



Minutes of a meeting of the Constitution and Ethics Committee held at the
on 8 February 2021

Present: Councillors Seaton (Chair) Bashir (Vice-Chair), Allen, Murphy, Jamil, Shaheed and Sandford

Officers in

Attendance: Dan Kalley, Senior Democratic Services Officer
Fiona McMillan, Director of Law and Governance and Monitoring Officer
Paulina Ford, Senior Democratic Services Officer
Pippa Turvey, Democratic and Constitutional Services Manager
Rachel Edwards, Head of Constitutional Services

Also in

Attendance:

14. APOLOGIES FOR ABSENCE

There were no apologies of absence received

15. DECLARATIONS OF INTEREST

There were none.

16. MINUTES OF THE MEETING HELD ON 12 OCTOBER 2020

The minutes of the meeting held on 12 October 2020 were agreed as a true and accurate record.

17. LGA MODEL CODE OF CONDUCT

The Constitution and Ethics Committee received a report in relation to the LGA Model Code of Conduct.

The Monitoring Officer introduced the report and stated that the LGA had produced the model code on 23 December 2020. The power for councils to apply sanctions to members required legislation to be enacted, which meant that these provisions were not included in the model code. There was an online consultation that was circulated to all members of the Council last year between June and August to feed back any comments.

The new code was non-statutory and it could be adopted in whole or in-part by local authorities. Members were informed that the Councils current code was adopted following the Localism Act 2011 and contained the Nolan principles on standards in public life along with statutory provisions on disclosable pecuniary interests. Peterborough City Council adopted a minimum provision for the code, although alterations had been made since its adoption.

The new model code made reference to some general provisions on councillor conduct which were based on the Nolan principles. There was a further section on how the code was to be applied and made clear that the code applied when a member was acting in their capacity as a councillor. It also included the provision to state that the code applied if a member of the public was under the impression that a councillor was acting in their capacity as a councillor. This also included all contact and the use of social media.

There was a new section in the model code around participation in training and registering of interests and gifts and hospitality. The code was written in the first person to encourage councillors to take the commitment personally. Most of the provisions on behaviour were not currently in the Peterborough City Council code of conduct. There was a further section on gifts and hospitality which was proposing declaring all gifts and hospitality over £50, the current code in Peterborough had recently been changed to declare any gifts and hospitality over £100.

Members were informed that the task and finish group on equality for councillors had started looking at the model code and that this would also be circulated to all group leaders. Further guidance from the LGA was due to be published in March.

Members were informed that a letter was sent to all Local Authority Chief Executives in July 2020 as a follow up to the 15 best practice recommendations made in the 2019 Local Government report, representing a benchmark for ethical practice and which they expect any local authority should implement. The council's response to the Committee on Standards in Public Life was attached at appendix 4. There were three areas that the Council were not complying with, these including not having a provision on bullying and harassment, a section on councillors having to comply with any formal standards investigation and a process to reviewing the code every year.

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

- The Council needed to work at complying with the areas outstanding in terms of best practice. In addition the value of gifts and hospitality should be reduced from £100 to £50 in line with the model code of conduct.
- The use of Council equipment was an important area and needed to be looked at in further detail. Most members used one single device to access private and council business. Comments back to the LGA might be useful for them to look into the wording around this.
- The task and finish group on equality and diversity were looking into the model code of conduct. There were a few suggestions to the model code that the group wished to be incorporated, once these had been finalised, they would form part of the final report and be presented to the Adults and Communities Scrutiny Committee.
- With regards to the use of personal or business phones this would be set out at each local authority on what members could or could not do. This would sit alongside the code of conduct and did not need to go back to the LGA.
- The policy on the use of council resources by members would be brought back to committee at a later date and any suggestions could then be incorporated.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note the model code of conduct and provide feedback at this stage.

ACTIONS:

1. A report on the Councillor IT policy and use of resources to be brought to committee at a future meeting.

18. REVIEW OF URGENCY WORDING

The Constitution and Ethics Committee received a report in relation to the Council's urgency wording.

The Senior Democratic Services Officer introduced the report and commented that the report was in front of members as a request at the last meeting. The report outlined the use of urgency in the executive procedure rules and in the scrutiny procedure rules. There had been some minor updates to the scrutiny procedure rules to bring these in line with the executive procedure rules and statutory legislation, outlining that if the Chair of the relevant scrutiny committee was unavailable to sign off the use of urgency it would be sent to the Mayor or in their absence the Deputy Mayor.

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

- The criteria as laid in the constitution was quite stringent. It was therefore debatable as to whether some decisions using the urgency procedure had met this high threshold.
- It was important to address what was in the executive procedure rules and then ensuring the Council adhered to these thresholds.

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

19. TASK AND FINISH AND WORKING GROUPS MEETING IN PUBLIC

The Constitution and Ethics Committee received a report in relation to Task and Finish Groups and Working Groups meeting in public.

The Senior Democratic Services Officer introduced the report and confirmed that the proposals were as a result of a motion passed at Full Council in October. This asked the constitution to be amended so as to hold task and finish groups and working groups in public, unless there were clear reasons for them not be held in public, such as the discussion of sensitive information. Each task and finish group has had at their discretion the ability to hold meetings in public if they wanted to. There were three options outlined in the report.

