five working days, re-considering the decision, before confirming the original decision, adopting an alternative decision or adopting a course of action leading to a final decision, such as but not limited to further consultation or exploration of other options, and confirming the deadline by which the final decision will be taken. The final decision, once taken, may be implemented immediately;

- 12.9.2 refer the matter to Council; or
- 12.9.3 not refer the matter back to Council, in which case the decision if made may be implemented immediately following the Scrutiny and Overview Committee meeting.

Referral to Council

- 12.10 In the case of decisions referred to Council by the Scrutiny and Overview Committee under Rule 12.9.2 the following provisions shall apply.
 - 12.11 The Council shall meet within twenty-one days of the reference by the Scrutiny and Overview Committee. This period may be extended by agreement of the Chairman of the committee. If the matter is urgent an extraordinary meeting of Council may be called if the Scrutiny and Overview Committee so requests.
 - 12.11.1 At its meeting the Council shall receive a report of the decision made or to be made, any report and advice of the Monitoring Officer and / or the Chief Finance Officer, any report of the Executive, the request from and the concerns of the Scrutiny and Overview Committee and any other relevant material.
 - 12.12 The Council may, in the case of Departure Decisions,
 - 12.12.1 endorse the decision or proposal of the executive decision taker as falling within the existing budget and policy framework. The decision can be implemented immediately.
 - 12.12.2 amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. The decision can then be implemented.
 - 12.12.3 where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, it will require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Finance Officer.
 - 12.13 The Council may, in the case of any Outside Article 13 decision,
 - 12.13.1 not object, in which case the decision if made may be implemented immediately after the Council meeting.
 - 12.13.2 refer the decision back to the executive decision taker(s) together with the Council's views on the decision. The executive decision taker(s) shall then re-consider within five working days, amending the decision or not, before adopting a final decision, which may be implemented immediately.
 - 12.14 If the Council fails to meet by the end of twenty-one days from reference by the Scrutiny and Overview Committee or other date agreed between the Chairman of the committee and the Chairman of Council, the decision may be implemented immediately.
- #### **Liability for Further Call-in**
- 12.15 Any decision referred back by the Scrutiny and Overview Committee or by Council for reconsideration by Cabinet or the decision-taker(s) shall not be subject to further call-in, whether or not it is altered or adjusted to accommodate some or all of the concerns of the invoker.

- 12.16 Any decision proposed but not yet made, and considered by the Scrutiny and Overview Committee under the call-in provisions, shall be subject to the record, publication and call-in rules under Rule 18 Access to Information Procedure Rules if it is to proceed.
- 12.17 Any decision not formally referred back but taken back by the executive decision-taker for reconsideration shall be subject to further call-in procedure in accordance with Rule 18 Access to Information Rules, but only to the extent that the decision on reconsideration does not accommodate the concerns of the original invoker.

Call-in and urgency

- 12.18 The call-in procedure set out above shall not apply where the decision being taken by the executive decision taker is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 12.19 The Chairman of the Council and Chairman of Scrutiny and Overview Committee must previously agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his / her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 12.20 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

13. Councillor Call for Action

- 13.1 Any councillor may submit a request for a Councillor Call for Action in accordance with the ———provisions set out in these paragraphs. A Councillor Call for Action may be included on the ———agenda of the Scrutiny and Overview Committee if all of the following conditions are met:
- a) the Councillor Call for Action must relate to a local government matter, which is defined as a function for which the District Council is responsible.
 - b) the Councillor Call for Action cannot relate to an excluded matter, such as anything specified in an order by the Secretary of State;
 - c) the Councillor Call for Action must relate to an issue of neighbourhood concern and be limited to all or part of the electoral ward which the Councillor submitting the request represents;
 - d) the Councillor Call for Action request cannot relate to a matter which could be subject to the District Council's complaints process;
 - e) the Councillor Call for Action request cannot relate to a licensing or planning appeal, where alternative means of resolution are available;
 - f) the Councillor submitting the Councillor Call for Action must submit evidence that all other means of resolving the matter have been explored;
 - g) the Councillor Call for Action should not have been considered under the Councillor Call for Action procedure in the previous six months prior to the date of submission of the Councillor Call for Action request.

- 13.2 Taking into account the provisions in paragraphs (1) – (5) above, the Proper Officer, in liaison with the Chairman of the Scrutiny and Overview Committee, will determine whether the Councillor Call for Action is to be included on the agenda of the next available meeting of the Scrutiny Overview Committee. If the Councillor Call for Action request is rejected, this will be reported to the next meeting of the Scrutiny and Overview Committee.

