

**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 6:00PM, ON
TUESDAY, 31 OCTOBER 2023
BOURGES/VIERSEN ROOMS, TOWN HALL, PETERBOROUGH**

Committee Members Present: Hiller Chairman (Chair), Sainsbury Vice-Chairman (Vice-Chair), Councillors Jackie Allen, Jamil, Alison Jones, Sandford and Ray.

Officers Present: Adesuwa Omoregie, Interim Head of Legal and Monitoring Officer
Rachel Edwards, Head of Constitutional Services
Dan Kalley, Democratic & Constitutional Services Manager
Charlotte Cameron, Senior Democratic Services Officer
Sue Proctor, Executive and Members Services Manager
Karen S Dunleavy, Democratic Services Officer

Also in Attendance: Helen Mitchell and Ed Hammond, Centre for Governance and Scrutiny

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Coles, Cllr Jackie Allen was in attendance as substitute.

2. MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING HELD ON

The minutes of the meeting held on 17 July 2023, were agreed as a true and accurate record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. CENTRE FOR GOVERNANCE AND SCRUTINY DIAGNOSTIC REVIEW

Constitution and Ethics Committee received a report in relation to the Centre for Governance and Scrutiny diagnostic Review.

The purpose of the report was to provide an outline of the CfGS review. In addition the work conducted in 2014-2016 and recently in 2022/23 would be explored again by the Committee after the May 2024 election.

The Interim Director of Legal and Governance/Monitoring Officer, introduced the report and asked Members to note the report and advised that at the next meeting of the Constitution and Ethics Committee, officers would provide an update on the implementation of the recommendations and bring forward a plan in respect of the review of the constitution.

In addition, Helen Mitchel from CfGS thanked the Committee for the opportunity to hold the Council to account on its forward plan, decision making, role of scrutiny,

member/officer relationships and the status of the constitution. It was also advised that following the CfGS review, there were several recommendations made.

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

- Work undertaken on previous governance reviews had not been received by CfGS to consider as part of the current review. However, there appeared to be no evidence or overwhelming support that the current governance model should change.
- The CfGS report was quality assured before submission to PCC.
- There was no overwhelming evidence that all decisions should be taken collectively by Cabinet, and it was felt that to operate this mode of decision making would be too restrictive and a balance needed to be found.
- A modular constitution was developed by the Government in 2000, which most Councils chose to use. Moving forward, most Council Constitutions faced challenges around accessibility, in addition to the wording being difficult to understand. For Peterborough, there were issues in relation to standing orders, officer delegations and in some cases a change to the law needed to be reflected. In addition, the navigation and member and officer relationships could also be made clearer in the constitution.
- Incorrect references to the Constitution Working Group would be corrected throughout the CfGS to reflect the correct title.
- Comments were made about how some members were disappointed about the reference made in the CfGS report about the Constitution and Ethics Committee Chair training and the Mayor's protocol and regalia.
- There appeared to be some factual accuracy about how the Mayor was appointed and the Committee would receive a report in the future to provide clarity over what the protocol was.
- It would be up to the relevant Scrutiny Committee to decide at the work programming stage what decisions they wanted to pre scrutinise.
- It was possible for a hybrid model to operate under a committee system, and as an example a single policy and recourses committee could operate as a quasi-cabinet to make decisions with a smaller number of members making them.
- The Independent Coopted Members of Audit Committee had not been included in the report as it was not a strong want of the review.
- The report reflected a balanced view and there was no overall support to an alternative governance system. However, some Members felt that this was not accurate as some members had supported the governance recommendation in 2016.
- It was sensible to revisit the Employment Committee's remit to align with the work of the Council.
- There were some additional comments raised by the Leader of the Council in relation to toxic behaviours and this would be reflected in the CfGS report.
- Members commented that there had been no evidence to support recommendation 18 made in relation to changes to Governance system, to suggest there was minimal support for Governance model change.

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note the report and **AGREED** to authorise officers to commence work to implement the recommendations, subject to the points of clarification being made in relation to CfGS recommendation 12

in relation to the Mayor and 18 in terms of a change to Governance model.

AGREED ACTION

The Constitution and Ethics Committee noted the report and **RESOLVED** (Unanimous) to authorise officers to commence work to implement the recommendations, subject to the points of clarification being made in relation to CfGS recommendation 12 in relation to the Mayor and 18 in terms of a change to Governance model. In addition, the Committee **AGREED**, that:

1. The CfGS report would be amended, by Helen Mitchel from CfGS to correct any inaccuracies raised by the Committee.
2. Officers would commence work to implement the recommendations provided by the Centre for Governance and Scrutiny proposed in the report.
3. A report would be presented to the next meeting of the Constitution and Ethics Committee, to provide an update on the implementation of the CfGS recommendations and bring forward a plan in respect of the review of the constitution; and
4. The Head of Constitutional Services would provide Members with a report at a future Constitution and Ethics Committee on how the mayoral and deputy appointments were made.

5. MEMBERS TRAINING PROGRAMME

The Constitution and Ethics Committee received a report in relation to the Members Training Programme.