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

- As this was agreed at Full Council the principle behind holding task and finish groups in public should be the default position.
- Option 2 was similar to that operate by parliamentary select committees when conducting inquiries. This allowed for interviews being held by the committee to be held in public. However when the committee went away and discuss what went into the final report this was held in private.
- Option 1 was lacking in establishing a principle by which the Council could move forward with when setting up task and finish groups.

- There was not necessarily any additional resource cost, however there would be additional meetings needed to plan for public meetings and therefore it would be resource intensive for officers.
- With the potential to go back to meeting in public or holding hybrid meetings it was worth going with the intention of the motion agreed by Full Council and hold all meetings in public. This would follow the Nolan principles on transparency.
- There were concerns over having all meetings in public, although there were arguments for increasing transparency and therefore going with option 2.
- Task and Finish groups reported to scrutiny and were not a decision-making body.

The Constitution and Ethics Committee considered and **RESOLVED** to recommend to Full Council (6 for, 1 against) to agree option 2 as set out in 4.6 of the report namely to hold evidence gathering sessions with key witnesses in public and hold all other meetings in private. Consideration would need to be given to whether the subject matter was of a sensitive nature in which case it may not be possible to hold the meeting in public.

20. MOTIONS AND FULL COUNCIL

The Constitution and Ethics Committee received a report in relation to motions and Full Council.

The Democratic and Constitutional Services Manager introduced the report and stated that the committee had discussed the issue of motions previously of which there were no recommendations arising. A motion submitted at Full Council recently requested the Constitution and Ethics Committee to re-look at the process for submitting and debating motions and extending the possibility of having an additional council meeting. The report set out some options for members to consider.

There was an option to restrict questions on notice, which had been trialled at recent Full Council meetings. Additionally, there was an option to restrict questions without notice on executive decisions by imposing a time limit as there was none in place currently. There was an option to also include a time limit on motions to try and get more motions debated or to limit the number of motions being submitted to Full Council.

A further suggestion was to re-order the agenda. Standing orders could be amended to bring motions further up the agenda to ensure that they were debated. In addition, there was a suggestion to hold another Council meeting after the Annual Council meeting and before the currently scheduled meeting in July, with this being aimed at considering motions. This had been done previously in 2019.

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

- At the last Full Council meeting there was a lot of time used that was not in the best interests of conducting Council business. Discussions had taken place with the Chief Executive around ideas that could be implemented to try and make Full Council meetings run more smoothly.
- Members were informed that there was a meeting planned between the Chief Executive and officers to discuss some suggestions and ideas on ways forward.

- There was a suggestion that Group Leaders might need to re-look at the running of Full Council meetings once suggestions had been made by the Chief Executive and these ideas had been drawn up.
- The issues around Full Council meetings had already been discussed at Group Leaders, some of these ideas had then gone on to Full Council to be discussed and debated on, especially around the process on questions.
- There were concerns amongst some councillors that asking questions was a key aspect of Full Council and some of the recent suggestions seemed to nullify this.
- One of best solutions was to have more Full Council meetings during the year, with one every month except for April and August, this would enable more business to be conducted. This would also allow flexibility in terms of the agenda and meetings could therefore be earmarked just for budget discussions or just for motions.
- Councillors and members of the public were disheartened that effort had gone into drawing up motions and questions but then were not debated at the meeting.
- It was important that at Full Council meetings business that effected members of the public and residents needed to be dealt with as a priority.
- There was also an issue over the guillotine and whether not having a guillotine might focus members on getting through the business of the meeting.
- All members of the Committee agreed that it was important to get through the business at Full Council meetings and that it was important to show residents that Councillors cared about what was happening in the City.
- Before the time limits on Full Council meetings were in place the meetings only very occasionally went on longer than four hours. The suggestions being proposed possibly created other issues, such as who could get their motions in on time.
- A proposal was made by the Chair that the Committee ask the Chief Executive to review the whole process of Full Council meetings with Democratic Services, following which a report was to be taken to Group Leaders to discuss. There were specific areas that needed focus these being:
 - The role of the Mayor
 - Focus to be on issues that affect residents
 - The importance of questions to Cabinet Members
 - Consider that motions were an important part of the agenda
 - Whether there needed to be additional Full Council meetings

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to recommend that the issue of Full Council meetings be referred to the Chief Executive to review the whole process with Democratic Services and a report be taken back to Group Leaders, with specific focus on the following:

- i. The role of the Mayor
- ii. Council business focusing on the issues affecting residents
- iii. Questions on notice to Cabinet Members
- iv. The importance of motions and the order of the agenda
- v. Additional Full Council meetings

21. DISPENSATIONS ISSUES

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

22. UPDATE ON NATIONAL ISSUES (LGAMODEL CODE OF CONDUCT)

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note that there had been no further updates on issues of national interest since the last meeting

23. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE OCTOBER 2020

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 October 2020.

There was an alteration to be made to 4.2 of the report in bullet point two to now read, "Two complaints from a councillor in relation to social media posts by another councillor (received September 2020). **Further complaints in response from the subject member were also received regarding the content and nature of these complaints, and the claims which had been made.** These have been initially assessed by the Monitoring Officer and Independent Person and have **all** been referred for a joint investigation".

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in October 2020 along with the altered wording of 4.2 of the report.

24. 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 2020/21.

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

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note the Committee's work programme as at 8 February 2021.

6:00pm – 7.15pm

Chairman