

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

Committee Members Present: Sandford (Chair), Jamil (Vice-Chair), Councillors Steve Allen, Coles, Alison Jones, Sainsbury and Simons

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

Also Present: Councillor Christian Hogg, Liberal Democrat Group Leader

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fitzgerald. Councillor Coles was in attendance as substitute.

15. DECLARATIONS OF INTEREST

No declarations of interest were received.

16. MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING HELD ON:

The minutes of the meeting held on 4 July 2022 and 15 August 2022 were agreed as a true and accurate record.

17. PETERBOROUGH CITY COUNCIL GOVERNANCE REVIEW – TERMS OF REFERENCE

The Constitution and Ethics Committee received a report in relation to the terms of reference for the Governance Review

The purpose of the report was for the Constitution and Ethics Committee to agree the terms of the reference for a working group to review the governance arrangements at Peterborough City Council.

The Director of Law and Governance introduced the report and stated that this was a follow up from the previous meeting. The terms of reference before the committee enabled members to review what was done in 2015/16 with regards to proposals around a hybrid system of governance and make any recommendations that were appropriate.

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

- The intention was to meet remotely and form recommendations to the main committee before being voted upon.
- It was pleasing to note that Group Leaders could attend the meetings if they wished to contribute. In addition, the Cabinet Member with responsibility would also be invited to the meetings.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to agree the terms of reference for a working group to review the governance arrangements at Peterborough City Council.

18. CONSTITUTION UPDATES

The Constitution and Ethics Committee received a report in relation to a number of constitutional updates.

The purpose of the report was to review and update the constitution and recommend to Full Council any changes to the constitution that were agreed by the Committee.

The Director of Law and Governance introduced the report and stated that there were a number of amendments for the meeting including:

Council meeting agenda and council questions.

This was an opportunity for members to review the order of the Council agenda and to see if there were any changes that could be made. There was also a focus to review council questions to ensure these were appropriate at the current time.

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

- The structure of Full Council meetings was currently working well and the items on the agenda had a fair chance of being debated fully. It was agreed that at the current time no changes were needed to the council questions or structure of Full Council meetings.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to keep the Council Agenda and process for council questions the same.

Motions with significant implications

Members were asked to review the motions with significant motions and make any recommendations for changes to Full Council if appropriate

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

- There had been a few motions with significant implications. These had to go to directors in order to provide a briefing note, ensuring the requests complied with the budget rules.
- From officers' point of view this had helped with a reduction in the overall number of motions and ensured that motions were of a higher quality.
- It was important to make sure adequate processes of scrutinising some of the motions was in place. The current time frames allowed the opportunity for officers

and cabinet members to discuss the motion with the motion author to try and get agreement and create quality motions.

- It was a right for any councillor to submit a motion to Council. The current timeframe for submitting motions with significant motions was nearly three weeks before the Full Council, this was too far in advance. It would be beneficial if the significant motions were included in the same timeframes as normal motions. This would create one category for motions and be simpler for members to understand.
- There was an argument that all motions should adhere to the timelines as set out for motions for significant motions. In terms of other motions these needed to be in draft form 8 clear working days before the meeting and in final form 6 clear working days before the meeting.
- There were provisions within the constitution whereby an urgent motion could be accepted, although this was rare.
- Members were reminded that officers carried out a lot of work behind the scenes to ensure motions were well drafted and was something the Council held responsibility for.
- Some members stated that the system was currently working so there was no need at the current time to change this.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to keep the significant motions as is and review how this working again in six months.

Constitution naming conventions

The committee were asked to consider the recommendation of the Task and Finish Group to promote equality and diversity amongst Councillors with regards to naming conventions and make any recommendations to Full Council.

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

- It was sensible to allow members discretion as to how they wished to be addressed, especially with regards to the mayor.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council that Members have discretion as to how they wish to be addressed, including allowing the mayor the discretion over whether they are addressed as “Mr Mayor”, “Madam Mayor”, or in the same format as Councillors, for example, “Mayor” and then their surname.

Officer Employment Rules

The committee were asked to consider whether the Employment Committee needed to continue interviewing deputy chief officers, there were other local authorities where this had passed to the Head of Paid Service. In addition, members were asked to consider the removal of the requirement to allow cabinet members two clear days to make well-founded objections. As the Leader of the Council and Cabinet Members sat on the committee the Leader could confirm no objections once the recommendation to appoint had been made. This would still follow the requirements in the legislation.

