

Constitution and Ethics Committee Minutes

Date: 2 May 2023

Time: 10:00a.m. -10:34a.m.

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

Present: Councillors Sebastian Kindersley (Chair), David Ambrose Smith, Alex Bulat (Vice-Chair), Kevin Reynolds, Geoffrey Seeff and Philippa Slatter (substituting for Councillor Lorna Dupré).

37. Apologies for Absence and Declarations of Interest

Apologies were received from Councillor Lorna Dupré.

No declarations of interest were made.

38. Minutes – 27 September 2022

The minutes of the meeting held on 27 September 2022 were agreed as a correct record and signed by the Chair.

39. County Council – Proposed Changes to the Constitution

The committee received a report detailing various proposed changes to the Council's Constitution, including: an update to the Officers' Code of Conduct, as reviewed by Internal Audit; delegation of the appointments process for senior officers from Staffing and Appeals Committee; inclusion of decision-making principles; and a review of the Audit and Accounts Committee Terms of Reference. Officers were also seeking annual approval, as required by the Constitution, of Scheme of Delegation.

In response to the report, members:

- Queried whether the requirement for candidates to declare any acquaintances working within the Council might discourage individuals from applying. The Chief Executive reassured members that this was a longstanding standard practice in local government which aligned with the Nolan Principles of Standards in Public Life. Such a requirement existed to prevent any canvassing or lobbying which might bias an appointment process. This was explained to applicants in the Council's Recruitment Selection Policy.
- Clarified that officers confirmed compliance with Council policies by signing a Statement of Assurance as part of the Annual Governance Statement. Further, officers and the Chair of the Audit and Accounts Committee confirmed that functions (b), (d) and (g) within the Audit and Accounts Committee, Summary of

Functions, covered auditors evaluating transfer and expenditure compliance with Council policies. On occasion, Internal Audit enacted pure compliance audits against established policies and controls, and reviewed policies and procedures against relevant legislation, which could result in identifying gaps in reporting and efficiencies.

It was resolved unanimously to:

- a) Recommend the following proposed changes to the Constitution to Full Council:
 - (i) a revised version of Chapter 5-2 (Officers' Code of Conduct), attached at Appendix 1 to this report;
 - (ii) amendments to Chapter 3B11 (Staffing and Appeals Committee), attached at Appendix 2 to this report;
 - (iii) amendments to Chapter 4-6 (Officer Employment Procedure Rules), attached at Appendix 3 to this report;
 - (iv) the inclusion of decision making principles in Article 12 (Decision Making), as set out in Section 2.3 of this report; and
 - (v) amendments to Chapter 3B7 (Audit and Accounts Committee), attached at Appendix 4 to this report.
- b) Recommend to Council that it agree the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).

40. Independent Person(s) Remuneration

The committee received a report on the level of remuneration for independent persons. It was proposed that the independent persons remuneration be based on an indexation of 3.8% per annum which was in line with the increase for members' allowances recommended by the Independent Remuneration Panel and agreed by full Council.

It was resolved unanimously to:

Agree that the annual increase in remuneration for Independent Person(s) be based on an indexation of 3.8% per annum.

41. A Review of the Complaints Received under the Members' Code of Conduct

The committee received a report detailing twelve new complaints received about members under the Members' Code of Conduct from 27 September 2022 to date. The

Service Director: Legal and Governance (Monitoring Officer) commented that future reports would include trend analysis, which could be used to suggest actions to resolve recurring issues and influence the Members' Code of Conduct.

In response to members' questions, the Service Director: Legal and Governance (Monitoring Officer):

- Confirmed that complaints received from the public and reviewed by the Service Director: Legal and Governance (Monitoring Officer) related to ethical breaches of the Code of Conduct. She did not evaluate grievances associated with the failure of a member to respond to an email or attend a parish council meeting.
- Explained the process for complaints. Firstly, Members were consulted with upon submission of a complaint. Following this, the Service Director: Legal and Governance (Monitoring Officer) and Independent Person determined complaint progression, the outcome of which was communicated to the complainant and the member.

It was resolved unanimously to:

Note the contents of the report.

42. Constitution and Ethics Committee Agenda Plan,

The committee noted its agenda plan, including the Debate Not Hate Action Plan, trend analysis on ethical standards and the Governance Review.

Chair