

Constitution and Ethics Committee Minutes

Date: 28 January 2025

Time: 2.00 p.m. – 2.31 p.m.

Venue: Red Kite Room, New Shire Hall

Present: Councillors Douglas Dew (Chair), Sebastian Kindersley (Vice-Chair), David Ambrose Smith, Lorna Dupré, John Gowing, Richard Howitt and Kevin Reynolds

77. Apologies for Absence and Declarations of Interest

No apologies were received.

There were no declarations of interest.

78. Minutes – 26 September 2024

The minutes of the meeting held on 26 September 2024 were agreed as a correct record and signed by the Chair.

79. Proposed Restructure of the Constitution

The Committee received a report on the proposed restructure of the Constitution following an in-depth review which started in September 2023. The proposed new structure ensured the Constitution was more accessible and better organised, making it easier to use for Members, officers and members of the public.

While discussing the report, Members:

- noted that the Council had to be compliant with the Constitution. Members were reminded that through reasonable adjustments and the Chair's discretion, they did not have to stand during debate as it would not impact the quality or the outcome of the debate. A Member welcomed the discretion in Full Council as it was more inclusive.
- were reassured that the Constitution Working Group was consulted throughout the proposed restructure and the report focused on the format of the Constitution, rather than the content. A request was made for a tracked changes version of the proposed restructured Constitution for transparency before the Full Council meeting on 11 February 2025 – **action required**.
- noted the changes were outlined in the report.
- thanked officers for their work and welcomed the accessible format.

It was resolved unanimously to:

- a) recommend to Full Council that it approves the proposed restructure of the Council's constitution, as set out in the report and attached at Appendix 3 of this report;
- b) authorise the Monitoring Officer to take all steps necessary or incidental to implement the changes to the constitution detailed in this report; and
- c) subject to recommendation (a), note that the Constitution Working Group would assess the impact of the new structure prior to the annual review of the constitution that would be presented to the Constitution and Ethics Committee in September 2025.

80. Review of the Terms of Reference for the Audit and Accounts Committee

The Committee received a report to consider the proposed changes to Chapter P3B-7 (Audit and Accounts Committee) of the constitution, which were endorsed by the Audit and Accounts Committee at its meeting on 31 October 2024. Key changes included removing repetition and duplication, including the Chartered Institute of Public Finance and Accounting's (CIPFA) position statement and highlighting that Members were expected to attend all meetings and avoid the use of substitutes where possible.

While discussing the report, Members:

- established that the phrase 'to monitor the effective development and operation of risk management and corporate governance throughout the Council' had been deleted to avoid duplication in the separate risk management section.
- clarified that Governance Framework (ix) 'To bring to the attention of the Strategy, Resources and Performance Committee any issues which may warrant further consideration or review' had been deleted as it was duplicated in point (viii) of the same section.
- established that Audit Activity (v) was deleted 'To consider reports dealing with the management and performance of the internal audit function' as it was duplicated in point (i) of the same section.
- queried how performance was reflected in the terms of reference. Members were informed that the Audit and Accounts Committee provided performance assurance, with frameworks in place to enable the authority to achieve its objectives. The new Global Internal Audit Standards from the Institute of Internal Auditors required the Audit and Accounts Committee to have oversight of the performance of the audit team.

It was resolved unanimously to:

recommend to Full Council that it approves the proposed amendments to Chapter P3B-7 (Audit and Accounts Committee) of the Council's constitution, attached at Appendix 1 of the report.

81. A Review of Complaints Received Under the Members' Code of Conduct

The Committee received a report which provided an overview of the complaints received under the Code of Conduct from 26 September 2024 to date. Since the time of last reporting, no new complaints had been received. Two complaints had been concluded and three were currently at assessment stage.

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

82. Constitution and Ethics Committee Agenda Plan

It was confirmed that the reserve meeting on the 20 March 2025 would be used.

The Committee noted the agenda plan.

Chair