

PETERBOROUGH



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 7:00PM, ON
MONDAY, 29 OCTOBER 2018
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: Councillors Seaton (Chairman), Bashir, Allen, Smith, Murphy, Amjad Iqbal, Sandford

Officers Present: Fiona McMillan, Director Law and Governance and Monitoring Officer
Rachel Edwards, Head of Constitutional Services
Pippa Turvey, Democratic and Constitutional Services Manager
Amy Brown, Senior Lawyer and Deputy Monitoring Officer

10. APOLOGIES FOR ABSENCE

There were no apologies received.

11. DECLARATIONS OF INTEREST

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

12. MINUTES OF THE MEETING HELD ON 9 JULY 2018

The minutes of the meeting held on 9 July 2018 were agreed as a true and accurate record.

13. COUNCIL MEETINGS – TIMINGS AND STANDING ORDERS

The Constitution and Ethics Committee received a report in relation to the time limits set in place motions and questions to be discussed at meetings of Full Council. The report highlighted changes to the Council Standing Orders, including a proposal to allow Members to sit when addressing the Mayor.

The Director of Law and Governance introduced the report and explained that a number of options were put before Members in order to better manage the timing of Full Council meetings to ensure that motions were considered fully. What action was taken would depend on which part of Council debate was valued by Members.

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

- It was commented that at the most recent Full Council meeting a high number of motions had been received, however, the usual number of motions was around three or four per meeting.
- Concern was raised as to where the proposals had originated and whether they would curtail the powers of opposition parties to hold the administration to account.
- It was suggested that the time spent on motions was not the main problem, but the time spent in the lead up to motions.
- An idea was raised to bring forward the start time of Full Council meetings from 7pm to 6pm, which would, in turned, alter the guillotine cut off from 11pm to 10pm.

- Further comment was made that Members were aware of the unsociable hours of meetings when they were elected.
- It was felt that several motions brought to Full Council at recent meetings were not dealt with in the appropriate forum. Motions should deal with the most important issues only.
- It was noted that however early Council meetings started, Members would continue to discuss items at length due to the public nature of the meetings.
- Some Members felt that there were other opportunities to ask questions of Cabinet Members outside of the Council meeting. It was further commented, however, that often Members wished to air their questions at a public meeting to hold Cabinet Members publically accountable.
- Suggestion was made that the matter of amended the start time of Council be put to all Members to canvas opinion.
- In relation to the matter of standing when addressing Full Council, Members felt that it helped the public identify speakers.
- Concern was also raised as to how attention would be drawn to points of order if Member remained seated.
- Attention was drawn to the proposal to provide only written responses to ward specific questions, where it was often more appropriate for officers to respond.

The recommendation in relation to amending the Council's Standing Orders to include a time limit on the debate of motions on notice to not exceed 30 minutes per motion and to reduce the entire time for motions on notice to two hours was not moved.

A vote was taken (4 voted in favour, 3 voted against, 0 abstain from voting) and the Constitution and Ethics Committee **RECOMMENDED** that Full Council amend the Council's Standing Orders to reflect that questions at Council were to relate to broader council matters. Questions relating to Ward specific issues would receive a written response and be published as part of the minutes.

The recommendation to amend the Council's Standing Orders to include a 20 minute time limit allocated to Questions on Executive Decisions was not moved.

A vote was taken (1 voted in favour, 6 voted against, 0 abstain from voting) to recommend that Full Council amend the Council's Standing Orders to allow Members to remain seated while addressing the Chairman. The recommendation was **DEFEATED**.

A vote was taken (unanimous) and the Constitution and Ethics Committee **RECOMMENDED** that Full Council note that these changes would take effect at the following meeting.

AGREED ACTION

The Constitution and Ethics Committee agreed (unanimous) that a survey be undertaken with all Elected Members to seek their opinion on amending the start time of Full Council from 7.00pm to 6.00pm, with the guillotine to be triggered after four hours at 10.00pm with the results to be reported back to the next meeting.

The Constitution and Ethics Committee agreed (unanimous) that an item be added to the work programme in relation to the Full Council debate procedure for motions and amendments.

14. PETITIONS SCHEME – MATTERS THAT CAN BE DEALT WITH

The Constitution and Ethics Committee received a report in relation to Peterborough City Council's Petition Scheme. In particular the report covered the suggestion to require petitions to relate to business within the Council's remit of matters impacting residents. The report also requested the Committee to consider the petition debate thresholds and the impact of purdah on debates.

The Director of Law and Governance introduced the report and explained that a change was proposed in order to ensure that petitions discussed related to Council functions or affected residents. It was further put to Members whether threshold levels should be changed and how to deal with the implications of purdah.

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

- Members were generally happy with the inclusion of additional criteria, though it was noted that it was not felt that any petition had been received as of yet that was outside of the Council's remit.
- In relation to the thresholds it was noted that that the 5% recommended by the Local Government Association for triggering debate at Council was for the maximum threshold.
- It was not felt that the Council had been inundated with requests to debate petitions at meetings of Council.
- Members did not wish to hold special Council meetings for petitions.
- Discussion was had around the impact of Purdah on the debate of petitions. Some Members felt that the debate of petitions were being delayed due to Council meetings being cancelled during the Purdah period.
- Comment was made that 'business as usual' was permitted with the Purdah period, with restrictions being placed on Council publications only. Therefore, it was acceptable that petitions still be considered, as no advantage would be given to any particular candidate.
- Comment was made that seeking external legal advice may be appropriate.
- The Director of Law and Governance advised that the view was taken not to debate the particular petition in question during Purdah, due to the association of the lead petitioner with a particular party.
- It was suggested that, where the debate of a petition was urgent, this could be permitted at an Annual Council meeting to avoid undue delay.

