



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE
MEETING
HELD AT 7:00PM, ON
MONDAY, 30 SEPTEMBER 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Present: Councillors Seaton (Chairman), Simons, Murphy, Amjad Iqbal and Sandford

Officers in

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

Also in

Attendance:

11. APOLOGIES FOR ABSENCE

There were apologies from Councillors Bashir, Allen and Shaheed. Councillor Simons attended as substitute

12. DECLARATIONS OF INTEREST

There were none.

13. MINUTES OF THE MEETING HELD ON 8 JULY 2019

The minutes of the meeting held on 8 July 2019 were agreed as a true and accurate record.

14. UPDATE ON REVIEW OF SCRUTINY GUIDANCE AND FUNCTIONS

The Constitution and Ethics Committee received a report in relation to an update on the review of scrutiny guidance and functions following a request at the last meeting.

The Senior Democratic Services Officer introduced the report and confirmed that the report outlined responses to actions that were raised at the previous meeting.

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

- There was agreement that there were already joint scrutiny arrangements in place with Cambridgeshire County Council. The Health Scrutiny Committee had previously met with the Health Scrutiny Committee from Cambridgeshire County Council. The Committees terms of reference allowed for joint working in the future.
- It was important that joint working arrangements were kept under review and opportunities for joint working were taken when they arose.
- In terms of the council's call-in procedure the previous rules allowed any two scrutiny members from any scrutiny committee who could call in a Cabinet Member decision. This never resulted in any more call-ins compared to the current set of rules. It was unclear why this had changed to the current practice.
- It was arguable that the threshold for a key decision was too high. It was agreed that officers would look at similar authorities and what their thresholds were for key decisions as well as looking at how many decisions used the urgency procedures.
- There was some support for the rules used by Nottingham City Council in terms of their call-in procedures.
- There was a proposal to recommend to Full Council that the call-in process be changed to allow three Councillors of any Scrutiny Committee to be able to call in any key or non-key decisions.
- With regards to the Chairmanship of scrutiny committees and constitution and ethics this had already been agreed upon at Annual Council. There was argument that the best way of electing a Chairperson was for a secret ballot and that not all committees should be from the controlling party.
- It was agreed that the issue around Chairmanship of committees would be looked at again in the next municipal year.
- In terms of scrutiny committees reporting to Full Council on an annual basis, there was an argument that scrutiny committees could report more often than once a year. It was important to ensure that Full Council was kept informed of the recommendations made by the scrutiny committees. In addition, it would allow those Councillors who are not on any scrutiny committees the opportunity to ask any questions.
- This would also give scrutiny a wider general power that if they had any issues they could draw this to the attention of Full Council.
- There was concern that if scrutiny reported more regularly to Full Council it would take up more of an already crowded agenda.
- It was agreed that officers would look at how other authorities reported scrutiny recommendations to Full Council, discussing this with the current scrutiny chairmen to seek their views and report back to the Constitution and Ethics Committee.
- In terms of the proposed changes to the scrutiny functions and which scrutiny committee had responsibility, it was agreed to recommend the changes to Full Council.

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

1. Recommend to Full Council updating the Council's standing orders in relation to the Council's Call-in procedure to allow any three Councillors who sit on a Scrutiny Committee to be able to call-in both key and non-key decisions made by the Executive. (3 For, 2 Abstain)
2. Recommend to Full Council updating the current functions of the Scrutiny Committees as detailed below and to take effect in January 2020:
 - a. Move Libraries, Arts & Museums from the Growth, Environment and Resources Scrutiny committee to the Adults & Communities Scrutiny committee as this now falls under the Service Director Adults Services and Communities
 - b. Move Adult Learning & Skills from the Children & Education Scrutiny Committee to the Adults and Communities Scrutiny Committee
 - c. Move Youth Service from Children & Education Scrutiny committee to Adults & Communities Scrutiny Committee

ACTIONS:

1. Officers to monitor and review joint working arrangements with Cambridgeshire County Council
2. Officers to review and research how other authorities report scrutiny recommendations to Full Council.
3. Officers to research how many urgent decisions are taken and compare to other authorities and to look at bringing a report back to the Committee.

15. ADDITIONAL COUNCIL MEETING

The Constitution and Ethics Committee received a report in relation to potential additional Full Council meetings.

The Democratic and Constitutional Services Manager introduced the report and explained that following on from the last meeting the views of the Council's Senior Management Team and Group Leaders had been sought as to the possibility of additional Full Council meetings. Most had responded in favour of an additional May meeting. Additional comments were received in relation to the order of motions and questions on the agenda.

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

- The consensus from senior officers and some group leaders was for an additional meeting held two weeks after Annual Council. It was also agreed to look at moving the January meeting to early February.
- There was a long period from March to July currently where there were no Full Council meetings in which motions and questions could be asked. An additional meeting in May would help alleviate the long gap.

- There was debate around making the final budget meeting one to discuss the budget only. If that was the case a further additional meeting needed to be made in order to consider normal business.
- There were a number of proposals put forward including:
 - Look to moving January Full Council meeting to February,
 - Supporting an extra meeting in May, two weeks after Annual Council.
 - If there were three budget meetings proposed for a municipal year then the Constitution and Ethics Committee could revisit the number of Full Council meetings held for that year.
 - In terms of motions and the order of business it was agreed that the Mayor and Group Leaders could look at altering the agenda if there were issues that needed to be given more time for debate at the meeting.
- It was important that Group Leaders meetings worked around looking at the proposed agenda items and recommend any changes to the order of the agenda to the Mayor.
- The Mayor still had the power to change the order of the agenda at their discretion.

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

1. Recommend to Full Council the creation of an additional Full Council meeting to be held two weeks following the Annual Council meeting, to allow normal business of the Full Council to be conducted.
2. Officers to look at the possibility of moving the January Full Council meeting to February.
3. Receive a report into the possibility of having an additional Full Council meeting should there be three budget council meetings in a Municipal Year.

ACTIONS:

1. Group Leaders and the Mayor to identify any opportunities prior to a Full Council meeting in changing the order of the agenda to allow important motions to be sufficiently debated.

16. COMMITTEE START TIME 2020-2021

The Constitution and Ethics Committee received a report in relation to the start time for the Constitution and Ethics Committee for the municipal year 2020-2021.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to agree the start time for the Committee in 2020-21 as 6pm

17. DISPENSATIONS ISSUES

The Director of Law and Governance and Monitoring Officer informed the Committee that a dispensation had been granted to Councillor Sandford so

that he can meet with officers from Cambridgeshire County Council and the Combined Authority with regards to representing the Woodland Trust.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note the dispensation granted

18. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE JULY 2019

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 July 2019.

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 July 2019.

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

7:00pm – 8.03pm
Chairman

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