

Constitution and Ethics Committee Minutes

Date: Wednesday 20 September 2023

Time: 2:00pm – 2:45pm

Venue: New Shire Hall, Alconbury Weald

Present: Councillors Sebastian Kindersley (Vice-Chair), David Ambrose Smith, Piers Coutts, Mark Goldsack, John Gowing, Elisa Meschini, Kevin Reynolds, Simone Taylor and Graham Wilson

43. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillor Gerri Bird (substituted by Councillor Meschini), Councillor Lorna Dupré (substituted by Councillor Coutts), Councillor Mac McGuire (substituted by Councillor Goldsack) and Councillor Tom Sanderson (substituted by Councillor Taylor).

There were no declarations of interest.

44. Minutes – 20 June 2023

The minutes of the meeting held on 20 June 2023 were agreed as a correct record and were signed by the Vice-Chair.

45. Annual Review of the Constitution

The Service Director of Legal and Governance presented the annual review of the constitution to the committee, which recommended several changes to the constitution, as set out in sections 2.2 to 2.16 of the report, and proposed the development of a Social Media Protocol for Councillors and Co-opted Members. An in-depth review of the constitution would be carried out over the forthcoming year, for which it was proposed that the committee establish a cross-party Constitution Working Group to support the process.

While discussing the report, Members:

- Noted that the proposed amendments to the Media Protocol attached at Appendix 1 to the report did not include the removal of references to specific social media channels, as had been proposed separately in the report, and it was confirmed that the references would be removed when the proposed changes were presented to Full Council.

- Sought clarification on whether the Council would financially support members or officers who sought external legal advice on an issue of libel. Members were informed that although the Council had insurance to cover issues of libel and defamation to individuals performing their roles as part of the Council, it was more common for local authorities to take steps to prevent publication through injunctions, due to the significant cost of libel or defamation proceedings. If a member or officer sought to proceed with a libel proceeding individually, any financial support would require approval from members, due to the high cost and the fact it would usually only be for one person.
- Clarified that nominations to the Constitution Working Group could include members who were substitutes of the committee or who were not on the committee at all. It was agreed to nominate Councillors Ambrose Smith, Bulat, Kindersley and Sanderson to the Constitution Working Group.

It was resolved unanimously to:

- a) Recommend the following changes to the Constitution, as set out in Section 2 of the report, to Full Council:
 - (i) Clarification on the consultation process for decisions delegated to officers.
 - (ii) Additional provision for local members participating in committee meetings.
 - (iii) Restrictions on public questions or petitions that have been put in the past six months.
 - (iv) Removal of references to named social media companies.
 - (v) Amendments to the Terms of Reference for the Assets and Procurement Committee.
- b) Changes to the media protocol.
- c) Agree to the development of a Social Media Protocol for the Council; and
- d) Establish and appoint Councillors Ambrose Smith, Bulat, Kindersley and Sanderson to a Constitution Working Group, as set out in paragraphs 2.20-2.23 of the report.

46. Governance Review - Implementation of Recommendations

The Committee received a report on the implementation of recommendations from a review of the Council's committee system that had been carried out by the Centre for Governance and Scrutiny (CfGS), following previous consideration of several initial recommendations that were subsequently approved by Full Council in July 2023. The

report included an update on arrangements for member and officer training, sought the Committee's feedback on the management of a reinstated Members' Seminar programme, and proposed a review of the Member/Officer Protocol and Members' Code of Conduct in the constitution. A revised process for Spokes and Chair/Vice-Chair meetings was proposed, which would include a review of current internal advisory groups and panels. The report also suggested that the transfer of any social care decision-making to the Communities, Social Mobility and Inclusion Committee be kept under review, and it asked the committee to request the Chair of the Adults and Health Committee to hold health scrutiny meetings on the reserve dates for the Adults and Health Committee.

While discussing the report, Members:

- Observed that the draft terms of reference for Spokes meetings referred to specific political groups, rather than generic terms, such as administration or opposition. Acknowledging that such documents should be apolitical by nature, as was also the case with the constitution, it was confirmed that the references to political groups would be removed.
- Clarified that meetings involving all four Spokes would continue to be held jointly when it was possible and agreed to do so, particularly when they would be asked for input on matters that would proceed to the committee for approval.
- Suggested that improvements had already been made to the agenda management of the Adults and Health Committee, and that it was therefore not necessary to use the committee's reserve dates for health scrutiny meetings, as had been recommended in the CfGS report.
- Considered how the format of the Members' Seminar programme could be made as convenient and accessible as possible, although it was recognised that it would not be possible to accommodate the varying schedules of all members. Suggesting that sessions around the lunch period in the middle of the day were likely to attract the highest attendance, members agreed that virtual meetings were less time consuming, cheaper, more environmentally sustainable, and allowed recordings to be made for those members who were unable to attend, notwithstanding meetings that involved external speakers which could not always be recorded. However, it was suggested that people could grow weary of virtual meetings and that occasional seminars could be held in person. Members requested that attendance of seminars be tracked so that periodic reviews could establish the success of both formats, and also requested a training session for members on how to make the best use of Teams to improve engagement in such sessions.
- Paid tribute to the extensive induction programme that was provided to new councillors, but noted that it covered a wide range of issues and suggested that periodic refresher training sessions could prove beneficial.

It was resolved to:

- a) Note the arrangements for Member and officer training set out in Sections 2.2.1 and 2.2.2 of the report;

- b) Ask the Constitution Working Group to review the Member/Officer Protocol and Members' Code of Conduct before being presented to the full committee for consideration;
- c) Agree the Terms of Reference attached at Appendix 2 for Spokes meetings;
- d) Agree the arrangements for Chair/Vice-Chair briefing meetings at Section 2.3.3 of the report;
- e) Advise officers on how best to manage the reinstatement of the Members' Seminar programme;
- f) Ask Spokes to review the advisory groups and panels relating to their area and recommend to the relevant policy and service committee whether they should continue;
- g) Ask Spokes to consider the actions relating to Recommendation 4 set out in Section 2 of the report;
- h) Keep under review what aspects of social care decision-making can be moved to Communities, Social Mobility and Inclusion Committee; and
- i) Not request the Chair of Adults and Health Committee hold health scrutiny meetings on the reserve dates for Adults and Health Committee.

47. A Review of the Complaints Received under the Members' Code of Conduct – September 2023

The committee received a report on the number and nature of complaints received about Members under the Code of Conduct from 20 June 2023 to 31 August 2023, which also included details of other complaints that were already in process or had been concluded. Twenty-six new complaints had been received in relation to one incident, and along with two previously ongoing complaints, it was confirmed that all had been resolved and there were now no ongoing complaints.

While discussing the report, members:

- Clarified that the twenty-six new complaints were all from different people. It was noted that complaints were often submitted out of dissatisfaction with a particular decision that had been made by the Council, rather than specifically in relation to a supposed breach of the code of conduct, and that in such cases it was not uncommon for a member to receive multiple complaints. It was emphasised that all complaints were treated equally and that the receipt of multiple complaints about the same issue did not affect how they were treated individually.
- Queried how much officer time was spent resolving a complaint. Members were informed that although the complaint process had been streamlined to facilitate more timely resolutions, it remained necessary to read and assess each individual

complaint, consult the independent person as required, notify the respective member that a complaint had been received, and ensure the complainant was kept informed throughout the process. It was suggested that each complaint required approximately three to four hours of officer time to resolve if a breach of the code of conduct was judged to have not occurred.

It was resolved unanimously to:

Note the contents of the report.

48. Constitution and Ethics Committee Agenda Plan

The Committee noted its agenda plan.

Chair