A vote was taken (unanimous) and the Constitution and Ethics Committee **RECOMMENDED** that Full Council amend the Petitions Scheme and Council Standing Orders to allow urgent petitions to be considered at the Annual Council meeting.

A vote was taken (6 voted in favour, 0 voted against, 1 abstained from voting) and the Constitution and Ethics Committee **RECOMMENDED** that Full Council adopt the updated Petitions Scheme as set out in Appendix 1 to the report.

A vote was taken (unanimous) and it was **RESOLVED** that the Constitution and Ethics Committee agreed to maintain the current petition threshold levels for debate at Council (500 signatures), Cabinet (50 signatures), and Scrutiny (50 signatures).

15. WHISTLE BLOWING POLICY

The Constitution and Ethics Committee received a report in relation to Peterborough City Council's Whistle Blowing Policy and which Committee should be responsible for overseeing it.

A vote was taken (unanimous) and the Constitution and Ethics Committee **RECOMMENDED** that Full Council amend the constitution to pass the delegated

responsibility for the council's whistleblowing policy and oversight from the Constitution and Ethics Committee to the Council's Audit Committee.

16. CIVIC PROTOCOLS - UPDATE

The Constitution and Ethics Committee received a report in relation to proposed updates to Peterborough City Council's Civic Protocols.

The Director of Law and Governance introduced the report and explained that the policy had been reviewed for the first time in several years and a range of minor tweaks had been proposed.

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

- It was noted that the wording around the Mayor or Mayoress' companion was not as flexible as it should be.
- Comment was made that in a number of areas informal language had been used within the protocol, which should be amended.
- Members noted that the Protocol set out two different areas that expenses could be claimed against.

A vote was taken (unanimous) and the Constitution and Ethics Committee **RECOMMENDED** that Full Council agree the updated Civic Protocols as attached at Appendix 1 to the report, subject to the correction of typographical errors and the alteration of wording around companions to the Mayor to refer to male companions as 'Consort' and female companions as 'Mayoress'.

INFORMATION ITEMS

17. DISPENSATION ISSUES

There were no reported dispensations given.

18. UPDATES ON NATIONAL ISSUES

The Director of Law and Governance informed the Constitution and Ethics Committee about two recent cases. One related to a Member at Rutland County Council who was charged with a criminal offence after posting racist and malicious comments on Facebook regarding Diane Abbott and Theresa May.

The second case related to the former chairman of the planning committee at Westminster Council, who had declared 530 instances of gifts and hospitality over three years. In this time 41 cases had been heard by the committee where recommendations from officers were overturned, in 6 instances after having provided the Chairman with a gift. This raised the issue of perception by the public.

The Constitution and Ethics Committee then discussed the provision of refreshments following Full Council meetings, which had been reduced to tea and coffee as part of recent budget savings. It was suggested that, should Members wish to pay for additional refreshment, this may be offered. It was requested that the general opinion of all Members be sought.

AGREED ACTION

The Constitution and Ethics Committee agreed (unanimous) that it be suggested to the Mayor whether food and refreshment be reinstated after meetings of Full Council, for a contribution from Members.

19. REPORT ON CODE OF CONDUCT ISSUES

The Constitution and Ethics Committee received a report in relation to conduct complaints against Members of Peterborough City Council or Parish Councillors received or being processed by the Monitoring Officer.

The Director of Law and Governance introduced the report and explained that no new complaints had been received. There was one outstanding issue, where an alternative resolution had been agreed but yet to be implemented. Furthermore, one ongoing City Council complaint had proceeded to a hearing stage, which would be arranged shortly.

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

- It was clarified that the formal hearing process involved a panel of 3 Members and would be held in public.
- A query was raised as to why an apology had been received following an agreement reached in May 2018. It was suggested that the Monitoring Officer write to the relevant Group Leader for them to follow their own internal process.
- Members noted that Groups often had different lead contacts for complaints procedures. Additionally, some Members were not part of a group and, therefore, this process would not be appropriate.
- It was suggested that the matter be raised with the Member who had failed to apologise.
- It was noted that central Government were reviewing the local authority complaints process and that the Committee should revisit this area once the Government's findings were available.

A vote was taken (5 voted in favour, 0 voted against, 2 abstained from voting) and it was **RESOLVED** that the Constitution and Ethics Committee requested that, in relation to the complaint with an outstanding apology, the Monitoring Officer seek the apology once more and if it was not forthcoming she should write to the appropriate person within the relevant Political Group to raise the issue and recommend that appropriate Group action be taken.

20. WORK PROGRAMME

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 debated the report and in summary the key points raised and responses to questions included:

- The meeting in January could be rescheduled to the 28 January, however, this would mean that it would miss the deadline date for referring matters to the January Full Council meeting. Matters would instead be referred to the March Full Council meeting.
- It was noted that the Committee had already agreed an action to add an item to the work programme in relation to the Full Council debate procedure for motions and amendments.

A vote was taken (unanimous) and it was **RESOLVED** that the Constitution and Ethics Committee:

1. noted and agreed the Work Programme for the remained of the municipal year 2018/19, subject to the addition of an item on Full Council debate on motions and amendments, and
2. agreed to change the meeting in January from 7 January 2019 to 28 January 2019, to allow reports to be ready following the Christmas shutdown.

7:00pm – 8:37pm

Chairman