14. Crime and Disorder Matters

- 14.1 The Scrutiny and Overview Partnerships Review Committee has been allocated as the Council's Crime and ~~Disorder~~ Disorder Committee and will meet in this capacity at least once a year, or as required. The ~~Disorder~~ Committee can:
- a) consider the decisions and actions undertaken by the responsible authorities involved in the Crime and Disorder Reduction Partnership and make any recommendations or reports to the Partnership;
 - b) request information from the responsible authorities;
 - c) require attendance of officers or employees of responsible authorities to answer questions or to provide information;
 - d) receive Councillor Calls for Action in relation to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.

15. Party Whip

When considering the review of any decision in respect of which a member of ~~either the~~ committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes.

16. Procedure at Scrutiny and Overview Committee and Partnerships Review Committee Meetings

- (a) The Scrutiny and Overview Committee and the Partnerships Review Committee, and any of ~~their~~ sub-committees, (unless otherwise specified) shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision (Scrutiny and Overview Committee only);
 - (iv) responses of the Executive to reports of the Scrutiny and Overview Committee or Partnerships Review Committee;
 - (v) any recommendations or reports from either of the committee's panels;
 - (vi) reports from Monitors who have attended Cabinet Portfolio Holder's meetings (Scrutiny and Overview Committee only); and
 - (vii) the business otherwise set out on the agenda for the meeting.
- (b) Following any investigation or review, the relevant committee / sub-committee shall prepare a report, for submission to the Executive and / or Council as appropriate and shall make its report and findings public.
- (c) Where the Scrutiny and Overview Committee or Partnerships Review Committee conducts investigations, the relevant committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) That the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) That those assisting the committee by giving evidence be treated with respect and courtesy; and
- (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

The Chairman may alter the structure of meetings at his / her discretion in order to ensure that the above principles are followed.

17. Operating Guidelines for Task and Finish Groups set up by the Scrutiny and Overview Committee and Partnerships Review Committee

Formal Agenda	Optional
Formal, detailed minutes / notes	No
Lead Officer(s)	Democratic Services Team Leader, Democratic Services Officer and lead officer(s) from the relevant service area
Action notes	To be compiled by the allocated lead officer and reviewed from meeting to meeting. Normally to be made available to the public on request after publication of the final report.
External / public involvement	Meetings will not be public; however, stakeholders will be invited to attend and to contribute to the panels' work programmes, including co-option to the panel, as appropriate.
Politically proportionate	No
Composition	Appointed by the Scrutiny and Overview Committee <u>and Partnerships Review Committee</u> from non-executive members with the relevant experience / interest. The Cabinet portfolio holder may be invited to contribute in an advisory capacity to reviews overseen by the Scrutiny and Overview Committee <u>and Partnerships Review Committee</u> .
Size	This will vary according to the matter under discussion; however, panels should not normally comprise more than five members of the Council.
Terms of Reference	Terms of Reference must be agreed by the Scrutiny and Overview Committee <u>or Partnerships Review Committee</u> at the point of establishment and must include: <ul style="list-style-type: none"> • The specific issue to be considered; • A timescale and deadline; • Principal aims and objectives.

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SOUTH CAMBRIDGESHIRE DISTRICT

REPORT TO: Civic Affairs Committee

20 June 2013

AUTHOR/S: Senior Lawyer

TRUMPINGTON MEADOWS COMMUNITY GOVERNANCE REVIEW**Purpose**

1. To consider Haslingfield Parish Council's request for a Community Governance Review ("CGR") to be undertaken in respect of Trumpington Meadows pursuant to the provisions of the Local Government and Public Involvement in Health Act ("the 2007 Act"). A copy of the request is annexed to this Report.

Recommendation

2. (i) That the Committee agrees that a CGR should be undertaken to consider the future governance arrangements for the new community at Trumpington Meadows but that it should not commence until the occupation level of new properties in the Haslingfield part of Trumpington Meadows reaches 100 (presently none are in South Cambridgeshire District Area), which is not expected until 2014/15.

(ii) That officers commence informal discussions with all interested parties after the developer's building programme for phase two of Trumpington Meadows has become clear with a view to taking "soundings" on process, boundary treatment and governance structure.

Background

3. The letter points to fundamental differences between the long established community in the parish of Haslingfield and the new community that is beginning to establish itself and grow at Trumpington Meadows.
4. The letter urges SCDC to undertake a CGR "at the appropriate time" with a view to creating a new parish and parish council at Trumpington Meadows.

