

## CONSTITUTION AND ETHICS COMMITTEE

MONDAY 30 SEPTEMBER 2019  
7.00 PM

Bourges/Viersen Room - Town Hall

### AGENDA

	Page No
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the meeting held on 9 July 2019	3 - 10
4. Update on Review of Scrutiny Guidance and Functions	11 - 24
5. Additional Council Meeting	25 - 28
6. Committee Start Time 2020-2021	29 - 30

### INFORMATION ITEMS

7. Updates on National Issues	
There are no updates on national issues to report.	
8. Dispensations Update	
There are no dispensation issues to report.	
9. Report on Code of Conduct Issues	31 - 34
10. Work Programme	35 - 40

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<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385>

Committee Members:

Councillors: Allen, Bashir (Vice Chairman), Iqbal, E Murphy, N Sandford, D Seaton (Chair) and A Shaheed

Substitutes: Councillors: Hemraj, Jones, Simons and Wiggin

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – [daniel.kalley@peterborough.gov.uk](mailto:daniel.kalley@peterborough.gov.uk)



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE  
MEETING  
HELD AT 7:00PM, ON  
MONDAY, 8 JULY 2019  
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

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

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  
Paulina Ford, Senior Democratic Services Officer

Also in

Attendance:

**1. APOLOGIES FOR ABSENCE**

There were no apologies received.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. MINUTES OF THE MEETING HELD ON 11 MARCH 2019**

The minutes of the meeting held on 11 March 2019 were agreed as a true and accurate record.

**4. EXCLUSION OF THE PUBLIC AND PRESS**

The Committee agreed to exclude the public and press in respect of Item 12 Officer Code of Conduct.

**5. SCRUTINY UPDATE FROM GOVERNMENT AND REVIEW OF SCRUTINY COMMITTEE ARRANGEMENTS**

The Constitution and Ethics Committee received a report in relation to the Scrutiny update from Government and the Council's current scrutiny arrangements.

The Director of Law and Governance introduced the report. The Committee were made aware of new guidance published earlier in the year from the Ministry of Housing and Local Communities. In addition the Centre for Public Scrutiny (CfPS) had also published guidance recently. The report was for the Committee to consider the Council's own arrangements and any changes that the Committee would like to recommend to Full Council.

In terms of the recommendation relating to the Growth, Environment and Resources Committee the Committee were asked to look at whether any work needed to be done around this Committee.

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

- The report did not fully detail any recommendations for the Committee to debate. The statutory guidance made mention of a number of best practices that the Council were not currently doing for example, allowing the Scrutiny Committees the opportunity to appoint their own Chairman.
- The report was for the Committee to look at in detail and to make recommendations to officers to go away and assess and then bring back to the Committee.
- It was important that the Executive was scrutinised properly. It was also essential that the Council reviewed its call-in procedures as the last call-in was only cancelled an hour before the meeting was due to take place. This was seen to be wasting officers and Councillors time. The Council should consider allowing any member of any of the Council's Scrutiny Committees to operate a Call-In.
- The Council should have regard to the possibility of setting up joint scrutiny committees with Cambridgeshire County Council due a number of shared directorates. The Committee were informed that the terms of reference for each Scrutiny Committee allowed for the possibility of having joint meetings.
- The Parliamentary Select Committee guidance stated that the method of selecting a Chair was for each authority to decide for itself however every authority should consider taking a vote by secret ballot.
- It was essential that the Chairpersons of all Scrutiny Committees had the opportunity to read the guidance and provide officers and the Constitution and Ethics Committee with their feedback.
- There were a number of proposals that officers needed to look at including:
  - Joint Scrutiny Arrangements with Cambridgeshire County Council
  - The Council's current call-in procedures
  - Chairmanship of the Scrutiny Committees and the Constitution and Ethics Committee
  - Outside bodies and experts reporting to Scrutiny
  - Scrutiny Committees reporting to Full Council
  - Resources to support the Scrutiny function within the Council
- It was important that any actions were dealt with and put in place promptly.

- Scrutiny had two main roles, both working with the Executive on working up proposals to do things better and ensuring challenge to the Executive over decisions and policies.
- It was essential to examine whether the resources were adequate at the Council to help the scrutiny function.
- An update report would be provided to the Committee at the end of September outlining the views and proposals from Members and Officers.
  
- In terms of the responsibilities of the Growth, Environment and Resources Scrutiny Committee there was a degree of opportunity to look at transferring some of the responsibilities to other Scrutiny Committees. For example there might be merit in transferring Tourism and Libraries to the Adults and Communities Scrutiny Committee.
- With the current levels of resourcing it was not feasible to create a new Committee. It was instead more prudent to look at the current directorates and focusing on the responsibilities and the possibility of moving some of these to different Committees.
- It was agreed that the current scrutiny arrangements needed to be discussed at a future Senior Management Team meeting to seek their views.
- Each scrutiny committee had a responsibility to look at rural issues. Parish Councillors were invited to be co-opted members on each of the scrutiny committees.
- It was always possible for the committees to hold further meetings during the course of the year should there be a topic of importance that needed more time to discuss.

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

1. Note the recently published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities attached at Appendix 1;
2. Recommend that Democratic Services and the Monitoring Officer look at the following areas around Scrutiny and report back findings to the next Constitution and Ethics Committee:
  - a. Joint Scrutiny Arrangements with Cambridgeshire County Council
  - b. The Council's current call-in procedures
  - c. Chairmanship of the Scrutiny Committees and the Constitution and Ethics Committee
  - d. Outside bodies and experts reporting to Scrutiny
  - e. Scrutiny Committees reporting to Full Council
  - f. Resources to support the Scrutiny function within the Council
3. Recommend that Chairpersons of all Scrutiny Committees view current functions of their respective committee and how these could be developed.

**ACTIONS:**

1. Democratic Services to circulate current Scrutiny guidance to all Chairpersons of Scrutiny Committees and ask for feedback.

2. Democratic Services to ask all Chairpersons to look at the functions of their respective Committees and make suggestions as to responsibilities and functions.

## **6. COMMITTEE START TIMES AND COUNCIL MEETING FREQUENCY**

The Constitution and Ethics Committee received a report in relation to Committee start times and Council meeting frequency.

