



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 7:00PM, ON
MONDAY, 28 JANUARY 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Present: Councillors Seaton (Chairman), Bashir, Allen, Smith, Murphy, A Iqbal, Sandford

Officers in

Attendance: Pippa Turvey, Democratic and Constitutional Services Manager
Dan Kalley, Senior Democratic Services Officer
Rachel Edwards, Head of Constitutional Services
Amy Brown, Senior Lawyer Litigation and Deputy Monitoring Officer

Also in

Attendance:

21. APOLOGIES FOR ABSENCE

There were no apologies received.

22. DECLARATIONS OF INTEREST

Councillor Murphy declared a personal interest in item 10 by virtue of having previously been the subject of a complaint.

23. MINUTES OF THE MEETING HELD ON 29 OCTOBER 2018

The minutes of the meeting held on 29 October 2018 were agreed as a true and accurate record.

24. FULL COUNCIL DEBATES ON MOTIONS AND RECOMMENDATIONS

The Constitution and Ethics Committee received a report in relation to Full Council debates on motions and recommendations. The report highlighted the potential impact to changes to the way motions were debated at Full Council meetings.

Councillor Sandford, as the proposer of the recommendation introduced the report and explained that one of advantages of the Constitution and Ethics Committee was to look at Council procedures and challenge them.

The proposal before the committee was a significant change to the way motions were debated, however these changes were designed to make debate easier for Councillors and the public watching. In particular the committee were informed that the proposals would make debates on the budget simpler and allow members to debate the budget as a whole, instead of getting lost on debating small amendments. This process would allow the proposer of the motion and all amendments to be debated as one. At the conclusion the person proposing the original motion would be afforded the opportunity to sum up everything that had been debated.

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

- The process currently being used was confusing, however the proposed structure could lead to a freefall on debate. It was more about members being disciplined when it came to debate motions and amendments, ensuring they understood what they were discussing and debating.
- Members were currently struggling to understand the motion process, especially around debating issues that were not part of an amendment and missing the opportunity to then debate the substantive motion. It was important that political groups focused more during debate.
- There were some potential governance issues that would need to be thought through and resolved. A structure and process would need to be drawn up to see if the proposals could be incorporated into the Council's standing orders.
- An issue that also needed to be looked at was the timings for submitting motions and amendments to motions. It was argued that the current timescales were cumbersome and not beneficial to assisting members and officers in being able to identify amendments to motions and trying to get these resolved. It was stated that the Mayor still had the power to accept late amendments on the day of the meeting.
- It was suggested that there was also an issue around alterations to motions as the current timeframes did not allow opposition parties the chance to propose amendments to any alterations.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) that the monitoring officer reviews current practices and procedures around Council business, particularly around amendments and alterations to motions and reports back to the Constitution and Ethics Committee with any suggested amendments to standing orders to reflect this and take forward.

25. MOTION ON CODE OF CONDUCT - COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Constitution and Ethics Committee received a report in relation to a motion agreed at Full Council with regards to the Council's Code of Conduct and the Committee on Standards in Public Life.

Councillor Seaton introduced the report and explained that it had gone to Full Council. The basis of the motion was around members breaching the Council's Code of Conduct, for which the remedies were minimal. It was suggested that the Council needed more powers to suspend Councillors, without allowances should the breach be severe enough.

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

- There was currently a system whereby independent third parties carried out investigations into potential breaches of the Code of Conduct.
- Local authorities were limited by regulation as to what punishments could be enforced.
- It was suggested that better induction and reinforcement around public office might achieve better behaviour.
- It was important to remember that the old Standards Board was cumbersome and time consuming. It opened up a number of complaints that needed to be investigated which were both unnecessary and a waste of Council resources.
- If there were any serious breaches of the Code of Conduct then there were criminal sanctions, in addition there was recourse for any data protection breaches.

- It was prudent to wait for the report from the Committee on Standards in Public Life before any further report was brought back to the committee.
- There were concerns that the new social media policy for Councillors had not been fully adhered to. It was important members were aware of the responsibilities when using social media.
- Members needed to understand that there were in a position of responsibility and that they needed to act in a more professional manner.
- It was important that training and inductions for new Councillors focused on the Nolan principles.
- The Council would only use investigatory services when there was such a serious breach of the code.
- It was debatable as to whether the Council's social media policy had sufficiently addressed concerns over members use of social media.
- Members were informed that the report from the Committee on Standards in Public Life would be published on 30 January 2019.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note the report and receive an updated report on the proposals set out by the Committee on Standards in Public Life at the next meeting.

26. TEMPLATE SUBMITTING MOTIONS TO FULL COUNCIL

The Constitution and Ethics Committee received a report in relation to a motion agreed at Full Council with regards to templates when submitting motions to Full Council.

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

- There was some useful points to the motion as submitted, however, if a motion was written the standing orders made it clear that it had to be relevant to Peterborough already.
- The constitution was already clear on a number of points as submitted by the motion. In terms of costing it was most likely beyond the capabilities of many members and even some officers would not be able to satisfactorily calculate the cost or saving to the Council.
- Although the motion was welcomed a number of motions submitted did not have any cost implications to them and it would be hard to try and quantify this.
- The motion was restrictive in terms of allowing members to make recommendations to Government on issues that only they had the power to enforce or change.
- There were a number of incidents whereby motions had been submitted around Human Rights, these should not be automatically discounted as was the possibility under the proposed motion.
- Further training for members might help them understand the processes and reasons for submitting motions and get them to start thinking of costs.
- It was important that any Councillor writing a motion needed to speak to the lead officer and highlight that the motion might have financial implications. Senior officers would then have a chance to input further into the motions and help members understand what was being asked of the Council.
- It was essential that members did not inundate officers with questions on motions as this was increasing their workload.
- It was essential that if officers were to assist members with motions that they checked to see if what was proposed was actually a function of Council or if it was a function of the Executive.
- It was important that new councillors received training on how to submit motions.

