

## Constitution and Ethics Committee Minutes

Date: Tuesday 26 April 2022

Time: 14:00pm -14:45pm

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

Present: Councillors Sebastian Kindersley (Chair), Alex Bulat (Vice-Chair), David Ambrose Smith, Simon Bywater, Piers Coutts, Stephen Ferguson, Jan French, Neil Gough, and Kevin Reynolds.

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

Apologies were received from Councillors Lorna Dupre, Ian Gardener and Tom Sanderson, substituted by Councillors Piers Coutts, Simon Bywater and Stephen Ferguson respectively.

Councillor Bywater declared a non-statutory disclosable interest in agenda item 3 (Establishment of a joint Cambridgeshire and Peterborough Health and Wellbeing Board), as Huntingdonshire District Council's representative on the Cambridgeshire and Peterborough Health and Wellbeing Board.

### 24. Minutes – 25 February 2022

The minutes of the meeting held on 25 February 2022 were agreed as a correct record and signed by the Chair.

### 26. Establishment of a joint Cambridgeshire and Peterborough Health and Wellbeing Board

The Committee received a report which set out the terms of reference for a new joint Cambridgeshire and Peterborough Health and Wellbeing Board. These had been endorsed by the Cambridgeshire and Peterborough Health and Wellbeing Board Whole System Joint Sub-Committee on 25 March 2022 and were aligned with the Health and Social Care Act 2021, the Health and Social Care Act 2012, plans for the Integrated Care System, and the Government White paper on 'Integration and Innovation: Working together to improve health and social care'.

It was reported that collaboration would benefit the Cambridgeshire and Peterborough Health and Wellbeing Boards, and the health service as it would pool resources and reduce duplication of work and strategies. Key changes to the terms of reference included: the replacement of the existing Health and Wellbeing Board Committee and Sub-Committees with a joint Cambridgeshire and Peterborough Health and Wellbeing Board, and refining the membership to include shared membership with the Integrated Care Partnership.

On 25 April 2022, Peterborough City Council (PCC) had accepted these recommendations and included an additional recommendation for Board membership to include the PCC Cabinet Member for Children's Services, Education, Skills and the University, which would ensure Cambridgeshire and Peterborough had equal representation on the Board.

In response to the report, Members:

- Noted that district council views would be represented by an officer on the Joint Health and Wellbeing Board and a district councillor on the Integrated Care Partnership.
- Recommended rewording the Standing Orders set out in Appendix A to clarify that the co-option arrangements in paragraph 1 would occur in accordance with paragraph 6 relating to the Chair's casting vote.

It was resolved to:

Recommend to Full Council that the Terms of Reference set out in Appendix A of the report together with the additional recommendation from Peterborough City Council be approved for inclusion in the Constitution.

## 27. Contract Procedure Rules

The Committee received the revised set of Contract Procedure Rules, updated in May 2021 and reviewed since. Key changes included: the removal of procurement guidance from the Constitution (located for officers instead on the Council's intranet); an increase in the value at which contracts needed sealing; clarification of the responsible officer role; the secure filing of signed contracts valued over £100k; an amendment to the waiver requirement; the requirement for all procurements over £100k to have procurement plans and award reports; and the removal of the requirement for the Monitoring Officer to approve contracts that were longer than four years.

In response to the report, Members noted that contracts under £100k were stored by services within their own filing systems and there was the possibility to upload such contracts to the contract register. All contracts were physically signed but the Procurement Team accepted a digital version for uploading to the contract register.

It was resolved unanimously to:

Recommend to Full Council that the amended Contract Procedure Rules, set out in Appendix 1 of this report, be approved for inclusion in the Constitution.

## 28. Arrangements for the Appointment of Independent Person(s)

The Committee received a report which detailed historical appointments of Independent Persons and drew attention to the need for Independent Persons to be appointed or reappointed by 15 October 2022. The Democratic Services Manager highlighted the low number of applications received in 2019 and suggested that, should the Committee choose to reappoint the current incumbents, the decision could be taken by Full Council at its meeting on 10th May 2022. It was also noted that, while Independent Persons for the Council were currently paid £500 per annum, other councils in Cambridgeshire offered a higher rate of remuneration.