The Democratic and Constitutional Services Manager introduced the report and explained that a comparison on the frequency of Full Council meetings had been set out, with the average number being seven. There were a number of implications to take into account with further meetings, most notably the ability to carry out more business against the extra cost of holding extra meetings. The second part of the report set out the implications of allowing each Committee to set their own start times. If this was to be approved each Committee would need to set their start time for the next municipal year in the January/February time before Annual Council.

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

- It was important to look at the frequency of Full Council meetings as this was an opportunity for all Councillors to submit motions and ask questions of the Executive. It was felt that the gap between March and July was too long for there to be no opportunity to ask questions or submit motions.
- The addition of a number of budget tranches also decreased the opportunity for any other business to be conducted at Council meetings. It would therefore be beneficial to either increase the number of meetings or make the Annual Council meeting an opportunity for business to be conducted.
- Group leaders could look at forthcoming business and make a decision as to whether some items could be moved or taken off the agenda.
- There was a possibility to hold two meetings in May, one for Mayor Making and one for Council Business. This could either be held on the same night, or within a few weeks.
- With regards to Budget meetings it was proposed that there could be merit in holding Full Council meetings solely to look at Budget proposals. This would free up time at other Full Council meetings to debate motions.
- It was agreed that the Chairman of the Committee would write to Group Leaders and the Senior Management Team to ask them to consider the options around Full Council meetings and their frequency and propose suggestions back to the Constitution and Ethics Committee.
- In terms of Committee meeting start times it was important that the purpose of meetings was for the public benefit and not Members. It might be possible to bring forward meeting times, however it may be difficult to justify moving to daytime meetings.

- there were however circumstances where holding meetings during the day would be beneficial, especially as there were now shared directors with Cambridgeshire County Council and it would be unrealistic for them to attend evening meetings if travelling long distances or having to attend a large number of meetings across the County.

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

1. Recommend that the Chairman of the Constitution and Ethics Committee write to Senior Management Team and Group Leaders on behalf of the Constitution and Ethics Committee to discuss and make recommendations as to the possibility of: (unanimous)
  - a. Additional budget Council meetings, with the focus only on the budget, or
  - b. An additional May meeting with the focus on questions and motions only, this to be held either after Annual Council or within the following two weeks.
2. Recommend to Council that the Standing Orders and Member Officer Protocol be amended as set out in paragraphs 4.2.8 and 4.2.9 of the report, to allow committees of Council to determine their own starting times. (4 For, 2 Against, 1 Abstention)

## **7. 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. Note the number of outstanding Members Interest Declarations.
2. Agree to an annual report to monitor the level of outstanding register of interest forms.

## **8. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE OCTOBER 2018**

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 March 2019.

The Director of Law and Governance and Monitoring Officer confirmed that there were currently six complaints that were being processed and were with the Council's Independent Person. Processing these had been delayed until after the pre-election "purdah" period for the local elections.

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

- Concern that a large number of complaints were Councillors complaining against each other and had been received in the pre-election period. The Monitoring Officer stated that each complaint was assessed against a list of criteria and procedures and whether there was any public interest in taking the complaints further.

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

1. Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in March 2019.

## **9. 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 2019/20.

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

1. Note the Committee's work programme for the municipal year 2019/20
2. Agree to two additional dates being added to the meeting schedule for this municipal year and to move the 6 January meeting to a date later in January.

At this point the Committee agreed to go into exempt session to discuss Item 12 of the agenda, Officer Code of Conduct. This was due to the possibility of changes to Employee's terms and conditions and needed to be sent to the Unions and Employment Committee before they could be adopted.

## **10. OFFICER CODE OF CONDUCT**

The Director of Law and Governance and Monitoring Officer introduced the report and stated that the Officer Code of Conduct and its appendix, the Gifts and Hospitality Policy, was within the Committee's terms of reference in terms of oversight. However as it formed part of staff terms and conditions any changes needed to be discussed with the Joint Negotiating Committee and potentially Employment Committee.

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

1. Note the proposed amendments to the Code & Gifts and Hospitality Policy;
2. Recommend both for consultation with employee representatives via the Joint Consultative Forum; and

3. Subject to any amendments proposed as part of the above process, recommend for approval by the Employment Committee;
4. Request that the Monitoring Officer undertakes a similar review of the Gifts & Hospitality requirements for Members to ensure ongoing compliance and consistency.

7:00pm – 8.30pm  
Chairman

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 4
<b>30 SEPTEMBER 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Paulina Ford, Senior Democratic Services Officer	Tel.01733 452508

<b>UPDATE ON REVIEW OF SCRUTINY GUIDANCE AND FUNCTIONS</b>
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<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Director of Law and Governance	<b>Deadline date:</b> N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>Note the response to the actions requested at the meeting of the Committee held on 8 July 2019 in regard to the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities and advise if any further actions are to be taken.</li> </ol>	

**1. ORIGIN OF REPORT**

- This report is submitted to the Constitution and Ethics Committee following a request from the Committee at its meeting on 8 July 2019 to provide further information.

**2. PURPOSE AND REASON FOR REPORT**

- The purpose of this report is for the Committee to consider the responses provided to actions requested by the Committee at its meeting on 8 July 2019 where the Committee considered the new Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities which was published by the Ministry of Housing, Communities and Local Government in May 2019.

The guidance has been put in place to ensure local and combined authorities are aware of the purpose of overview and scrutiny and how to conduct it effectively.

- This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

*Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.*

- This report links into each of the three Corporate Priorities:

- Pride in our communities and environment
- First rate futures for our children, young people - and quality support for our adults and elderly
- Better jobs and quality homes

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
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### 4. **BACKGROUND AND KEY ISSUES**

#### 4.1 **STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES**

Overview and scrutiny committees were introduced by the Local Government Act 2000 and were put in place to act as a counterweight to the new executive arrangements. There had not been an assessment of the effectiveness of overview and scrutiny since they had been put in place. In 2017 the Communities and Local Government Select Committee therefore decided to set up an inquiry into the Effectiveness of Local Authority Overview and Scrutiny committees. The terms of reference placed an emphasis on considering factors such as the ability of committees to hold decision-makers to account, the impact of party politics on scrutiny, resourcing of committees and the ability of council scrutiny committees to have oversight of services delivered by external organisations.