The Constitution and Ethics Committee considered and **RESOLVED** to recommend to Full Council (Unanimous) that:

1. Officers to provide training for new members on the procedure for submitting motions.
2. Points on relevance and remit of motions was covered by the current constitution and needed to be reinforced.
3. Costs to the Council from motions be kept under review and a further report brought back in 12 months time to the Committee.
4. Encourage Members to seek help from officers when drafting motions if needed.

27. MEMBER OFFICER PROTOCOL

The Constitution and Ethics Committee received a report in relation to updating the Council's Member Officer Protocol.

The Democratic and Constitutional Services manager introduced the report and explained that as the Member Officer Protocol had not been reviewed for a while it needed to be updated. Most of the changes were as a result of structural changes to the Council and it was important that the protocol reflected what the Council now focused on.

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

- There was no reference in the protocol for group representatives meetings for other Committee's on the Council outside of the scrutiny meetings.
- Although there was no group representative meeting for the Constitution and Ethics Committee there was a work programme which members could make suggestions towards. In addition this was as a standing item on the agenda at each meeting.
- The protocol had been updated to strengthen meetings between officers and group representative. It now made provision for group representatives to request briefings where applicable and ensured that officers would brief all groups if there were any significant changes.
- In practice Directors and Heads of Services were not meeting with group representatives on a regular basis. It was important not to stifle members from requesting briefings and the current wording allowed for this to happen.
- It was recommended that the following sentences be reinstated "The members should, in turn, ensure that they maintain contact with the relevant director/heads of service. Each should build up a regular working relationship with the other", keeping the deletion of the word regular.
- With regards to section 8 it was agreed that the following sentence change to read, "All final Cabinet or committee reports affecting their wards, sent by Cabinet/Scrutiny officers, who may submit written comments directly to the meeting".
- It was agreed that issues relating to the sharing issues with fellow Ward members would be brought back to a Committee in the future.
- It was acknowledged that Member Services had in the past helped send out letters on completed surveys. However this was no longer standard practice and there were no circumstances where this should be continued or used. It was proposed that this part of the protocol be deleted and this service cease. On a vote it was agreed to remove this section from the protocol (**For 4, 3 against**).

- It would be useful to know, In terms of the numbers of responses that Member Services had to process in acknowledging surveys.
- There might be circumstances where groups would want to make use of the secretariat services to assist in taking notes for confidential meetings, especially if senior officers were briefing a group on substantial changes that would affect the Council.
- The support that had been provided to backbench Councillors and opposition groups had substantially reduced over the years.
- Other local authorities had provided opposition groups with research assistants, however this had not been the case at Peterborough City Council for a number of years.
- There had always been support from Member Services and Democratic Services, which had been beneficial to new councillors.
- The Leader's office had only helped arrange meetings for Cabinet members, but had not been involved in any other ways to support day to day business.
- It was proposed that section 15.2 remain deleted as per the changes in the appendix. On a vote this was agreed (**For 3, 4 abstain**).
- In terms of section 15.1 it was agreed for the addition of the wording "where relevant" to be added to the end of the first sentence. In addition the word "must" to be replaced with "should".

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to agree to recommend to Full Council the updated Member/Officer Protocol subject to some minor alterations as agreed below:

- 1) The deletion of wording under section 14 'Support Services Provided for Members' in relation to acknowledging survey responses. (On a vote this was agreed 4 For, 3 Against)

28. PARISH COUNCIL - REGISTER OF INTERESTS

The Constitution and Ethics Committee received a report in relation to the register of interests with Parish Councils.

The Head of Constitutional Services introduced the report and explained that there were still 14 outstanding register of interest from Parish Councillors. The committee were asked if any further action needed to be taken.

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

- Training was important, Parish Councillors were often volunteers and did not fully understand their roles or responsibilities around governance.
- The Monitoring Officer had a statutory responsibility to keep a record of all Parish Council register of interests.
- It was incumbent on the clerk to take responsibility for getting members to complete the forms. However it was important that Peterborough City Council offered clerks training.
- In terms of training a quote had been received for £1250 for a few hours to train clerks on their responsibilities.
- It was agreed that for any outstanding issues that the Parish Council Association be written to, so as to ascertain any assistance they could offer.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to:

1. Note the report and that an update report be provided at the next meeting.
2. Agree that training be provided for Parish Clerks to better understand the responsibility for completing register of interest forms.

3. Agree that the Monitoring Officer contact the outstanding Parish Councillors to ascertain why the forms had not been completed.

29. UPDATE ON ISSUES OF NATIONAL INTEREST

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note that there had been no further updates of national interest.

30. DISPENSATIONS GIVEN

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note that there had been no dispensations given since October 2018.

31. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE OCTOBER 2018

The Constitution and Ethics Committee received a report in relation to current complaints that had been received by the Monitoring Officer since October 2018.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note the report.

32. 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 2018/19.

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

1. Note and agree the Work Programme for the municipal year 2018/19
2. Include an item on Standards in Public Life and the Code of Conduct once report published.
3. An update report on Parish Council register of interests.
4. A report on proposals looking at timelines for submitting motions and amendments and flowchart with procedure for debating motions at Full Council.

7:00pm – 8.45pm
Chairman