



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE
MEETING
HELD AT 6:00PM, ON
MONDAY, 22 NOVEMBER 2021
SAND MARTIN HOUSE, PETERBOROUGH**

Present: Councillors Fitzgerald (Chair) Bashir (Vice-Chair), Allen, Simons, Jamil, Jones and Sandford

Officers in Attendance: Dan Kalley, Senior Democratic Services Officer
Fiona McMillan, Director of Law and Governance and Monitoring Officer
Sue Proctor, Executive and Members Services Manager
Pete Carpenter, Director of Corporate Resources
Pippa Turvey, Democratic and Constitutional Services Manager
Rachel Edwards, Head of Constitutional Services

Also in Attendance:

11. APOLOGIES FOR ABSENCE

There were no apologies of absence received.

12. DECLARATIONS OF INTEREST

There were none.

13. MINUTES OF THE MEETING HELD ON 14 JULY 2021

The minutes of the meeting held on 14 July 2021 were agreed as a true and accurate record.

14. UPDATE ON BUDGET CONTROL AND PROCESS

The Constitution and Ethics Committee received a report in relation to an update to the terms of reference with regards to budget control and processes.

The Corporate Director Resources introduced the report and stated that this was the updated framework to take into account the new Financial Sustainability Working Group. These terms of reference were to make the workings of the group as open and transparent as possible. All parties

played a vital role in providing financial sustainability for the Council. The membership of the group was based on equity of numbers across all political parties on the Council. Cabinet would look at all proposals from the working group even if they were not voted on unanimously by the group. One change that had been made was to remove the word coalition and replace with partnership.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to approve the updated Budget Policy Framework Procedure Rules, as outlined in Appendix A and recommends these to Council for approval.

5. UPDATE TO CIVIC PROTOCOL

The Constitution and Ethics Committee received a report in relation to updates to the Civic Protocol.

The Head of Constitutional Services introduced the report and stated that this was a general update as this had not been considered for some time. Some of the changes related to making the titles in the protocol gender neutral, along with changes to officers job titles to reflect the current restructure. Members were informed that there were updates to the civic procession orders and some amendments to buildings, such as Sand Martin House, which were now being used for civic purposes. Also included in the report was the Honours Panel procedures and rules as this had not been written down in the constitution before and it was considered important to do so. This panel was cross party and considered awards such as the Freedom of the City, Honorary Alderman and a number of other civic awards. Attached to the report was also the criteria used to decide whether a previous member qualified for Alderman status.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- There were some grammatical errors within paragraph 3.2, including the need for a full stop or comma in order for this to be understandable. There was information around other authorities' events and these were agreed to be removed.
- It was agreed at paragraph 6.2 to amend the wording so that it now read the Deputy Mayor will also be invited to attend to the same events. It was not compulsory for the Deputy Mayor to attend all events.
- An exercise had been carried out to see a car was needed for the Mayor to be taken to events. The results showed that it would cost more to use taxis or other forms of transport. The Council was aware of the need to make a difference to its carbon footprint and a decision was taken to lease an electric vehicle.
- Full Council made the final decision as to whether to award the Freedom of the City to any person, or award Honorary Alderman status to any former Councillors. Although it had seemed a largely historic tradition, the Local Government Act 1972 allowed Councils the power to make such awards as a way of members recognising

past service. It was argued that there had been occasions in the past where it was felt some members did not deserve this status.

The Constitution and Ethics Committee considered and **RESOLVED** (6 for, 1 abstain) to recommend to Full Council the adoption of the updated Civic Protocol subject to some alterations and the inclusion of the Honour Panel criteria and Honorary Alderman criteria.

16. CONSTITUTION AND ETHICS COMMITTEE START TIME 2022/23

The Constitution and Ethics Committee received a report in relation to the start time of the Constitution and Ethics Committee in 2022/23.

The Senior Democratic Services Officer introduced the report and stated that the committee had met at 6pm for the past few years, however it was up to the committee to decide their start time for the next municipal year.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to recommend to Full Council the proposed start time at 6pm.

