

## **CONSTITUTION AND ETHICS COMMITTEE: MINUTES**

**Date:** Tuesday 30th June 2020

**Time:** 2:00pm – 2:40pm

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

### **104. ELECTION OF VICE-CHAIRMAN/WOMAN**

It was proposed by Councillor Hickford, seconded by Councillor Harford, and resolved unanimously to elect Councillor Reynolds as the Vice-Chairman for the municipal year 2020-21.

### **105. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence.

There were no declarations of interest.

### **106. MINUTES OF THE MEETING HELD ON 22ND APRIL 2020**

The minutes of the meeting held on 22nd April 2020 were approved as a correct record and it was agreed that they would be signed by the Chairwoman when the Council returned to its offices.

### **107. DECISION REVIEW PROCESS**

The Committee received a report that contained proposed changes to the Decision Procedure Rules set out in the Council's Constitution. It was recalled that during the Committee's discussion of the proposed Environment and Sustainability Committee at its meeting on 22nd April 2020, Members had considered whether the proposed delegations on climate change were strong enough or whether the Committee should be given the power to initiate a review of decisions made by other Policy and Service Committees, if they were judged to have a negative impact on climate change.

While discussing the report, Members:

- Acknowledged that concern for the environment and sustainability should be a central feature of all the Council's work, although it was also suggested that the creation of a committee whose defined focus was the environment and sustainability should have the widest possible reach on related issues. It was emphasised that the proposed power should be viewed as a constructive and helpful means of protecting the Council's commitment to the environment and sustainability, rather than as a critical, negative or scrutinising function.
- Considered whether the committee system already provided sufficient scrutiny, with some Members suggesting that the proposal represented a superfluous additional

level of scrutiny, while other Members argued that the committee system only provided self-scrutiny. The Democratic Services Manager observed that it was not a requirement for committee systems to operate a decision review process, due to scrutiny being inherent in the committee process.

- Acknowledged the motion which Full Council passed unanimously in May 2019, which led to the Council declaring a Climate Emergency. One Member suggested that an environment and sustainability call-in power would demonstrate the Council's commitment to climate change. Other Members argued that such a commitment should be demonstrated by the whole Council at all times, including each Councillor and committee, rather than just one committee, while the creation of the Environment and Sustainability Committee represented a clear demonstration of the Council's commitment.
- Clarified that report templates for Policy and Service Committees included references to the environment which authors were required to consider, with an expectation that they would be challenged by the relevant service director at the sign off stage if any concerns remained.
- Considered the proposal to increase the number of General Purposes Committee members required to initiate a review of a decision taken by another Policy and Service Committee, with one Member observing that the proposed increase would continue to reserve the right to call in decisions to only the ruling party.

It was resolved to:

- a) Reject amendments to the Constitution, as set out in Appendices 1 and 2 of the report; and
- b) Recommend to full Council an increase in the number of members of General Purposes Committee required to initiate a review of a decision taken by a Policy and Service Committee from eight to nine.

## **108. CONSULTATION ON DRAFT MODEL CODE OF CONDUCT**

The Committee received a report on the consultation being carried out by the Local Government Association (LGA) on the Draft Model Code of Conduct. The Monitoring Officer emphasised that the LGA had been requested to carry out the review by the Government and also noted that the process had been delayed as a result of Covid-19. The Committee was asked to consider whether to send a collective response from the Committee on behalf of the Council or whether Members and officers should participate on an individual basis. It was noted that any decision to apply the new Model Code of Conduct, or parts of it, to the Council's Code of Conduct would be considered by the Committee once the LGA's final document had been published.

The Monitoring Officer informed Members that the content of the draft Model Code of Conduct was very similar to the Council's Code, noting that some of the proposed additional text was already included in the Council's Code. There were some semantic variances between the two, such as the alternative use of the word civility and respect, while there was also a proposal to reinsert a clause about bringing the Council into disrepute. It was noted that the Draft Model Code proposed that the minimum value of gifts or hospitality that should be registered with the monitoring officer was £25, while

the Council had agreed to raise the minimum value in the Council's Code to £100 on 23rd July 2019.

While discussing the report, Members:

- Considered whether it would be difficult to establish a collective response on various aspects of the Code of Conduct, while observing that individual responses provided greater value by ensuring that Members and officers could include all their points in their response, whereas conflicting views in a collective response would require some contributions to be omitted. Some Members suggested that the Monitoring Officer would nonetheless be able to produce a brief summary of opinions put forward by the Committee and other Members. It was further argued that such a contribution would demonstrate leadership and that one of the purposes for being a member of the LGA was to participate in such consultations.
- Emphasised that Members and officers had been encouraged by the LGA to submit individual responses to the consultation if they felt that the formal response from the Council did not represent their views. The Monitoring Officer confirmed that Members and officers would be informed of this possibility and would be provided with the necessary information to participate on an individual basis within the consultation period.
- Acknowledged comments contributed by Councillor Count in Appendix 1 of the report, which expressed concern over the limited definition of harassment. It was noted that there were alternative, broader definitions of harassment, such as that of the Citizens Advice Bureau, and argued that it would be preferable for the Draft Model Code to adopt an expanded definition.
- Welcomed the proposal in the consultation for the code of conduct itself to be separated from individual pieces of guidance, in order to produce a more streamlined, simplified and unambiguous document.
- Agreed that the Monitoring Officer would prepare a response and circulate it to Members for their agreement before submitting it to the LGA.

It was resolved to:

- a) Note and comment on submissions from Members relating to the draft model code of conduct;
- b) Consider whether it wishes to submit a response to the consultation on behalf of the Council; and if so
- c) Authorise the Monitoring Officer to prepare a response in consultation with the Committee.

## **109. CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN**

While discussing the Committee's agenda plan, Members clarified that 'A Review of the Complaints Received under the Members' Code of Conduct to End of June 2020' had been withdrawn from the agenda because there were no complaints to report to the

Committee. It was also observed that the 'Review of Social Media Guidance', due to be presented at the Committee meeting on 29th September, would be deferred to a later date following the completion of the LGA's review of the model code of conduct.

Chairwoman  
29th September 2020