The outcome of the inquiry was published on 14 December 2017. The report can be accessed via the following link:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/36902.htm>

Following the report [statutory guidance](#) was produced on 7 May 2019 by the Ministry of Housing, Communities and Local Government which is aimed at local and combined authorities. It includes a number of policies and practices authorities should have due regard to when deciding how to carry out their overview and scrutiny functions. In particular, it provides advice for senior leaders, members of the overview and scrutiny committees, and support officers.

Key areas covered in the guidance are:

- Culture
- Resourcing
- Selecting Committee Members
- Power to Access Information
- Planning Work
- Evidence Sessions

Having considered the new guidance at its meeting in July the Committee recommended the following:

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

1. Note the recently published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities attached at Appendix 1;
2. Recommend that Democratic Services and the Monitoring Officer look at the following areas around Scrutiny and report back findings to the next Constitution and Ethics Committee:
  - a. Joint Scrutiny Arrangements with Cambridgeshire County Council
  - b. The Council's current call-in procedures
  - c. Chairmanship of the Scrutiny Committees and the Constitution and Ethics Committee
  - d. Outside bodies and experts reporting to Scrutiny
  - e. Scrutiny Committee's reporting to Full Council
  - f. Resources to support the Scrutiny function within the Council

3. Recommend that Chairpersons of all Scrutiny Committee's view current functions of their respective committee and how these could be developed.

Democratic Services and the Monitoring Officer have looked at the areas requested and can now report back to the committee with the following information.

### ***Joint Scrutiny Arrangements with Cambridgeshire County Council***

- 4.2 Cambridgeshire County Council operate a Committee system whereas Peterborough City Council operate a Cabinet system. The Localism Act 2011 removed the obligation for councils using the committee system to have an overview and scrutiny committee however Cambridgeshire County Council do have a Health Scrutiny Committee which sits as part of its Health Committee function when required.

The Health Scrutiny Committee at Peterborough already has within its Terms of Reference a paragraph relating to the establishment of Joint Health committees across local authority boundaries. This was included in the terms of reference in 2016 to allow for a Joint Scrutiny Committee to be formed between Cambridgeshire County Council and Peterborough City Council to scrutinise the proposed merger of Hinchingsbrooke Health Care NHS Trust and Peterborough and Stamford Hospitals NHS Foundation Trust.

*“To review and scrutinise matters relating to the Health Service and to make reports and recommendations to local NHS bodies in accordance with section 244 of the National Health Service Act 2006. This will include establishing joint health committees in relation to health issues that cross local authority boundaries and appointing members from within the membership of the Committee to any joint health overview and scrutiny committees with other local authorities.”*

The facility for Joint Scrutiny arrangements regarding Health matters is therefore already in place in both Cambridgeshire County Councils Health Committee Terms of Reference and our Health Scrutiny Committee and can be used as and when required. As there are no other Scrutiny Committees in place at Cambridgeshire County Council then this requirement is not relevant to the other scrutiny committees.

### ***The Council's current call-in procedures***

- 4.3 The call-in process is not used excessively in Peterborough and there are approximately one to two call-ins per year which seems to be in line with most other authorities as this procedure should only be used in exceptional circumstances. The current call-in procedures are attached at Appendix 1.

Each scrutiny committee has a standing item on the agenda for the Forward Plan of Executive Decisions where the committee have the opportunity to ask for further information or a report on any of the key decisions. All major policies have to go through pre-decision scrutiny for comment and input before being approved. The Forward Plan of Executive Decisions is published fortnightly and therefore gives all Members the opportunity to ask for more information on any of the decisions published prior to implementation and to meet with the Cabinet Member or Lead Officer to discuss any possible concerns.

### **Other Authorities**

A number of other authorities have been contacted to examine their approach to call-in. A large number of councils allow call-in of all executive decisions (both key and non-key), however Peterborough only allow call-in of Key Decisions. This is in line with guidance issued by the Centre for Public Scrutiny (CfPS) on call-ins <https://www.cfps.org.uk/wp-content/uploads/PG-4.pdf>. Any key decision made by the Executive, an Officer or other body with delegated authority from the Executive is subject to call-in. A key decision can only be called-in once. The

Peterborough procedure requires any two members of the relevant Scrutiny Committee to make the request, which is in line with the original New Constitutions Guidance and the CfPS guidance. The number of councillors required to sign a request for call-in at other authorities are varied, a number of examples are listed below:

<b>Name of Authority</b>	<b>How many Members are required to call-in a decision?</b>	<b>Approximately how many call-ins do you have per year?</b>
Peterborough	Any two Members of the relevant Scrutiny Committee	0 to 2
Merton Council	3	0 to 4 Call-ins per year
Telford and Wrekin Council	5	No call-ins since 2012/13 and then only 2 one of which was rejected
Devon	The Chair of the relevant scrutiny committee, 3 members of the relevant scrutiny or 5 members of the council.	2 to 3 per year
Thurrock	Chair of Scrutiny, 2 Members of Scrutiny, 3 non-executive members/ a voluntary group/ a local business/ 10 members of the public	2 to 3 per year
Wiltshire Council	10 Councillors	Average 1 a year
Kent County Council	Any two Members from more than one political group	1 to 2 per year
Surrey County Council	A decision may be called in for scrutiny by the select committee Chairman or Vice-chairman or any two or more other select committee members from more than one political group	1 since 2017
East Sussex	3 members of the relevant scrutiny committee	Non for years
Suffolk County Council	Any 5 or more councillors may submit a call-in	The underpinning assumption is that the call-in procedure will be used in exceptional circumstances only and its use is limited to no more than ten occasions in any municipal year. In practice, we have about 2-3 maximum a year.
West Sussex County Council	A group of 5 cross-party members of the scrutiny committee, including Chairman and vice Chairman). In terms of making the request, the threshold is 4 members to support the request (which includes the requestor);	2018/19 - 9 requests (3 accepted); in 2017/18 - 3 requests (2 accepted). 2018/19 was a bit of an unusual year as we had a number of big savings decisions that all had requests for call-in. Average over the years would be 2 a year. 2019 so far this year we have had 1 request (not accepted).
City of Wolverhampton Council	The decision to make a call-in can be made by any of the following: a. the Chair of the Scrutiny Board	2 call-ins during the last four years.