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

- It was important that members had some involvement of interviewing deputy chief officers, these were important posts and members welcomed being involved in the recruitment process. Members agreed that this element of the Officer Employment Rules should not be amended.
- An annex could be included to outline what those chief and deputy officer positions were.
- The removal of the two days was a good suggestion. There was no need to delay the approval of an appointment as the Leader and Cabinet Member with responsibility for the portfolio would normally be in attendance.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council that the reference to two clear days for objections to be registered to the Leader be amended, as at Appendix 2 to the report, to allow the Leader to confirm once the appointment had been made that no objections had been received.

19. **APPOINTMENT TO OUTSIDE BODIES AND APPOINTMENT TO COUNCIL CHAMPIONS**

The Constitution and Ethics Committee received a report in relation to a number of recommendations, including appointments to outside bodies, appointment of council champions and the appointment to the Combined Authority Board.

The purpose of the report was for the Constitution and Ethics Committee to review the current process for the appointment to outside bodies, to review the issue of Council Champions, who would represent the Council within certain fields that could be appointed at Annual Council if appropriate, and to clarify the Council's appointment to the Board of the Cambridgeshire & Peterborough Combined Authority "CPCA").

The Director of Law and Governance introduced the report and stated that members could consider the way appointment to outside bodies was made. In addition, the committee could look at updating the constitution allowing the Leader at Annual Council to officially appoint council champions from across parties.

In terms of the appointments to council champions there was no reference in the constitution to state how this was to be done. Group Leaders had been asked to submit ideas, however none had yet been received.

With regards to the appointment to the Combined Authority Board, there was a lack of clarity over who appointed to the Combined Authority Board and this needed updating in the constitution.

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

Appointment to the Combined Authority Board

- The appointment to the Combined Authority Board was agreed should be the Leader of the Council and needed to be updated in the constitution.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council that the Constitution be amended to make

clear that the Leader of the Council would be the Council's representative, ex officio, on the Cambridgeshire and Peterborough Combined Authority Board, by virtue of holding the Office of Leader and that the Deputy Leader would be the substitute representative, ex officio, on the Cambridgeshire and Peterborough Combined Authority Board, by virtue of holding the office of Deputy Leader.

Appointment to outside bodies,

- Appointments to outside bodies was best placed to be determined by all Councillors at the Annual Council meeting.
- There used to be an informal procedure whereby group secretaries discussed the appointments and resolved most queries. If there were any contentious appointments these would then be presented to Annual Council to decide. At some point it then changed to the Leader being responsible for deciding any contentious appointments.
- It was confirmed that political proportionality applied to the outside bodies including being proportional for any appointments that were ward related.
- It was arguable whether this was the best use of Council time and that it was best placed for the Leader to determine any controversial appointments.
- This was an opportunity for Group Leaders to review the appointments and come to an agreement. It could then be ratified by Annual Council.
- Some members felt that this process had worked well and that there was no need to change anything at this stage.

The Constitution and Ethics Committee considered the report and **RESOLVED** (3 for, 3 against, 1 abstention, Mayor's casting vote for) to recommend to Full Council that the Constitution be amended so that appointments to outside bodies be agreed at Annual Council.

Appointment to Council Champions

- There was a network of tree champions which had been promoted by the Woodland trust. It was hoped that the Council would adopt the definition of a Council Champion.
- The general role of champions was to work with officers and relevant committees to promote certain areas for which the Council had responsibility for. They would be a point of expertise.
- If there were going to be council champions, then each champion needed to have a job description so that members could hold them to account if they were not performing.
- This was an onerous task which required a lot of work for members and officers. Members needed to give thought on how this was to be developed before council champions were appointed.
- Members were reminded that groups could have their own champions outside of any scheme the council ran.
- If there were positions that were contested, then only Full Council could determine the final person to champion a certain role.
- There was more work for officers to carry out to identify those areas were. It was an idea to ask the scrutiny committees to identify areas that could benefit from having a champion. A further report could then be brought back to committee in February.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend that Lead Officers for the Scrutiny Committees to review areas where it may be beneficial for the Council to have a champion. A report would then

be presented to a future meeting of the Constitution and Ethics Committee outlining those potential champions before any recommendations were made to Full Council.

20. CIVIC PROTOCOL – DECLARATION BY MAYOR

The Constitution and Ethics Committee received a report in relation to the mayor's declaration and the inclusion in the Civic Protocol.