In response to the report, Members noted that the current Independent Persons had confirmed they were willing to be reappointed. In considering the rate of remuneration, the Committee agreed to raise the level to £1000 per annum, to be increased annually in line with the percentage increase in staff salaries (non-management band).

It was resolved unanimously to:

- (a) Recommend that Council authorise the reappointment of Gillian Holmes and Grant Osbourn for a period of two years until 15 October 2024; and
- (b) Recommend that Council set the level of remuneration for independent person(s) to £1000 per annum to be increased annually in line with the percentage increase in staff salaries (non-management band).

## 29. Local Government Ethical Standards - Government Response to the Committee on Standards in Public Life Report

The Committee received a report which set out the Government's response to the Committee on Standards in Public Life report on Local Government Ethical Standards, issued in January 2019 and reviewed by the Constitution and Ethics Committee later that year. Members were reminded that twenty-four recommendations had been made, which included suggestions for legislative changes, a new model code of conduct and advice on best practice for local authorities.

The Monitoring Officer confirmed that the Council had complied with a request from the Committee on the Standards in Public Life in Autumn 2020 to report on the Council's progress against the best practice recommendations listed in the Local Government Ethical Standards report.

In response to the recommendations, the Government had indicated that it was committed to working with local governments to support their reputation for ethical local standards. However, it was of the view that although the CPSL had made a considerable number of requests for legislative change, many of the requests could be more appropriately, effectively and swiftly taken forward by local authorities as best practice.

Attention was drawn to the Government's decision relating to the power to suspend a

councillors found to have breached the code of conduct. It proposed to engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fell below the bar of criminal activity and related sanctions but involved serious incidents of bullying and harassment or disruptive behaviour.

In response to the twenty-four recommendations, the Monitoring Officer reported:

- Recommendation 1: Noted that the Committee had reviewed the Code of Conduct against the Model Code in September 2021 and determined that the Model Code would not be adopted. However, it did agree to keep the Council's Members' Code of Conduct under review, pending a response from the Government to the recommendations from the Committee on Standards in Public Life. Following a suggestion by the Monitoring Officer to review the Code of Conduct on an annual basis, the Chair proposed with the agreement of the Committee that the Council's Code of Conduct be reviewed against the Model Code of Conduct in September 2022.
- Recommendation 2: Established that the Government was acting on the recommendation to remove the need for the disclosure of home addresses when standing for election, in order to improve safety measures for prospective councillors.
- Recommendation 3: Noted that the Government's view was that it was for individual local authorities to consider if their code of conduct was adequate in addressing the issue of inappropriate use of social media. The Committee was reminded that it had agreed that a report on Review of Social Media Guidance, would be deferred to a later date following the completion of the LGA's review of the model code of conduct. It had then reviewed the LGA new model code and agreed to retain the Council's current code for the time being but to keep the code under review, pending a response from the Government to the recommendations from the Committee on Standards in Public Life. The Chair proposed, with the agreement of the Committee, to review the Social Media Guidance in September as part of the review of the Code of Conduct.
- Recommendation 4: Clarified that the Council had covered appropriate councillor behaviour in its mandatory Standards and Governance training, which remained available for councillors to view.
- Recommendation 6: Noted that the recommendation was for councillors to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This Council had set its gifts and hospitality financial limit at £100 as this would cover the Chair of the Council acting in their civic capacity.

It was resolved unanimously to:

Identify any future actions, as set out above, in relation to the Government's response to the recommendations from the Committee on Standards in Public Life on Local Government Ethical Standards.

### 30. Scheme of Delegation

The Committee received a report which presented the Council's Scheme of Delegation as part of an annual requirement and in line with Section 1.2 (vi) of Part 4.1 (Council Procedure Rules) of the Council's Constitution.

It was resolved unanimously to:

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).

### 31. Constitution and Ethics Committee Agenda Plan,

The Committee resolved unanimously to note its agenda plan subject to the inclusion of the review of the Code of Conduct including Social Media Guidance to the September meeting.

Chair