	<p>b. the Vice-Chair of the Scrutiny Board</p> <p>c. the Leader or Deputy Leader of the main opposition group.</p>	
Nottingham City Council	<p>3 councillors are required to request a call in</p> <p>Where there are three or less non-majority group councillors then two signatures are required to call-in a decision. Where there are four or more non-majority group councillors then three signatures are required to call-in a decision. In both cases, signatories can also sit on the Call-In Panel provided that their view on the matter is not predetermined.</p>	0 – 3 per year

It is therefore recommended that the call-in procedure currently in place at Peterborough remains the same.

#### 4.4 **Chairmanship of the Scrutiny Committees and the Constitution and Ethics Committee**

The CfPS guidance “Good Scrutiny Guide” states:

*“Technically, chairing and membership is in the gift of full Council, and the Council AGM in May is the usual point at which decisions on this are made. In practice, this means that things are largely in the gift of the executive. Membership of committees must be politically proportionate, but chairing need not be, and a council’s leadership can entirely legally give all scrutiny committee chairships to majority party members. A number of councils make chairships available across party groups, proportionately, but there is no requirement to do so.”*

The Statutory Guidance states:

*“The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.”*

An amendment was put forward at the Annual Council meeting on 20 May from Councillor Sandford as follows for item 10 APPOINTMENTS TO COMMITTEES AND OTHER AUTHORITIES as follows:

*“Delegates authority to each of the Council’s committees to elect their own Chair and Vice-Chair for the 2019/2020 municipal year and suspends standing order 24.8 in relation to the election of committee Chairs and Vice-Chairs for the 2019/2020 municipal year in order for these elections to be carried out by secret ballot, following a process to be agreed by the Monitoring Officer.”*

The amendment was defeated and therefore in accordance with the Council's Constitution which contains a procedure rule known as the "six month rule" which states that once council has made a decision on an issue it cannot be returned for an alternative decision to be considered until at least six months have passed (unless the Notice of Motion is signed by at least five members).

In terms of the chairmanship of the Constitution and Ethics Committee there are a variety of arrangements in existence at other local authorities regarding which members of the Council chair this meeting (or an equivalent meeting).

At a number of authorities, the function of updating and changing the Council's constitution lies with the Audit Committee, this is either chaired by a member of the largest party, or in a number of cases by an independent person. Many authorities still retain a Standards Committee with powers to update the code of conduct and conduct any hearings in terms of any breaches, generally chaired by a member of the largest party. Often, as in Peterborough, the two functions are merged into a Constitution & Ethics Committee, Governance & Ethics Committee or a Civic Affairs Committee.

Below are some examples of how this committee is chaired:

- Northampton Borough Council – Chairman of the Standards Committee is a member of the largest party (not a Cabinet Member) and has the responsibility of reviewing the code of conduct. An Independent person chairs the Audit Committee with responsibility for Constitution aspects.
- Northamptonshire County Council - Independent Chairman of Audit Committee with responsibility for Constitution aspects. Chairman of the Standards Committee is a member of the largest party (not Cabinet Member)
- Central Bedfordshire Council - Chairman of the Audit Committee with responsibility for constitution aspects is a member of the largest party (not Cabinet Member). Chairman of the Standards Sub Committee is appointed at each meeting to hear code of conduct complaints.
- Lincolnshire County Council - Chairman of the Audit Committee with responsibility for constitution aspects is a member of the largest party (not Cabinet Member). Chairman of the Standards Committee is a member of the largest party (not Cabinet Member).
- Rutland County Council - Opposition member chairs Audit Committee with responsibility for Constitution changes, separate Conduct Committee looking at code of conduct chaired by Cabinet Member of the ruling party.
- Cambridgeshire County Council – Chairman of the Constitution and Ethics Committee is current Vice-Chairman of Council.
- South Cambridgeshire District Council - Chairman of the Civic Affairs Committee is the Chairman of Council.
- Cambridge City Council - Deputy Mayor chairs Civic Affairs Committee
- Bristol City Council - Values and Ethics Committee ( 4 elected members of the Council and 4 independent members, with an independent member taking the chair for the municipal year).
- Nottinghamshire County Council - Governance & Ethics Committee chaired by a member of the largest party
- Milton Keynes Council - Constitution Commission made up of three members to look at Councils constitution chaired by same person as Standards Committee. Chairman of the Standards Committee is a member of the largest party (not Cabinet Member) this hears breaches of code of conduct and any changes to the code.
- Hackney Council - Deputy Statutory Mayor & Cabinet member chairs Standards Committee

#### 4.5

#### ***Outside bodies and experts reporting to Scrutiny***

Outside bodies and external experts are frequently called upon to give evidence when conducting a Scrutiny review through time limited Task and Finish Groups. Recent examples

of this have been with the two Growth, Environment and Resources Scrutiny Task and Finish Groups and this has been the practice with all previous Task and Finish Groups.

The Task and Finish Group to review Fly Tipping and Waste Policy invited representatives from the following organisations to give evidence:

- Keep Britain Tidy
- PES Enforcement Team
- Cambridgeshire Fire Service
- Cambridgeshire Constabulary
- Amey
- Peterborough Federation of Small Businesses
- Mick George Ltd

The Task and Finish Group to inform the development of an air quality ambition statement and action plan invited representatives from the following organisations to give evidence:

- Campaign for Better Transport
- Stagecoach East
- Stagecoach
- Principal Investigator / Impact Fellow at the Birmingham Institute of Forest Research, University of Birmingham
- Head of Transport Strategy & Economics, Combined Authority
- Transport Programme Manager, Combined Authority

Inviting technical expertise from outside bodies to give evidence ensures that the Task and Finish Groups are provided with the evidence required to make sound recommendations.

The Statutory Guidance states the following with regard to **“Co-option and technical advice 35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.**

**36. There are two principal ways to procure this: • Co-option – formal co-option is provided for in legislation<sup>11</sup>. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and • Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence”.**

The Scrutiny Committee Procedure Rules has a co-option scheme in place and states that Scrutiny Committees can co-opt up to four non-voting members to the Committee with at least one position is reserved for a Parish Councillor from a rural area. This has proven to work well and in particular with the Health Scrutiny Committee where outside bodies from the NHS are required to give evidence to the Committee. The Committee have co-opted a retired doctor to the group to provide technical challenge and questions regarding Primary Care and the NHS.

The Children and Education Scrutiny Committee have also co-opted the Chair of a School Governing Body on to the group to assist with knowledge and questioning around school's performance.