The purpose of the report was to review the declaration an incoming Mayor signs in order to clarify that the postholder is agreeing to abide by the Council's Civic Protocol, which sets out the expectations for official civic and ceremonial events

The Director of Law and Governance introduced the report and commented that was a request of the Leader to add some wording into the acceptance of office from next municipal year and that correspondingly this be included in the declaration of office. Members were informed that comments had been received by the current Mayor and had been circulated to members of the committee. In addition, this had been discussed at Group Leaders meetings preceding the committee meeting.

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

- Group Leaders had agreed to refer the matter to the Constitution and Ethics Committee for discussion. The report was seeking a declaration by the mayor to abide by the Civic Protocol around the wearing of the civic regalia.
- The current Mayor had submitted his comments and had a strong view that the Mayor of Peterborough should have some discretion over what civic regalis was to be worn at different events.
- The role of the mayor needed to move with the times, there needed to be some discretion over what was worn, this would enable a better connection to residents of the city.
- This was about more than holding a view about the monarchy. It was symbolic that the mayor wore the correct civic regalia.
- There needed to be more clarity over what events required the mayor to wear the full regalia and insignia. There were formal occasions when the mayor did not have to wear the hat, however it was now being deemed necessary for major events.
- The Civic Protocol could be amended to prescribe what events needed the appropriate dress code. This would enable more certainty for the mayor and for officers.
- There was more time to look at this before it was implemented next May, it was advisable that officers needed to refine some elements before being presented to the committee at a later date.
- There was an argument that this was not in keeping with trying to modernise the mayor and make the role more relatable to the people of Peterborough.
- There was no clear definition of what a formal event was in the protocol, it was not sound to make changes without ensuring a fuller consultation.
- There was time before Full Council to add some further lines around formal events and make this clearer before a vote was taken.
- Some members felt that this could be amended and presented to committee at the November meeting.
- Members agreed that at this stage the protocol would be brought back to committee in November.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to review the Civic Protocol at the next meeting following additions outlining the different events that would require the mayor to wear the full civic regalia.

21. AMENDMENTS TO THE CONTRACT RULES

The Constitution and Ethics Committee received a report in relation to amendments to the Contract Rules.

The purpose of the report was to provide the Constitution and Ethics Committee the opportunity to review and approve amendments to the Contract Rules set out in Part 4, Section 10 of the Council's constitution.

The Director of Law and Governance introduced the report and commented that the recommendation had come from the Executive Director of Resources as the £5k limit was too low and required a lot of work to sign off small contracts. It was more reasonable to up this level to £25k to enable budget holders to take more responsibility over contracts.

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

- These changes allowed staff to make key decisions quicker and enabled senior directors to concentrate on the leadership of the Council. In addition, it provided officers with more decision-making powers.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council the amendments to the Contract Rules as set out in Appendix A.

REASONS FOR THE DECISION

The reason for the changes is to ensure that budget holders take responsibility and manage their budgets. This will assist in the process when goods, services or works are purchased and avoid unnecessary delays and excessive officer time being spent in relation to reasonably low value contracts.

22. UPDATE ON NATIONAL ISSUES

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note that there had been updates on national issues since the last meeting on 15 August 2022.

23. DISPENSATIONS ISSUED

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note that there had been no dispensations issues since the last meeting on 15 August 2022.

24. CODE OF CONDUCT COMPLAINTS

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

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 Director of Law and Governance introduced the report and updated members on new complaints received and any that had been resolved since the last meeting.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 15th August 2022

25. TRAINING RECORD

The Constitution and Ethics Committee received a report in relation to the training record outlining Councillor attendance at training sessions so far in the municipal year.

The purpose of the report was to for the Constitution and Ethics Committee to note the training record on training provided by the Council since May 2022

The Director of Law and Governance introduced the report and updated members on the level of training attended. There was still more work to do going forward and some sessions were better attended than others.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the updated training record as at 6 October 2022.

26. WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

The Constitution and Ethics Committee received a report in relation to the committee's work programme.

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

- There needed to be some work done in reviewing the Constitution to ensure that duplications and contradictions were reviewed and amended.

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

27. EXCLUSION OF THE PUBLIC AND PRESS

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) that the press and public be excluded from the meeting on Item 15 and 16, Honours Panel reports on the grounds that the item contains exempt information under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed (Information relating to an individual).

28. HONOURS PANEL – RETIRED COUNCILLORS – ALDERMAN STATUS

The Constitution and Ethics Committee received a report in relation to awarding retired Councillors Alderman Status.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council the granting of Alderman Status to those retired Councillors outlined in the report.

29. HONOURS PANEL REPORT

The Constitution and Ethics Committee received a further report with regards to the role as the Honours Panel

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend the outcome of the discussion a meeting of extraordinary Full Council

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