

CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Thursday 1st October 2019

Time: 2:00pm – 2:40pm

Venue: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors L Every (Chairwoman), K Reynolds (Vice-Chairman),
D Connor, L Harford, R Hickford, D Jenkins and S Kindersley

Apologies: None

84. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

No apologies were received.

85. MINUTES – 27TH JUNE 2019

The minutes of the meeting held on 27th June 2019 were approved as a correct record and signed by the Chairwoman.

86. SOCIAL MEDIA CODE FOR COUNCILLORS

The Committee had been requested by Full Council to consider amendments to the Social Media Code that was approved at the previous Committee meeting on 27th June 2019. Councillors had been requested to submit proposed changes to the code and these were contained within a report presented to the Committee. Members were also provided with a Councillor's Guide to Handling Intimidation from the Local Government Association (LGA) and a Social Media Guide for Councillors published by the Welsh Local Government Association (WLGA). It was noted that the LGA was in the process of developing a national guidance for social media and that the Committee might therefore wish to consider deferring a decision to change the Social Media Code until such guidance had been published.

While reflecting on the suggestions contained within the report, Members:

- Confirmed that the Social Media Code had been approved by the Constitution and Ethics Committee meeting on 27th June 2019 and was therefore currently in force. It was further confirmed that the discussion at Full Council on 23rd July 2019 had resolved not to cross-reference the code in the Council's constitution.
- Considered whether a social media code was necessary at all, with the suggestion that the Code of Conduct, backed up by the Nolan Principles, already governed Councillors' behaviour in all forms, including online. Members discussed the difference between a guidance, which provided advice, and a code, which regulated behaviour, with some Members arguing that the two formats should be kept separate. It was noted that the Council did not publish a separate code for behaviour at meetings or for behaviour while canvassing and that issuing a social media code would set a precedent. Other Members noted that most councils and

businesses had some form of social media code and that this suggested a need. It was clarified by the Democratic Services Manager that if the Committee chose not to have a social media code, it would need to withdraw the previously approved one.

- Established that the draft guidance from Fenland District Council, which had been proposed as an alternative to the County Council's code, was still under development. Members expressed concern about agreeing to adopt a strategy that had not been fully written and also acknowledged that social media was constantly evolving and any guidance would need to be reviewed and updated periodically.
- Discussed developing a cross-council approach to social media guidance with the district councils across Cambridgeshire, with one Member from each council to assist in the process. Some Members expressed doubt that the local authorities would be able to establish a universal approach, although it was noted that a universal approach did not equate to a universal final document, with each council free to produce their own guidance once the consultations had concluded.

It was proposed by Councillor Kindersley, and seconded by Councillor Jenkins, to withdraw the County Council's Social Media Code. On being put to the vote, the proposal was rejected.

After further discussion, it was proposed by Councillor Hickford, seconded by Councillor Kindersley, and agreed unanimously to:

- a) Withdraw the County Council's Social Media Code;
- b) Consult with a Member representative from each district council, along with their Monitoring Officers, to develop a countywide approach to social media guidance;
- c) Request an update on the process from the Monitoring Officer at the Committee meeting on 21st November 2019; and
- d) Request the Monitoring Officer to present a new County Council social media guidance at a future Committee meeting.

87. PETITIONS SCHEME

The Committee received a report that contained proposed amendments to the Council's Petition Scheme, which was included in the Constitution.

While considering the proposals, Members:

- Clarified that petitions relating to planning applications were not covered by the Scheme and were dealt with under separate processes by the Council's Planning Committee.
- Established that the Council checked whether the postcodes provided by signees to petitions corresponded to the Cambridgeshire area, as required by the Scheme. However, it was also acknowledged that it was not possible to ascertain whether signees' claims to living or working in the area were actually true. The Democratic Services Manager noted the concern but suggested to Members that no problems

had ever been caused by the issue and that as an open and transparent authority, the Council should encourage public involvement rather than attempt to restrict it.

- Expressed concern that it was difficult to find the petition section of the Council's website, although it was acknowledged that the forthcoming release of a website redesign would resolve this issue and give greater prominence to petitions.
- Queried whether the Scheme could be changed only to accept electronic petitions, as opposed to paper petitions. It was argued that some petitions came from sectors of society, or areas within the County, where paper petitions were more practical and that it would therefore be unreasonable to reject them. It was also acknowledged that very few paper petitions were submitted.
- Proposed the following additional amendments to the Scheme:
 - (i) Add an additional sentence confirming the possibility to link paper and electronic petitions;
 - (ii) Add "/ body" after the word "Committee" in the fourth bullet point of the 'Speaking at Council/Committee Meetings' section;
 - (iii) Replace the word "whether" with the word "where" in the fifth bullet point of the 'Exclusions' section; and
 - (iv) Change the requirement from "either a postal address or e-mail" to "postal address and e-mail" in the second bullet point of the 'Format of Petitions' section.

It was resolved unanimously to:

Recommend the changes in Appendix 1 of the report, as well as the additional amendments proposed at the meeting, to Full Council.

88. SELECTION AND APPOINTMENT OF INDEPENDENT PERSON(S)

The Committee was asked to consider what arrangements for the appointment of an Independent Person(s) should be recommended to Full Council, in preparation for the expiry of the current appointments on 15th October 2019.

While discussing the proposals in the report, Members:

- Clarified that the recruitment process had verified that the candidate had no previous political affiliations.
- Confirmed that the four Member interview panel had been presented with the candidate's application and agreed to recommend his appointment to the Committee.

It was resolved unanimously to:

- a) Extend the current appointment of Gillian Holmes as Independent Person to 15th October 2022; and
- b) Appoint Grant Osbourn as an Independent Person to 15th October 2022.

89. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO END OF SEPTEMBER 2019

The Committee received a review of complaints received under the Members' Code of Conduct since June 2019. It was reported that one new complaint had been received during this time and was currently being assessed. The Committee would be informed of the outcome once the initial assessment had been completed.

It was resolved unanimously to:

Note the contents of the report.

90. CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN

The Committee considered its agenda plan, noting the addition of an update on the development of a guidance on social media at the Committee meeting on 21st November 2019. The Democratic Services Manager also informed Members that there would be a report on Delegations at the November meeting.

Chairwoman
21st November 2019