Therefore the facility to co-opt expertise on to each of the Scrutiny Committees and request technical experts to provide support to the committee is already in place and the Committee may consider does not require any changes.

#### 4.6 **Scrutiny Committee's reporting to Full Council**

Scrutiny Committees already have the power to report to Full Council as set out in the Constitution at Part 4, Section 8 – Scrutiny Committee Procedure Rules where it states the following:

**“REPORTS FROM SCRUTINY COMMITTEES**

6.1 *The Scrutiny Committee will submit reports to the Council. If the proposals are an executive function and consistent with the existing Budget and Policy Framework Scrutiny Committees will submit reports to the Proper Officer for consideration by the Executive.*

6.2 *If a Scrutiny Committee cannot agree on one single final report then two or more opposing Members of the Committee can submit a minority report. Only one minority report can be submitted alongside the majority report. The minority report must set out the alternative recommendations and the reasons.*

6.3 *The Executive will consider the report of a Scrutiny Committee within one. In the case of a report to Council the Proper Officer will submit the report for consideration at the next Council meeting.*

6.4 *When the Council considers a report from a Scrutiny Committee, if it impacts on the Budget and Policy Framework, Council will also consider the Executive’s response to the proposals.*

6.5 *Scrutiny Committees will have access to the Forward Plan of.*

6.6 *If a Scrutiny Committee thinks that a key decision relating to their terms of reference has been taken which was not: (a) Included in the Forward Plan for a period of no less than 28 clear days. (b) The subject of the general urgency exceptions. (c) The subject of the special urgency exceptions. The Committee can require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. This power is also delegated to the Monitoring Officer, who can require such a report on behalf of the Committee following a request by: The Chairman. Any five members of the Committee.*

6.7 *The Scrutiny Committee can also pass a resolution to raise the requirement at its meeting.*

6.8 *The Cabinet will submit a report to the next available meeting of the Council. If the next meeting of the Council is within nine days of receipt of the written notice, or the resolution of the Scrutiny Committee, then the report can be submitted to the following Council meeting.*

6.9 *The report to Council will set out: Details of the decision. The individual or body making the decision. If the Leader considers that it was not a key decision, the reasons for that opinion.”*

However, the Committee may wish to recommend that an Annual Report summarising the work that Scrutiny has undertaken during the previous year be submitted to Full Council at the first Full Council meeting of each municipal year.

4.7

**Resources to support the Scrutiny function within the Council**

The Statutory Guidance States *the following with regard to “Providing the necessary support - while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority’s own scrutiny committee(s), and the scrutiny function as a whole.*

*Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies.”*

The current level of dedicated resources to scrutiny at Peterborough within the Democratic Services function is 2 full time officers, one Senior Democratic Services Officer and one Democratic Services Officer. However additional support can be called upon from the wider Democratic Services team if required.

The committees supported consist of 4 scrutiny committees, the Joint Scrutiny of the Budget Committee and currently two Task and Finish Groups. The Task and Finish Groups are ad hoc and only formed when requested by one of the scrutiny committees. The officers also provide scrutiny training on an annual basis and coordinate additional ad-hoc training and topic related visits when required.

Directors and Officers from all service areas provide additional support at committee meetings in respect of technical expertise when delivering reports in response to requests for information. They are also available at any time to members should they require additional information or support when scrutinising a particular topic.

The Council also must have a Statutory Scrutiny Officer whose role is to: • promote the role of the authority's scrutiny committee; • provide support to the scrutiny committee and its members; and • provide support and guidance to members and officers relating to the functions of the scrutiny committee.

It is not unusual in the current financial climate for a Local Authority to have only two officers supporting overview and scrutiny.

4.8 ***Recommend that Chairpersons of all Scrutiny Committees view current functions of their respective committee and how these could be developed.***

Following recent changes to the Service Directorates it was felt that it would be a good opportunity before going to the Chairs of each Scrutiny Committee to ask the Corporate Management Team for their views on the functions of the respective scrutiny committees to see if they were still appropriately aligned. Following consultation the proposed changes were put forward by the Corporate Management team to ensure that the Scrutiny Committees functions are more in line with the current service directorates and to make sure all the joined up working for the Think Communities is under one Scrutiny Committee.

Proposed changes:

- Move Libraries, Arts & Museums from the Growth, Environment and Resources Scrutiny committee to the Adults & Communities Scrutiny committee as this now falls under Adrian Chapman
- Keep Tourism, Culture & Recreation with Growth, Environment and Resources Scrutiny Committee as these fall under Steve Cox.
- Move Adult Learning & Skills from the Children & Education Scrutiny Committee to the Adults and Communities Scrutiny Committee
- Move Youth Service from Children & Education Scrutiny committee to Adults & Communities Scrutiny Committee

The Scrutiny Chairpersons and relevant Cabinet Members (Cllr Ayres, Cabinet Member for Children's Services and Education, Skills and University and Cllr Walsh, Cabinet member for Communities) were asked to consider the proposed changes to the functions of Children and Education Scrutiny Committee, Growth, Environment and Resources Scrutiny Committee and Adults and Communities Scrutiny Committee.

All Scrutiny Chairpersons (apart from Cllr Aitken who was away) and both Cabinet Members agreed with the proposed changes and felt it was a sensible way forward. The above proposals would not affect Cllr Aitken's Health Scrutiny Committee.

It is therefore recommended that if approved by this committee and at Full Council that the proposed changes to the functions of the Children and Education Scrutiny Committee, Growth,

Environment and Resources Scrutiny Committee and Adults and Communities Scrutiny Committee take effect from the January 2020 schedule of meetings.

## **5. CONSULTATION**

- 5.1 Reference section 4.8 consultation was undertaken with the Corporate Management Team, Scrutiny Chairs and Cabinet Members for Communities and Children's Services and Education, Skills and University.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 The Constitution and Ethics Committee will consider the content of the report and decide whether any further action will be required.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The recommendation has been made so that the Committee can consider the responses to the actions requested at their meeting held on 8 July 2019 and whether any further action is required to be taken following on from this report.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 None

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 None at present.

