

## Constitution and Ethics Committee Minutes

Date: 20 June 2023

Time: 2:00p.m. – 16:07p.m.

Venue: New Shire Hall, Alconbury Weald, Huntingdon, PE28 4YE

Present: Councillors Gerri Bird (Chair), David Ambrose Smith, Lorna Dupré, Sebastian Kindersley, Mark Goldsack (substituting for Councillor Kevin Reynolds), John Gowing, Mac McGuire, Tom Sanderson and Graham Wilson.

### 43. Election of Vice-Chair

It was proposed by Councillor Sanderson, seconded by Councillor Dupré and resolved unanimously to elect Councillor Kindersley as the Vice-Chair for the municipal year 2023-24.

### 44. Apologies for Absence and Declarations of Interest

Apologies were received from Councillor Reynolds.

No declarations of interest were made.

### 45. Minutes – 2 May 2023

The minutes of the meeting held on 2 May 2023 were agreed as a correct record and signed by the Chair.

### 46. Governance Review Recommendations

The committee received a report detailing recommendations proposed by the Centre for Governance and Scrutiny (CfGS), following its review of the Council's committee arrangements in response to a recommendation from the Local Government Association Corporate Peer Challenge exercise. These recommendations from the CfGS, summarised in section 2.5 and detailed in Appendix 1 of the report, included the organisation of additional training for members and officers, a reorganisation of agenda planning, member briefing and working groups, the establishment of a new Assets and Procurement Committee and changes to the work of the Communities, Social Mobility and Inclusion Committee.

The Chief Executive welcomed the report as a snapshot overview that provided the Council with an opportunity to encourage continuous development and improve its scrutiny, transparency and rigour, particularly with scrutiny of procurement, contract

management and commissioning, through the introduction of a new committee. As the review had been conducted in the previous year, some improvements had already occurred, and attention was drawn to a recent review of Thurrock Council, which had highlighted the importance of good governance.

While discussing the report, members:

- welcomed the recommendations from the CfGS, particularly those regarding members being involved in the development of reports, increasing the focus and direction of the Community, Social Mobility and Inclusion Committee, and allocating of responsibility for farms and land estate
- expressed concern about the quality of the CfGS report, suggesting that it lacked evidence, contained factual inaccuracies, included conflicting statements with regard to recommendations 3 and 4a. It was also argued that some of the prescriptive requirements were given to relatively trivial matters, such as the frequency of committee meetings.
- expressed concern that the opposition group had not been sufficiently consulted during the review process, with possibly only one of the nineteen consultees coming from the opposition group. It was argued that the focus had instead been on questioning group leaders and committee chairs and vice chairs; a questionnaire had collected evidence from all other members.
- expressed concern that the establishment of a new Assets and Procurement Committee could result in excess workload and gaps in the decision-making process, and it was suggested that the Strategy and Resources Committee could instead hold two separate meetings to focus on different areas. If this were to occur, however, the Strategy and Resources Committee would need to meet more frequently.
- established that the Adults and Health Committee alone had not used reserve meetings, and that its meetings were often very long. However, it was noted that meetings of other committees were also sometimes lengthy, including six-hour meetings of the Strategy and Resources Committee on 10 June 2022 and the Highways and Transport Committee on 7 March 2023. In comparison, meetings of the Environment and Green Investment Committee were shorter, with the longest meeting lasting around three hours.
- argued that extensive agendas resulted in committees spending insufficient time when considering significant items. While it was acknowledged that a benefit of the committee system was that all members could partake in scrutiny, some members expressed concern about the potential impact of Recommendation 4d on the Council's ability to provide sufficient scrutiny on items, as it aimed to make meetings shorter without increasing their frequency.
- highlighted improvements in how the previous meeting of the Adults and Health Committee had been conducted, welcoming the introduction of pre-scrutiny meetings. However, it was suggested that the report could have gone further in its recommendations related to this committee, with one member advocating a

separation of adults and health responsibilities. It was also suggested that the proposed reallocation of some public health and social care responsibilities, could negate the Adults and Health Committee.

- agreed with Recommendations 1a and 1d and emphasised the importance of differentiating between views held by officers and members, to prevent any suggestion of predetermination.
- welcomed Recommendation 2c and the proposed reinstatement of the members seminar programme, suggesting that it provided members with a breadth of information on specific topics. It was clarified that a revision to how Spokes meetings operated would allow in-depth information to be provided on specific committee issues, which would then be dispersed by the individual Spokes to their groups and party policy planning panels. Further consideration would be given to alternative methods for member consultation which aligned with the Member Officer Protocol.
- clarified that the proposed reorganisation of working groups would be determined by the responsible committees, with the changes listed in Recommendation 2 seeking to improve transparency and scrutiny by creating clarity as to where decisions were made.
- acknowledged the positive feedback on the Council in comparison to Thurrock Council, but drew attention to some aspects of the governance review of Thurrock Council that should nonetheless continue to be worked towards, such as ensuring transparency, good governance and scrutiny.
- expressed concerns about the proposed changes to the Communities, Social Mobility and Inclusion Committee, including on which committee would oversee equality, diversity and inclusion.
- suggested there was a need to resolve specific instances of member behaviour in meetings, which the suggestion for additional training did not explicitly address. It was also requested that future training and seminars be recorded so they could be watched by members who were unable to attend at the scheduled time.
- acknowledged that the views presented in the report had been made by an independent organisation, and argued that there was likely to be a level of protectionism towards the Council in response to this.
- clarified that members could request the attendance of specific officers in meetings to ensure all queries could be responded to within the meeting.
- established that if the recommendations were approved, committee proportionality would be considered at the full Council meeting in July 2023. It was also confirmed that the revised terms of reference would also be drafted for the same meeting in order to come into effect from September, the Members' Seminar programme would commence in Autumn, and other recommendations would be actioned progressively, with most occurring before the end of 2023.