17. FULL COUNCIL MOTIONS PROCESS REVIEW

The Constitution and Ethics Committee received a report in relation to the process of motions that are submitted to Full Council.

The Democratic and Constitutional Services Manager introduced the report, which had two elements to it and had been referred to committee from Group Leaders.

The first part of the report related to when motions were shared with other Councillors. At the current time the constitution only required motions to be shared at the same as the publication of the agenda. Members were asked on a one-to-one basis whether they would be willing to share their motions in advance of this deadline. The committee were being asked for their views as to whether to keep the arrangements, put in place an informal arrangement, or to formalise an arrangement and for this to be included in the constitution.

The second part of the report related to a review on motions, along with reviewing how the process had been working in relation to motions with major implications.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- There was a view that it would be helpful to add wording to the Council's Constitution around a procedure for sharing motions. It was felt that there was no legitimate reason why the mover of a motion would not want this to be seen by all Councillors as soon as possible. This would help with the transparency of motions and allow members the opportunity to comment on these earlier and to make improvements. Other members felt that an informal arrangement was better where individual councillors were encouraged to share

wording as soon as possible but ultimately they could decide whether to share their motions or not.

- There needed to be a balance struck between allowing members to formulate motions with major implications and allowing officers enough time to review these and suggest changes. The current draft deadline of 21 days before the meeting was too far in advance. It was argued that the deadline for motions with major implications should be brought in line with the deadline for other motions which was 14 days before the meeting.
- Officers had welcomed the deadlines for motions with major implications as this allowed directors and senior officers the required time to look at the implications of the motion and liaise with the mover of the motion on suggestions or changes. This had in turn improved the quality of motions being presented.
- Members questioned what happened to motions once they had been agreed. There was currently no information shared with members on the status of a motion once Full Council had agreed it. Officers agreed to pick up on the issue and find ways of circulating this information to all Councillors.
- Pick up with lead officers how this gets reported. JMT receive a motions tracker and they can see what is happening. Can be circulated to members as an action point.
- Having better quality motions allowed the Full Council meetings to run through the business on the agenda in a more orderly fashion.
- It was important for members to explore other potential routes for their motion, for example seeing if there was a committee that could deal with the motion rather than having to go to Full Council.
- It was agreed that this would be reviewed in six months' time, to see whether it was working.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to agree.

1. To keep the current process for sharing motions on an informal basis depending on whether the member agreed to share their motion before publication
2. To review again in six months' time the 'Motions with Major Implications' within Council Standing Orders and make any relevant recommendations at that point.

18. DISPENSATIONS ISSUES

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note that there had been no dispensations granted since the last meeting

19. UPDATE ON NATIONAL ISSUES – PARISH COUNCIL TRAINING

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note that there had been training provided to Parish Councils on the LGA model code of conduct.

20. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE FEBRUARY 2021

The Constitution and Ethics Committee received an update report on the code of conduct complaints received by the Monitoring Officer since the last meeting in July 2021.

Members were informed that there had been no new complaints made against Councillors since the last report in July. There were still a number of Parish Councillor complaints being investigated and two new Parish Councillor complaints had been received.

Officers agreed to re-circulate to members the confidentiality guidance that was agreed by committee at its first meeting in 2018, whereby the details of the Councillor would be kept confidential until the investigation had been completed before this information would be made available publicly.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in July 2021.

21. WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

The Constitution and Ethics Committee received a report in relation to the Committee's Work Programme for the Municipal Year 2021/22.

The Senior Democratic Services Officer introduced the report and confirmed that the work programme was up to date for the next municipal year and items could be added at any stage.

Members were informed that the recommendations made by CIPFA needed to be acted upon within a short timescale and these recommendations would be presented to Full Council on 16 December. There was no opportunity for the Constitution and Ethics Committee to review these at this time. However depending on the recommendations there might be further work for the committee in the future.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note the Committee's work programme as at 22 November 2021.

6:00pm – 7.10pm

Chairman