### **Legal Implications**

- 9.2 None

### **Equalities Implications**

- 9.3 None

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 [Effectiveness of Local Overview and Scrutiny Committees](#)

## **11. APPENDICES**

- 11.1 Appendix 1 – *Part 4, Section 8 – Scrutiny Committee Procedure Rules*, Call-in procedure rules

## Appendix 1

### 10. CALL-IN OF KEY DECISIONS

- 10.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under [section 9F\(2\) and 9F \(4\) of the Local Government Act 2000 \(as amended by the Localism Act 2011\)](#). These powers allow Scrutiny Committee's to review an executive key decision before implementation. Where a decision is called-in and the Scrutiny Committee refers it back to the decision maker, it cannot be implemented until the call-in process is complete.
- 10.2 Any key decision made by the Executive, an Officer or other body with delegated authority from the Executive is subject to call-in. A key decision can only be called-in once. A Cabinet recommendation to the Council is not a key decision and may not be called-in.
- 10.3 Call-in should only be used in exceptional circumstances. Members of a Scrutiny Committee must have evidence that the decision was not taken in accordance with [decision making principles](#).
- 10.4 Provided the decision falls within the remit of a Scrutiny Committee's terms of reference a Scrutiny Committee can exercise the call-in procedure and the power to refer a decision back for reconsideration.
- 10.5 [The Budget and Policy Framework Procedure Rules](#) governs the call-in of decisions which may be contrary to the Budget and Policy Framework. These will require a reference to Council by a Scrutiny Committee on a report from the Monitoring Officer or Chief Finance Officer.

#### The Call-in Procedure

- 10.6 Once made the decision will be published on the Council's website and will be available in hard copy at the Town Hall. All Members of the Council will be sent electronic copies of the notices of all such decisions.
- 10.7 The decision notice will include:
- The publication date.
  - That the decision will be implemented three working days after the publication of the decision (not including the date of publication).
- 10.8 The implementation date will not apply if a request for call in is received from any two Members of the relevant Scrutiny Committee within the three day period. If a request for call-in of a decision is received, implementation of the decision will be suspended.
- 10.9 A request to call-in a decision must be received by the Proper Officer within the period from publication and before the date of implementation, and the request to call-in a decision must be made in writing or electronically using the agreed form.
- 10.10 The form must:

- (a) set out the resolution or resolutions that the Members wish to call in;
- (b) give the reasons why the Scrutiny Committee should review or scrutinise the decision and consider referring it back to the Executive;
- (c) whether it is considered to be outside the policy or budget framework;
- (d) set out the alternative course of action or recommendations they wish to propose;
- (e) be signed and dated by any two Members of the relevant Scrutiny Committee. Voting Diocesan and parent governor representatives may request the call-in of decisions relating to education matters only.

10.11 The call-in request will be deemed valid unless any of the following apply:

- (a) the procedures set out above have not been followed properly;
- (b) the decision has been recorded as urgent as set out below;
- (c) the request for call in is not a proper use of the call in provisions taking into account the following factors:
  - i) where the matter has been considered as part of pre-decision scrutiny by a scrutiny committee;
  - ii) whether there has been any substantive changes to the nature of the decision being made since any pre-decision scrutiny of the proposals;
  - iii) where a decision is not deemed a key decision, for example a decision to go out to consultation on a future key decision to be made by the executive;
  - iv) a decision taken by cabinet when preparing the annual budget or new policy proposals for submission to Council for decision.

10.12 If the call-in request is deemed valid the Proper Officer will notify the decision-taker of the request. This includes that implementation of the decision is suspended until further notice. Subject to required timescales, the relevant Scrutiny Committee will discuss the request for call-in at its next meeting.

10.13 Where there is a meeting of the Scrutiny Committee within ten working days of the request, or soon after, then the matter will be included on that agenda. Where no such meeting is scheduled, the Proper Officer will call a meeting of the relevant Committee within that time frame. Where the Chairman will be consulted.

10.14 The decision will take effect on the date of that meeting if:

- The Scrutiny Committee does not meet by the date set.
- The Scrutiny Committee meet but does not refer the matter back to the decision making person or body.

10.15 The Proper Officer will notify the decision taker that the decision can then be implemented.

10.16 Having considered the call-in and the reasons given, the relevant Committee may either:

- (a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision making body's next schedule meeting;
- (b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or

(c) decide to take no further action, in which case the original executive decision will be effective immediately.

- 10.17 If referred back to the decision taker they will then reconsider whether to amend the decision before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.
- 10.18 Where the decision was taken by the Executive a meeting will be held to reconsider the decision within ten working days of the referral, or soon after with the agreement of the Leader. Where the decision was made by an individual, the individual will reconsider within five working days of the referral.
- 10.19 If a decision relates to an executive function only the Cabinet can ultimately decide the matter, as long as it is in accordance with the Council's Budget and Policy Framework.

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 5
<b>30 SEPTEMBER 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

**ADDITIONAL COUNCIL MEETING**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> <i>Director of Law and Governance</i>	<b>Deadline date:</b> <i>N/A</i>
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>1. Consider the range of options contained within the report in relation to an additional Council meeting.</li> <li>2. Agree to include one or none of the options within the draft Council Meeting Schedule for submission to Full Council.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Constitution and Ethics Committee following consultation with Group Leaders and the Corporate Management Team, as requested by the Committee at its meeting on 8 July 2019.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to provide feedback to the Committee on the responses received from Group Leaders and the Corporate Management Team, and for the Committee to consider which option it feels most appropriate to take forward in light of these responses.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1. *'Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.'*

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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**4. BACKGROUND AND KEY ISSUES**

4.1 The Constitution and Ethics Committee considered at its meeting on 8 July 2019 the frequency of Full Council meetings. It was felt that it would be beneficial to consider the opinions of the Corporate Management Team and Group Leader's when reviewing the number of Council meetings scheduled per year, as these individuals would have a better working knowledge of the requirements and implications of an additional meeting.

This letter was sent, on behalf of the Chairman, on the 16 July 2019, to the Chief Executive, the Director of Law and Governance, the Executive Director for Place and Economy, the Director of Public Health, the Executive Director for People and Communities, the Acting Corporate Director of Resources, the Director of Business Improvement and Development, the Director for Customer and Digital Services, Councillor Holdich, Councillor Shaz Nawaz, Councillor Sandford, Councillor Lane, and Councillor Howell. Responses were requested by 13 September 2019.

