



**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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