

Constitution and Ethics Committee: Minutes

Date: Wednesday 29th September 2021

Time: 2:00pm – 3:55pm

Venue: New Shire Hall, Alconbury

Present: Councillors Sebastian Kindersley (Chair), David Ambrose Smith, Ken Billington (substituting for Councillor Janet French), Alex Bulat, Neil Gough, Lorna Dupré, Mac McGuire, Mandy Smith (substituting for Councillor Kevin Reynolds) and Tom Sanderson.

7. Election of Vice-Chair

It was proposed by Councillor Kindersley, seconded by Councillor Sanderson, and resolved by a majority to elect Councillor Bulat as the Vice-Chair for the municipal year 2021-22.

8. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillors French and Reynolds, substituted by Councillors Smith and Billington respectively.

There were no declarations of interest.

9. Minutes of the Meetings held on 30th June 2020, 18th May 2021 and 27th July 2021

The minutes of the meeting held on 30th June 2020 were approved as a correct record and signed by the Chair.

The minutes of the extraordinary meeting held on 18th May 2021 were approved as a correct record and signed by the Chair.

The minutes of the extraordinary meeting held on 27th July 2021 were approved as a correct record, pending the inclusion of apologies from Councillor Ambrose Smith, and signed by the Chair.

10. Review of the Members' Code of Conduct

The Committee received a report which compared the new Local Government Association (LGA) Model Code of Conduct with the Council's current Members' Code of Conduct. The Committee was asked to consider either adopting the new code in its entirety, making amendments to the Council's existing Members' Code of Conduct, or retaining the Council's existing Members' Code of Conduct for the time being. Any change to Members' Code of Conduct would need to go to Full Council for approval.

The Monitoring Officer noted that a potential benefit of the widespread adoption of the Model Code of Conduct would be the creation of consistent expectations across districts, making guidance easier to follow for officers and councillors who were members of more than one local authority. Of the district and city councils within Cambridgeshire, South Cambridgeshire District Council had adopted the Model Code, Fenland District Council had chosen not to adopt it, and Cambridge City Council had adopted parts of it. Peterborough City Council had adopted the whole Model Code, while the Cambridgeshire and Peterborough Combined Authority had adopted parts of it.

There was no legal requirement to adopt the Model Code of Conduct and the Monitoring Officer recommended that the County Council retained its current Members' Code of Conduct, unless primary legislation relating to it was produced in the future.

It was resolved unanimously to:

- a) Review the new Local Government Association Model Code of Conduct against the Council's current Members' Code of Conduct;
- b) Agree to retain the Council's current Members' Code of Conduct for the time being; and
- c) 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.

11. County Council – Proposed Changes to the Constitution

The Committee received a report which contained proposed changes to the Council's Constitution.

While discussing the report, individual Members raised comments in relation to the following sections of the report:

Section 1 and 2, Changes to Membership and Substitution: The proposed change would require Councillors to give a minimum of one day's notice of a change in the membership of a Committee or Sub-Committee prior to a meeting of that Committee or Sub-Committee. This had previously been five days' notice.

- Noted that standing orders had previously been suspended to allow such changes in membership. This would still be possible under the existing regulations.
- Suggested changing the wording for clarification, in order that the Constitution would read that substitute members could 'take part in', rather than 'attend', meetings.

Section 3 and 4, Amendment Procedure – The proposed changes would affect the content and timescale for amendment submissions.

- Noted clarification from the Monitoring Officer that minor amendments could still be moved at a meeting at the Chair's discretion.
- Expressed concern that this change would mean that debates held during meetings could not influence recommendations.

Section 5, Media Protocol: The proposed amendments to the Media Protocol reflected changes in the world, social media and the Council.

- Expressed concern that local Members would not be contacted regarding publications prior to release and that criteria might limit local Members' ability to make their own statements following publication. However, it was noted that this was not a change from the previous guidance.
- Noted clarification from the Head of Communications and Information that, prior to case study releases, individuals that were related to the study both saw and signed off information.

Section 6: Obligatory meeting adjournment every two hours.

- Acknowledged that this was generally already done currently, but it was noted that including the requirement in the Constitution would ensure that officers were able to take breaks during lengthy meetings.
- Suggested that it would also be beneficial for the Council to restrict the length of meetings.

Section 7: Including 'Partnership' in the Communities, Social Mobility and Inclusion Committee title.