The purpose of the report was to provide an update on training attendance of members 2023/24 and a comparison of the previous year 2022/2023, which had showed an increase in uptake.

The Senior Democratic Services Officer introduced the report and asked Members to note the update and consider any other areas for future Members training.

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

- Members commented that it had been important for Councillors to attend training for regulatory functions, such as Planning and Licensing. In addition, it was noted that the training programme requirement for newly elected Councillors could be overwhelming and therefore it was important to highlight significant training for them, such as for regulatory committees.
- There had been better attendance at virtual training, however, some regulatory or finance training worked better physically. In addition, finance sessions had been available as a hybrid option and a recording could be taken for those that were unable to attend physically.
- Where recorded, all training was available on the Councillors Training PCC Intranet page.
- Members complimented the training approach and stated it had worked well compared to previous years. Furthermore, it would be useful to compare other councils' training approach as sharing experiences could be beneficial.
- There was an opportunity for recommendations made by Councillors at training sessions to link into the work of the Council, and it would be good if the training offer was developed in that way.
- There was no additional planning committee session as the requirements were

- covered in session one.
- Members felt it was reassuring that attendance at Audit Committee training had increased.
 - Training feedback surveys had been sent to all Councillors following a training session.
 - A summary of each training offer was included in a training brochure in the Councillor induction pack. Going forward, further information could be included in the induction pack to highlight what points that would be covered and what the benefits were in attending.
 - Members commented that political party whips could get involved in promoting training.
 - Feedback could be extrapolated from survey forms completed and included in future reports.

AGREED ACTIONS

The Constitution and Ethics Committee considered and noted the report and agreed that Democratic Services would:

1. Include some context around the beneficial points to be covered in the training offer for Councillors.
2. Provide Committee with an overview of the comments submitted in relation to the training feedback surveys in future reports.

6. HONOURS/AWARDS

The Constitution and Ethics Committee received a report in relation to the Honours and Awards process.

The purpose of the report was to provide an update on the extension of the Civic Awards nomination and the National Honours nomination process. In addition, the Committee was updated about the communications campaign conducted to increase nominations. It had been confirmed by the Lieutenancy Office had confirmed that nomination numbers for the National Honours Awards had not been limited across the County and Members should submit as many as possible.

The Head of Constitutional Services introduced the report and asked Members to note the Honours and Awards process arrangements.

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

- The National Awards nominations should be made for people that had served their community and not suggest which award they should receive such as OBE.
- Contact should be made with the MP to ensure what action the Council was taking to increase National Honour nominations.
- It was confirmed that timings of the award arrangements were mindful of the Ramadan period.

The Constitution and Ethics Committee considered the report and **RESOLVED** to note the report and agreed that a letter would be sent to MP Paul Bristow to outline the Council's actions to increase nominations for National Honour Awards.

AGREED ACTIONS

The Constitution and Ethics Committee noted the nominations process for Civic Awards and National Honours and agreed that the Head of Constitutional Services would

arrange a letter to be sent to the MP Paul Bristow to outline what action the Council was taking to increase nominations.

7. **DISPENSATION ISSUES**

The Constitution and Ethics Committee **RESOLVED** (Unanimously) to note that there had been no dispensations issues since the last meeting on 17 July 2023.

8. **REPORT ON THE CODE OF CONDUCT ISSUES**

The Constitution and Ethics Committee received a report in relation to the Code of Conduct Complaints received since the last meeting held in July 2023.

The purpose of the report was to update Members on the status of any new complaints and those that had been resolved since the last meeting.

The Interim Director of Legal and Governance/ Monitoring Officer introduced the report and asked Members to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 17 July 2023. Since the Committee's last report there had been five new complaints received in relation to City Councillors and one ongoing complaint received in relation to Parish Councillors, however there had been no new complaints received in relation to PCs. Members were also advised that going forward, the report would be streamlined.

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

- Members commented that it would be good to highlight the theme or rationale of complaints being received in future reports and include the outcome reached.
- A review of the complaints process would be beneficial.
- It would be useful review feedback from Councillors that had gone through the process, which should be on a voluntary basis.
- Members felt that the Monitoring Officer could try to minimise vexatious complaints submitted.

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

AGREED ACTIONS

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the report and agreed that the Interim Director of Legal and Governance would provide:

1. A summary of the complaints received to be provided in reports going forward to outline the themes, outcomes and feedback from Councillors that had gone through the process; and
2. Circulate the process for raising complaints and the process initiated to Committee Members with the aim to gain feedback; and
3. An update to the Committee on the current complaints process.

9. **WORK PROGRAMME**

The Constitution and Ethics Committee received a report in relation to the work programme 2023/24.

The Democratic Services Officer introduced the report and outlined the work programme report, along with additional items that were to be included.

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

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note and agree the Work Programme and agreed that the Democratic Services Officer would arrange an agenda setting meeting for the agenda items to be discussed at the meeting due to be held on 5 February 2024.

AGREED ACTIONS

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the report and agreed that the Democratic Services Officer would arrange an agenda setting meeting to discuss agenda items for submission on 5 February 2024, agenda prior to the extraordinary meeting due to be held on 14 December 2023.

CHAIRMAN
7.29PM END