The options set out included an additional budget Council meetings, with the focus only on the budget, and an additional May meeting with the focus on questions and motions only, either held immediately after Annual Council or within two weeks.

The responses received from senior officers favoured an additional May meeting if one was considered necessary, focusing on questions and motions, in the two weeks following the Annual Council meeting. This was considered preferable to adding these into the Annual Council Meeting.

The Green and Conservative Group Leaders were similarly in favour of an additional meeting in the weeks following Annual Council. The Green Group Leader made further comment in relation to the order of business, suggesting that motions on notice be moved higher in the agenda in order for them to be discussed earlier in the evening.

The Liberal Democrat Group Leader made the following suggestions:

1. *“Change the Annual Council meeting into a normal Full Council meeting with motions and questions and possibly other items of executive business being included on the agenda. Annual Council has the ceremonial mayor making at the beginning but the whole meeting rarely takes up the full four hours allocated.*
2. *Make the meeting which sets the final phase of the budget and the Council Tax a budget only meeting*
3. *Move the January Full Council meeting to early February to minimise the gap between this meeting and the next opportunity to submit motions/questions at the reconfigured annual council meeting in May.*
4. *Consider putting one additional Full Council meeting into the schedule. This could be in early September so as to minimise the gap between the July and October Council meetings. Or you could leave the January full council where it is currently and put in an additional council meeting towards the end of March, before the start of the purdah period.”*

## **5. CONSULTATION**

- 5.1 As set out in the previous committee decision, all members of the Peterborough City Council Corporate Management Team and all Group Leaders were written to their opinions sought. This included their preference on the options set out, or any further option.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that the committee’s decision will allow for all of the Council’s business to be dealt with, with sufficient time for consideration.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The reason for the recommendation is to ensure that Members feel that they have a sufficient and appropriate number of Full Council meetings throughout the year to consider Council business, while taking account of the comments of the Corporate Management Team, Group Leaders, and resources available.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 **To not consider any route for an additional Full Council meeting** - This was disregarded, as this would not action the Constitution and Ethics Committee's wish to review the opinions of the Corporate Management Team and Group Leaders on the options for an additional meeting.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 In considering the relative advantages and disadvantages of the options set out in the report, it should be noted that each meeting of Full Council costs approximately £3,500.

### **Legal Implications**

- 9.2 There are no legal implications arising from this recommendation.

### **Equalities Implications**

- 9.3 There are no equalities implications arising from this recommendation.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 [Record of Outcomes from the Constitution and Ethics Committee Meeting - 8 July 2019](#)

## **11. APPENDICES**

- 11.1 None.

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 6
<b>30 SEPTEMBER 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Mohammed Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer	Tel. 01733 296334

**CONSTITUTION AND ETHICS COMMITTEE MEETING START TIME 2020-2021**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> <i>Fiona McMillan, Director of Law and Governance and Monitoring Officer</i>	<b>Deadline date:</b> <i>N/A</i>
It is recommended that the Constitution and Ethics Committee agree the start time for all Constitution and Ethics Committee meetings for the Municipal Year 2020-21.	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Constitution and Ethics Committee meeting following the Full Council decision on 24 July 2019 to allow Committees to decide their own start times for the Municipal Year 2020-21.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to allow the Constitution and Ethics Committee to discuss and agree the start times for meetings from the beginning of the Municipal Year 2020-21. The draft schedule of meetings will be agreed at Full Council on either 22 January or 4 March 2020.
- 2.2 This report is for the Constitution and Ethics Committee to consider under Council Standing Order section 4.4.1

*The timings of normal committee meetings will be agreed by the committee for the next municipal year in January of the preceding municipal year (or as near to this time as possible).*

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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**4. BACKGROUND AND KEY ISSUES**

- 4.1 At the Constitution and Ethics Committee on 8 July 2019 the Committee agreed by majority to recommend to Council that all Committees can agree their start times for the Municipal Year 2020-21. This was again agreed by majority at the Full Council meeting on 24 July 2019.
- 4.2 The Council standing orders have been updated to reflect this decision and gives Committees the opportunity to decide their own start time.

- 4.3 In order for the start times to be incorporated into the draft meeting schedule it is important for the Committee to make a decision on this before the January Full Council meeting. This is the only opportunity for the Committee to make this decision as the next meeting is after the January Council meeting.
- 4.4 Council standing orders allow the Committee to agree its start time every Municipal Year, thereby allowing the Committee to change the start times if it is felt that the start time was not suitable or working.
- 4.5 The Committee will need to decide the best start time and will need to weigh up attendance at meetings and the impact on the Council and members of the public.
- 4.6 The Committee has only been running for 18 months and has always met at 7pm. There have been no members of the public present at any of the meetings to date.

## **5. CONSULTATION**

- 5.1 Consultation has already taken place with the Constitution and Ethics Committee and all Councillors at Full Council.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that the Committee will agree a start time for meetings for the Municipal Year 2020-21 and this will be proposed as part of the draft meeting schedule.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The recommendation allows the Constitution and Ethics Committee to debate the start time of the meeting and make recommendations following debate.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 N/A

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There are no financial implications.

### **Legal Implications**

- 9.2 There are no legal implications

### **Equalities Implications**

- 9.3 There are no equalities implications

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Minutes of the Constitution and Ethics Committee 8 July 2019  
Report to Full Council 24 July 2019

## **11. APPENDICES**

- 11.1 There are none.

<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 9
<b>30 SEPTEMBER 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance & Monitoring Officer	
Cabinet Member responsible:	Cllr Mohammed Farooq – Cabinet Member for Digital Services and Transformation	
Contact Officer:	Philippa Turvey, Democratic and Constitutional Services Manager Daniel Kalley, Senior Democratic Services Officer	Tel. 296334

### CODE OF CONDUCT COMPLAINTS

R E C O M M E N D A T I O N S	
<b>FROM:</b> Monitoring Officer	<b>Deadline date:</b> N/A
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in July 2019.</li> </ol>	

#### 1. ORIGIN OF REPORT

1.1 This report is submitted to Constitution and Ethics Committee by the Council's Monitoring Officer.

#### 2. PURPOSE AND REASON FOR REPORT

2.1 The Constitution & Ethics Committee has the responsibility of promoting and maintaining high standards of conduct amongst members and co-opted member of the council including "monitoring the operation of the Code of Conduct. This also includes parish councillors.

