

PETERBOROUGH



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 7:00PM, ON
MONDAY, 11 MARCH 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
Fiona McMillan, Director of Law and Governance and Monitoring Officer
Amy Brown, Senior Lawyer Litigation and Deputy Monitoring Officer

Also in

Attendance:

33. APOLOGIES FOR ABSENCE

There were no apologies received.

32. DECLARATIONS OF INTEREST

There were none.

33. MINUTES OF THE MEETING HELD ON 28 JANUARY 2018

The minutes of the meeting held on 28 January 2018 were agreed as a true and accurate record save for the deletion of the following:

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

34. OFFICER EMPLOYMENT RULES

The Constitution and Ethics Committee received a report in relation to the updates to Officer Employment Rules.

The purpose of the report was for the Committee to agree the updated officer employment rules to ensure they accurately reflected the ways of working for officers of the Council.

The Director of Law and Governance introduced the report and made reference to shared working agreements with Cambridgeshire County Council

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

- It was confirmed that this had been consulted on.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note and agree the proposed revisions to the Officer Employment Rules (Part 4 Section 9 of the Constitution).

35. LOCAL GOVERNMENT ETHICAL STANDARDS

The Constitution and Ethics Committee received a report in relation to the local government ethical standards.

The purpose of the report was to update the Committee on the Committee on Standards in Public Life report published on 30 January 2019 and to obtain the views of the Committee and to initiate any revisions to the Constitution, Member's Code of Conduct and any associated guidance.

The Director of Law and Governance and Monitoring Officer introduced the report and explained that a separate summary document had been drawn up as next steps should the Committee agree. It was important to wait for the outcome nationally before deciding what to do locally. The Local Government Association (LGA) was looking at amending their current code of conduct model. A meeting of other monitoring officers across other authorities in Cambridgeshire were to look at sharing a code of conduct so that it was easier for those who sat on multiple authorities to adhere to one code. A number of recommendations were dependent on the government changing the legislation.

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

- There may be a model code of conduct that the Council could look at once the LGA had published their new model.
- There were no surprises in the report, most next steps were to wait and see unless there was anything the Council could implement at this stage. By waiting for further guidance this would allow officers to see any elements that could be incorporated.
- There was a sense that sanctions were not strong enough and this came through in the report, however the LGA believed that the sanctions were adequate.
- It was worth looking at public disclosure around home addresses and the reasons why this information could be kept off the Council's website.
- It was important that the Council kept an overview of any cases of Councillor's being the subject of bullying. If anyone had suffered any bullying they could present information to the monitoring officer.
- A key argument would be around sanctions in upheld complaints.

It was essential that the Council awaited the Government response and the final response from the LGA. The Monitoring Officer was to liaise with other local authorities to keep any proposed changes and recommendations under review.

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

1. Note the recommendations contained within the Committee on Standards in Public Life ("CSPL") report on Local Government Ethical Standards; and
2. Agree that once the model code of conduct has been revised to request the Monitoring Officer to revise the Members' Code of Conduct, Constitution, Hearings Procedure and Guidance as necessary to bring in to effect the required changes; and
3. To present the proposed revisions to the Constitution & Ethics Committee for consideration and recommendation to Full Council for approval as required.

36. AMENDMENTS TO COUNCIL STANDING ORDERS

The Constitution and Ethics Committee received a report in relation to proposed amendments to the Council's standing orders.

The purpose of the report was for the Committee to consider amending the Council's standing orders in relation to deadlines for motions and amendments to be received by Full Council.

The Democratic and Constitutional Services Manager introduced the report and stated that report stemmed from debate at the previous meeting. There were three areas to consider, namely around motions and amendment deadlines, the scope of amendments and motions procedure.

It was proposed that there be a shift forward in time in the stage of drafting motions to enable officers to assist members more effectively in drafting motions.

There was no scope within the constitution around questions from members. It was proposed that the scope outlined for questions from members of the public be copied for this purpose.

A flow-chart had been created to show members the flow of debate around motions and proposed amendments when being debated at Full Council.