Considerations

5. (i) Section 93 of the 2007 Act allows the Council to decide how to undertake a CGR provided that it complies with the duties specified in the 2007 Act namely undertaking consultation; reflecting identities and interests of the community; governance arrangements must be effective and convenient; and the Council must take into account existing/potential arrangements and also representations made.

(ii) Under existing regulations, a CGR once started must be completed within 12 months. DCLG is considering reducing the time frame and making other changes to the CGR process. A key feature of any CGR is consultation with local residents/electors but this is difficult to do when attempting to put in place a governance structure for a new community which has barely started.

(iii) An added complexity is the fact that Trumpington Meadows crosses the District/City boundary with the early phases of development concentrating on the City

side. To date approximately 110 houses are occupied on the City side and 0 houses occupied on the District side. The new Primary School and Community Facility, which is on the District side is well advanced and completion of the building is expected early in July 2013, with the school formally opening for children in September 2013, and the Community Facility available for community use at the same time.

(iv) Trumpington Meadows is just one of several new communities which will cross the District/City boundary. Each so called "Fringe Site" will require a CGR at the appropriate time and each CGR will have to have regard to local sensitivities regarding boundary treatment, process and structure. This is borne out in the letter from Haslingfield Parish Council and is likely to be echoed in future CGRs concerning the proposed new communities at Wing, Darwin Green and Northstowe.

Implications

6.	Financial	If a CGR is to be undertaken there will be associated costs of publicity and consultation which need to be met by the Council. It is not possible to quantify those costs at this stage.
	Legal	Compliance with the 2007 Act and associated guidance will help avoid challenge to the process or the outcome.
	Staffing	It is expected that a CGR can be carried out within existing staff resources in community and legal.
	Risk Management	None
	Equal Opportunities	None

Consultations

7. None at this stage of the process.

Background Papers: the following background papers were used in the preparation of this report:

Letter from Haslingfield Parish Council dated 13th February 2013

Contact Officer: David Lord
Senior Lawyer

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee

20th June 2013

AUTHOR/S: Monitoring Officer

UPDATE ON CODE OF CONDUCT COMPLAINTS**Purpose**

1. To update members on complaints cases regarding alleged breaches of the code of conduct.

2. **RECOMMENDATIONS:**

That the Civic Affairs Committee **note** the progress of outstanding complaints.

3. **Complaint cases concluded since last meeting:**

- (a) **CORCOM 221**

This complaint was made by a member of public (a former parish councillor) about a district councillor. The complainant alleged a number of breaches of the code of conduct. The complaint has now been discontinued.

4. **New complaint cases/cases outstanding at 11th June 2013**

- (a) **CORCOM 346**

This complaint was made by a parish councillor about a district councillor. The complainant alleges a number of breaches of the code of conduct. Correspondence has been taking place between the parties via the Monitoring Officer in relation to this complaint. A connected complaint has been made to the Information Commissioner and the complainant wishes to await the outcome of this before proceeding with the conduct complaint.

- (b) **CORCOM 574**

The complaint was made by a district councillor about two other district councillors in relation to the publication of a party political leaflet. Responses are currently awaited before the evidence will be considered by the Monitoring Officer and Independent Person so that a decision on how to proceed can be taken.

- (c) **CORCOM 575**

The complaint was made by a district councillor about two other district councillors in relation to a matter concerning assistance to a parish council. Responses are currently awaited before the evidence will be considered by the Monitoring Officer and Independent Person so that a decision on how to proceed can be taken.

5. **Other complaints**

The Monitoring Officer has also investigated a complaint from a former councillor about a district councillor in relation to behaviour just prior to the county council elections and found that no action needed to be taken.

The Monitoring Officer is currently advising in relation to on-going conduct-related issues at a number of parish councils.

BACKGROUND PAPERS: Localism Act 2011
SCDC Code of Conduct Complaints procedures

Contact Officer: Fiona McMillan
Monitoring Officer
Telephone: (01954) 713027

**Protocol between Cambridgeshire/ Peterborough Monitoring Officers
and Cambridgeshire Police**

Purpose

Under section 34 of the Localism Act 2011, the Government has introduced some new summary offences, relating to elected and co-opted Councillors' failure to disclose / register and participate in meeting where they have certain interests (termed Disclosable Pecuniary Interests –“DPI”). These are detailed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 [no.1464].

Section 34 of the Localism Act 2011 came into force on 1 July 2012, following The Localism Act 2011 (Commencement Order no.6 and Transitional Savings and Transitory Provisions) Order 2012 [no.1463].