- agreed that a member seminar would be held before Full Council considered the recommendations from the CfGS, to ensure members had ownership of and confidence in the proposed constitutional changes relating to Recommendations 5, 6 and 7 proposed by the CfGS. A further seminar would address some of the proposed changes at a later date.

It was resolved by a majority to:

- a) note and comment on the review of the Council's committee system, attached at Appendix 1 to this report;
- b) recommend the proposed changes to the constitution set out in Section 2 of this report to Full Council; and
- c) delegate authority to the Service Director: Legal and Governance, in consultation with the Chair and Vice-Chair of the Constitution and Ethics Committee, to draft amendments to the Constitution necessary for, or incidental to, the implementation of these proposed changes, to also be presented to Full Council.

#### 47. Cambridge Joint Area Committee

The committee received a report on the proposed re-establishment of a joint area committee in Cambridge, which could also potentially be replicated in other districts across the county in the future, with additional functions also to be considered once the committee had bedded in.

Councillor Bulat was invited by the Chair to speak as the local member of the Abbey division. Noting that she was the Vice-Chair of the Communities, Social Mobility and Inclusion Committee which oversaw decentralisation, Councillor Bulat informed the committee that members from both authorities that had previously sat on the joint area committee were supportive of its reestablishment and had assisted in the development of the proposal. She also highlighted the level of public support, and argued that the joint area committee would support local level communication through decentralisation, while improving the Council's image and helping to mitigate current pavement parking problems.

In response to the report, individual members:

- suggested that a joint area committee could improve the working relationship between the City and County Councils, although one member expressed concern that it could exacerbate mistrust from the public with regard to the Greater Cambridge Partnership's City Deal programme.
- noted that previous joint area committees in other districts to Cambridge city had discontinued after the respective district councils had withdrawn funding to the work of the committees. It was argued that although the previous area joint committees had been successful for some areas, in South Cambridgeshire excessive resources had been required to perform its functions.

- expressed concern that the proposals represented a step towards the Council becoming a unitary authority, although members were assured that this was not the intention and that joint input was a requirement of the proposed committee.
- noted that this was a pilot project and was supported by Cambridge City Council. If successful, it could potentially be expanded to other districts across the county and also into additional service areas. However, it was acknowledged that Cambridge did not have parish councils, and therefore joint area committees would differ in other districts.
- noted that the draft terms of reference stated that the committee would 'determine pavement parking permits', while also stating that it would 'consider and advise' on them. It was confirmed that this inconsistency before the final terms of reference were presented to the Full Council.

It was resolved by a majority to:

- a) consider and recommend the draft Terms of Reference for the Cambridge Joint Area Committee, attached at Appendix 1, to Full Council for approval (subject to approval by Cambridge City Council);
- b) agree that officers continue discussions with Cambridge City Council to secure agreement to the re-establishment of the Cambridge Joint Area Committee; and
- c) delegate the approval of amendments to the Terms of Reference to the Service Director: Legal and Governance, in consultation with the Executive Director of Place and Sustainability, before submission to Full Council.

#### 48. Response to the Full Council Motion on Violence and Intimidation Against Members

The committee received a report which responded to the motion proposed by Councillor Bulat, seconded by Councillor Goldsack, and approved unanimously at full Council on 21 March 2023. The associated action plan to improve protection against bullying and harassment for councillors included: ensuring access to support; providing skills and knowledge opportunities; redaction of home address upon request; structured abuse reporting escalation; and liaison with police. Many of these actions were reported to now be in place.

While considering the report, members:

- drew attention to the cross-party support for the motion.
- supported the principle of redaction of members' home addresses upon request, particularly following a social media post prior to a recent Full Council meeting which had incited hate against councillors and included members' addresses that had been either currently or historically published. Members were informed that the Chief

Executive had reported this matter to the police, although it was acknowledged that it was unlikely the police would be able to respond to such a concern, either locally or nationally. Some officers also experienced similar issues, and it was highlighted that such matters were dealt with through the Customer Complaints Policy and single points of contact.

- welcomed the measures to protect councillors at Council meetings.
- drew attention to cases where members of parliaments had been killed or injured while undertaking their work as a representative of local communities. Members were encouraged to perform their own risk assessments and to attend personal safety training sessions which had been arranged and were being provided by a former police officer, although it was suggested that additional written training would also be beneficial for members. It was highlighted that Employee Assistance Programme sessions would be available on 25 July 2023, while a seminar and social media training had also been scheduled.
- emphasised that members should model appropriate behaviour within the chamber and suggested the approach be furthered to address this. The Chief Executive acknowledged that dilution of the Standards Regime had impacted behaviour in public debate.
- noted members would be equipped with the right skills and knowledge to address issues by 30 September 2023.
- requested that the work be reviewed again by the Committee in six months.

It was resolved unanimously to:

- a) note the motion approved by Council on 21 March 2023; and
- b) endorse the action plan set out in section 2.2 of the report.

#### 49. A Review of the Complaints Received Under the Members' Code of Conduct - June 2023

The committee received a report detailing one new complaint and two ongoing complaints received about members under the Members' Code of Conduct from 2 May 2023 to date. Additional complaints had been received following publication of the report, which would be incorporated into the next report, and the process for complaints had been formalised to improve resolution procedure. Future reports would include trend analysis, which could be used to suggest actions to resolve recurring issues and influence the Members' Code of Conduct.

It was resolved unanimously to note the contents of the report.

## 50. Constitution and Ethics Committee Agenda Plan

The committee noted its agenda plan, noting the agreed addition of a report on the Response to the Full Council Motion on Violence and Intimidation Against Members in six months.

Chair