2.2 The Monitoring Officer proposes that a standing item is placed on the agenda for the committee notifying and updating the committee on complaints that have been made, how they are being handled and whether they have been resolved. The committee has decided that these will be reported in an anonymised way until such time as a breach of the code of conduct is found as part of the complaints process.

2.3 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.72.2

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and co-opted members;

- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;
- Monitoring the operation of the both Codes of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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### 4. **BACKGROUND AND KEY ISSUES**

#### **New complaints**

- 4.1 Since the committee's last report in July 2019 there has been two new complaints received, both in relation to parish councillors at two separate councils, one by a member of the public and another by a fellow parish councillor. Both are still in the initial assessment stage.

#### **Existing complaints**

- 4.2 Following assessment by the council's Independent Person and Monitoring Officer three complaints about one councillor have been referred for a formal investigation, to be investigated together. These relate to the following:
- A complaint that was received from a PCC councillor that another PCC councillor had breached the code of conduct in relation to a Facebook post in breach of the Council's Social Media Code.
  - A complaint that was received from a member of the public that a PCC councillor had breached the code of conduct in relation to comments made about another councillor during a full council meeting and an associated social media post in breach of the Council's Social Media code.
  - A complaint that was made by a PCC member that another councillor had used offensive language (via an acronym) in a social media exchange which had been seen by a member of the public and sad they were "appalled". The complaint is that the post was in breach of the Council's Social Media Code.
- 4.3 Two other complaints have been initially assessed by the council's Independent Person and Monitoring Officer and a decision taken to taken no further action as there was no perceived breach of the code. These related to:
- A complaint made by a PCC councillor that another PCC councillor's social media post which was considered to "incite bigotry and hatred".
  - A complaint made by a PCC Councillor that another PCC councillor's behaviour towards them in the council chamber was disrespectful and inappropriate and in breach of the code.
- 4.4 A further complaint received from a PCC councillor that another PCC councillor had breached the council's social media code in relation to comments made on social media about them is still being assessed and currently awaiting further evidence.

### 5. **CONSULTATION**

- 5.1 N/A.

**6. ANTICIPATED OUTCOMES OR IMPACT**

By reporting the complaints that have been made the Committee can more effectively monitor the operation of the Code of Conduct.

**7. REASON FOR THE RECOMMENDATION**

7.1 Regular reporting of both quantities and substance of complaints will help the Committee gain a better understanding of the effectiveness of current procedures and how well the Code is being observed across both the council and the parish councils in its area. This will inform future decisions about what training may be necessary to ensure the requirements of the code are being met.

**8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 None

**9. IMPLICATIONS**

**Financial Implications**

9.1 None

**Legal Implications**

9.2 Under the Localism Act 2011 the council may set its own procedures in relation to the handling of complaints.

**Equalities Implications**

9.3 None

**10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 The Localism Act 2011

**11. APPENDICES**

11.1 None

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 10
<b>30 SEPTEMBER 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member Finance	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer	Tel. 296334

**WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Fiona McMillan, Director of Law and Governance and Monitoring Officer	<b>Deadline date:</b> N/A
<p>It is recommended that the Constitution and Ethics Committee</p> <p>1. Notes and agrees the Work Programme for the remainder of the municipal year 2019/20.</p>	

**1. ORIGIN OF REPORT**

1.1 This is a standard report to the Constitution and Ethics Committee which forms part of its agreed work programme. This report provides details of the Draft Work Programme for the following municipal year.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The programme can be refreshed throughout the year in consultation with senior officer and the Committee membership to ensure that it remains relevant and up to date. In addition, any delays in reporting issues are recorded so that they do not drop off the committee agenda.

2.2 This is also an opportunity for Members of the Committee to raise any issues of concern under the Committee's terms of reference for discussion or addition to the work programme.

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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**4. IMPLICATIONS**

**Financial Implications**

4.1 There are none.

**Legal Implications**

4.2 There are none.

**Equalities Implications**

4.3 There are none.

**5. APPENDICES**

5.1 Appendix A - Work Programme 2019/20.

**APPENDIX A**

<b>DATE: 8 JULY 2019</b>			
		<b>Section / Lead</b>	<b>Description</b>
	Scrutiny update from Government and review of scrutiny committee arrangements	Dem Services	To receive a report on conclusions and findings from government report and review current scrutiny arrangements.
	Officer Code of Conduct	Fiona McMillan	To update the Officer Code of Conduct
	Committee start times and Council meeting frequency	Dem Services	To review the start times for all Committees of the Council and to review the overall number of Full Council meetings
	<b>INFORMATION AND OTHER ITEMS</b>		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Update on Parish Council Register of Interests	Linda Letch/Claire Osborne	To receive an update on progress with Parish Council register of interests.
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2019 / 2020	Democratic Services Dan Kalley	

**DATE: 30 SEPTEMBER 2019**

	<b>Section / Lead</b>	<b>Description</b>
Constitution and Ethics Committee Meeting Start Time 2020-21	Fiona McMillan/Dem Services Legal	Committee to agree it's start time for 2020-21
Update on Scrutiny Committees	Paulina Ford	To provide members with an update on Scrutiny Committees roles following discussions with CMT and Scrutiny Chairpersons
Full Council additional meetings	Dem Services	To provide the Committee with proposals from CMT and Group Leaders on the proposal for additional Full Council meetings
<b>INFORMATION AND OTHER ITEMS</b>		
Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
Work Programme 2019 / 2020	Democratic Services Dan Kalley	

**DATE: 29 JANUARY 2020**

	<b>Section / Lead</b>	<b>Description</b>
Members Gifts and Hospitality Policy guide	Fiona McMillan	To update and review the policy guide for Member's gifts and hospitality
Model Code of Conduct (LGA) (If completed)	Fiona McMillan	To review the Council's code of conduct based on new model code of conduct from the LGA.

	<b>INFORMATION AND OTHER ITEMS</b>		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2019 / 2020	Democratic Services Dan Kalley	

**DATE: 16 MARCH 2020**

	<b>Section / Lead</b>	<b>Description</b>
Review Cost Implications of Motions to Full Council	Fiona McMillan	Committee to review any cost implications associated with motions submitted at Full Council
<b>INFORMATION AND OTHER ITEMS</b>		
Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
Work Programme 2020 / 2021	Democratic Services Dan Kalley	