Prosecution of such offences is by the Police (by virtue of s34(5)), therefore the parties have agreed a Protocol relating to the reporting / information sharing for potential criminal offences arising under section 34 Localism Act 2011. The relevant legislation is appended at A.

- 1) In the event that the Monitoring Officer receives a complaint regarding a potential DPI offence they will make immediate contact with the Police through the nominated single point of contact (see Appendix B for named Police contact).
- 2) Similarly if the Police receive a complaint from a member of the public they will inform the relevant Monitoring Officer of the receipt of that complaint (each Authority will be responsible for providing up to date contact details of their appointed Monitoring Officer from time to time – See Appendix B for named Monitoring Officer contact).
- 3) Cambridgeshire Police will register the complaint and will advise the relevant Monitoring Officer. The Police will conduct an initial assessment of the complaint and may approach the relevant Monitoring Officer for background information on the complaint.
- 4) If Cambridgeshire Police decides not to prosecute in the public interest, they may consider less formal action, such as a warning. Following consideration of the matter, the Police shall confirm their decision and any action or prospective action on the matter to the relevant Monitoring Officer.
- 5) The Cambridgeshire Police and Monitoring Officers shall keep this Protocol under review on a 2 yearly basis.

Signatories

**Protocol between Cambridgeshire/ Peterborough Monitoring Officers
and Cambridgeshire Police**

Signed on Behalf of Cambridgeshire Police

Signed on Behalf of East Cambridgeshire District Council

Signed on Behalf of Huntingdonshire District Council

Signed on Behalf of South Cambridgeshire District Council

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**Appendix A
Extract of Localism Act 2011**

30 Disclosure of pecuniary interests on taking office

(1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.

(2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.

(3) For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either—

- (a) it is an interest of M's, or
- (b) it is an interest of—
 - (i) M's spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,

and M is aware that that other person has the interest.

(4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

31 Pecuniary interests in matters considered at meetings or by a single member

(1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—

- (a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,
- (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and

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(c) is aware that the condition in paragraph (b) is met.

(2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).

(3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not—

(a) participate, or participate further, in any discussion of the matter at the meeting, or

(b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

(5) In the case of a relevant authority to which [Part 1A](#) of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.

(6) Subsections (7) and (8) apply if—

(a) a function of a relevant authority may be discharged by a member of the authority acting alone,

(b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and

(c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).

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(10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.

(11) For the purpose of this section, an interest is “subject to a pending notification” if—

(a) under this section or section 30, the interest has been notified to a relevant authority's monitoring officer, but

(b) has not been entered in the authority's register in consequence of that notification.

32 Sensitive interests

(1) Subsections (2) and (3) apply where—

(a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

(2) If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).

(3) If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

33 Dispensations from section 31(4)

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

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- (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if it is an authority to which [Part 1A](#) of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

34 Offences

(1) A person commits an offence if, without reasonable excuse, the person—

- (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
- (b) participates in any discussion or vote in contravention of section 31(4), or
- (c) takes any steps in contravention of section 31(8).

(2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years—
- (a) after the commission of the offence, or
 - (b) in the case of a continuous contravention, after the last date on which the offence was committed.
- (8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (9) The [Local Government Act 1972](#) is amended as follows.
- (10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “2000” insert “or [section 34](#) of the Localism Act 2011”.
- (11) In section 87(1)(ee) (date of casual vacancies)—
- (a) after “2000” insert “or [section 34](#) of the Localism Act 2011 or”, and
 - (b) after “decision” insert “or order”.
- (12) The [Greater London Authority Act 1999](#) is amended as follows.
- (13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—
- “(ia) under [section 34](#) of the Localism Act 2011,”.
- (14) In section 9(1)(f) (date of casual vacancies)—

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- (a) before “or by virtue of” insert “or [section 34](#) of the Localism Act 2011”, and
- (b) after “that Act” insert “of 1998 or that section”.

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**Appendix B
Monitoring Officer/ Police Contacts**

Detective Inspector 592 Dominic Human (Police)
email: dominic.human@cambs.pnn.police.uk ; tel: 01733 863120

Jeanette Thompson (East Cambridgeshire District Council)
email: jeanette.Thompson@eastcambs.gov.uk ; tel: 01353 665555

Colin Meadowcroft (Huntingdonshire District Council)
email: Colin.Meadowcroft@huntingdonshire.gov.uk ; tel: 01480 388021

Fiona McMillan (South Cambridgeshire District Council)
email: fiona.mcmillan@scambs.gov.uk ; tel: 01954 713027

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