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

- In terms of the order of debate, having this set out in graphical form was helpful and made the process clearer. People would only be allowed to speak on one occasion, whether this be the original motion or the amendment.
- It was surprising to see that the scope for questions from members was no longer in the constitution. It was likely to have slipped out when the constitution was re-drafted.
- There was concern around amendments to motions and the lack of time given to groups to write coherent amendments. The proposed timescale would not fit in with group meetings, creating more pressure on members to draft amendments without these being seen by the rest of the group.
- There was an argument that members needed to work more collaboratively when sharing amendments to motions, allowing officers and cabinet members the opportunity to input at an earlier stage.
- In terms of the amendments to motions flow-chart for debate it was agreed that the seconder of the amendment would be allowed to speak before the seconder of the original motion. It was agreed that this would be updated before being presented to Full Council.
- The new deadlines would help the monitoring officer deal with motions if they were received earlier, especially with the joint role with Cambridgeshire County Council who had Full Council meetings around the same time as Peterborough.
- The new motions procedure would help streamline debate around the budget at Full Council, allowing for other business to be debated.

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

1. it be agreed to amend the Constitution at Part 4 Section 1 Standing Orders to:
(4 for, 3 abstain)

a) reflect the revised Council motion and amendment deadlines:

- Draft Motions - 10.00am, 9 clear working days before the meeting
 - Final Motions - 10.00am, 7 clear working days before the meeting
 - Draft Amendments - 12 noon, 3 clear working days before the meeting
 - Final Amendments - 12 noon, the day before the meeting b) include a section on 'Scope of questions' in relation to questions from Members, as set out in paragraph 4.2.2 of the report. (For 6, 1 against)
2. it be agreed to amend the Constitution at Part 4 Section 1 Standing Orders to allow for motions and amendments to be debated together, as set out in paragraph 4.3.4 of the report, subject to mover and amendment switching order as per 4.3.4 (For 5, 2 abstain)
 3. Training to be given if agreed at Full Council (Unanimous)

37. SOCIAL MEDIA POLICY

The Constitution and Ethics Committee received a report in relation to the Councillors Social Media Policy.

The purpose of the report was to seek approval from the Committee to formalise a social media policy.

The Director of Law and Governance introduced the report and explained that the guidance had been circulated in March and in October 2018. This was now going to be circulated on a more formal basis.

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

- It was really good that the Council had a policy around this.
- It was up to Councillors to not use social media excessively during Full Council meetings. This had led to a number of complaints from members of the public who perceived Councillors as not focusing at meetings.
- It was important that opposition Councillors had the opportunity to criticise and hold the administration to account.
- At the current time comments made by Councillors on their private social media pages were not within the scope of acting as a Councillor. However it was important the Councillors were aware that comments of their own personal nature should only be made on private accounts.
- The issue around enforcing the code depended on potential changes that were required to the Localism Act.
- It was agreed that the word recommended that Councillors do not make excessive use of social media allowed for Councillors to be able to post to their constituents during meetings.

The Constitution and Ethics Committee considered and **RESOLVED** to:

1. agree the Social Media Code with additional recommendations as agreed by the Committee. (For 6, 1 abstain)
2. issue the Social Media Code to all members of the Council with immediate effect.

38. PETITIONS SCHEME UPDATE

The Constitution and Ethics Committee received a report in relation to the petitions scheme.

The purpose of the report was to seek approval for the updates in relation to requests for verge parking restrictions.

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

- This current amendment was helping to streamline the petitions process.
- The Committee would welcome looking at the issues around planning and the petitions scheme.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to recommend to Full Council the updated petition scheme.

39. COUNCIL MEETINGS START TIME

The Constitution and Ethics Committee received a report in relation to changing the start time of Full Council meetings.

The Democratic and Constitutional Services Manager introduced the report and explained that a survey sent to all Councillors had returned a majority who wished the Full Council meetings to start at 6pm instead of 7pm.

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

- If there were to be additional events before the start of the Full Council meeting, such as Civic Awards, that the Council meetings would start at 6.30pm to allow for the additional events to take place.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to agree to a proposed start time of 6pm being included within future schedules of meetings submitted to Full Council.

40. PARISH COUNCILLORS REGISTER OF INTERESTS - UPDATE

The Constitution and Ethics Committee received an update report in relation to Parish Council register of interests.

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

1. continue to monitor the situation and report back to the Committee.
2. receive an update in six months on progress made with training.

41. 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.

42. DISPENSATIONS GIVEN

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note that there had been no dispensations given since January 2019.

43. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE OCTOBER 2018

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note that there had been no code of conduct complaints received since January 2019.

44. 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 note the Committee's work programme for the municipal year 2019/20

7:00pm – 8.35pm
Chairman