- The Chair of the Communities, Social Mobility and Inclusion Committee argued that the proposed change to the Committee's name would not achieve anything. Other Members argued that the renaming would ensure a continued responsibility regarding partnerships.

Section 11: Delegation to reflect changes regarding LGSS in the Constitution to the Monitoring Officer.

- Recognised clarification from the Monitoring Officer that no substantive changes would be made, and confirmed that, should material changes be required, they would be considered by the Constitution and Ethics Committee.

Section 12: Clarification of the voting rights for Co-opted members of the Children and Young People Committee.

- Requested a report on the voting rights of Co-opted members of the Adults and Health Committee be provided by the Monitoring Officer.

It was resolved unanimously to:

Recommend the following changes to the Constitution, as set out in the report, to full Council:

- (i) Amendment to the procedure for changes in committee membership;
- (ii) Repositioning of the substitute procedure rules;
- (iii) Amendments to the motions and amendments procedure in the Council Procedure Rules;
- (iv) Amendments to the amendments procedure in the Procedure Rules for Committee and Sub-Committee meetings;
- (v) Amendments to the Media Protocol;
- (vi) Requirement for meetings to adjourn every two hours;
- (vii) Amendment to the Officer Employment Procedure Rules;
- (ix) Amendments to the Terms of Reference of the Communities, Social Mobility and Inclusion Committee;
- (x) Amendment to the Rules of Procedure for the Pension Fund Committee, Investment Sub-Committee and Pension Fund Board;
- (xi) Delegation of authority to the Monitoring Officer to carry out any constitutional amendments required by changes to LGSS; and
- (xii) Amendment to the Terms of Reference of the Children and Young People Committee.

It was resolved unanimously to:

Not recommend the following changes to the Constitution, as set out in the report, to full Council:

- (viii) Rename the Communities, Social Mobility and Inclusion Committee;

12. Parental Leave Policy for Councillors

The Committee received a report which presented a proposed Parental Leave Policy for Councillors, following a recommendation from the Independent Remuneration Panel (IRP) that had been appointed to review the allowances paid to Councillors within the Council earlier in 2021.

The Independent Remuneration Panel recommendations included paying Special Responsibility Allowances (SRAs) to Councillors during their period of leave in addition

to the Members' basic allowance, for which all councillors were eligible. Members were informed Peterborough City Council had not adopted this recommendation.

While discussing the report, Members:

- Commented that Members on leave due to illness continued to receive SRAs, and that it would therefore be unfair if those on parental leave did not.
- Argued that there were two separate issues being discussed: Whether a Councillor on parental leave would be involuntarily demoted, or remain in the same role but be unpaid while on leave. It was suggested that if demoted, Members who stepped down from their special responsibilities could be reinstated and Vice-Chairs could adopt the role.
- Argued that it should be the Councillor's own decision whether to relinquish their SRAs if they were not fulfilling the role while on leave.
- Considered that the low likelihood of a Councillor being on parental leave meant that paying both the Councillor and their substitute the SRA would be an affordable expense.
- Observed that Councillors were not employees and argued that therefore this policy was unlikely to be supported by tax payers.
- Stated that the recommendation was in line with the Council's objectives to improve diversity.
- Noted that the Parental Leave Policy produced by the LGA had originated from Labour party research.

It was resolved by a majority to:

- a) Recommend to full Council that it adopt the proposed Parental Leave Policy for Councillors; and
- b) Agree that Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption and shared parental leave.

13. Record of Standards and Governance Training

The Committee received a report which listed the Members that had undertaken the Standards and Governance training that had been arranged by the Council to promote high standards of conduct by its Members.

While discussing the report, Members reasoned that training should not be mandatory for Councillors with extensive experience as Councillors, or who had attended previous Code of Conduct training.

It was resolved unanimously to:

Note the training record.

14. A Review of the Complaints Received Under the Members' Code of Conduct to 21st September 2021

The Committee received a review of complaints that had been received under the Members' Code of Conduct up to 21st September 2021. It was reported that ten complaints that had been received since the previous review in January 2020, three of which were still in the process of being assessed, and seven of which had been either concluded or discontinued.

It was resolved unanimously to:

Note the contents of this report.

15. Constitution and Ethics Committee Agenda Plan

The Committee noted its Agenda Plan.

Members requested a written update on the matters that were covered in the exempt minutes.

Chair
29th November 2021