

Constitution and Ethics Committee Minutes

Date: 23 April 2024

Time: 2:00 p.m. – 2:49 p.m.

Venue: Red Kite Room, New Shire Hall

Present: Councillors Douglas Dew (Chair), Sebastian Kindersley (Vice-Chair), Lorna Dupré, John Gowing, Kevin Reynolds, and Tom Sanderson

55. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillors Ambrose Smith, Bulat and French.

There were no declarations of interest.

56. Minutes – 14 November 2023

The minutes of the meeting held on 14 November 2023 were agreed as a correct record and signed by the Chair.

57. Petitions and Public Questions

No petitions or public questions were received.

58. Monitoring Officer Report 2023-24

The Committee received a report on the work of the Monitoring Officer for 2023-24 in relation to her statutory duties and those identified under the Council's Constitution, which also detailed key issues to be addressed in 2024-25.

While discussing the report, individual Members:

- drew attention to the final two behaviours set out in section 2.7 of the report. The first of these was 'Quality of local (external) relationships' and it was suggested that this could be assessed by other committees and highlighted in the Monitoring Officer's Annual Report. Members were informed that it would be included and assessed as part of the Annual Governance Statement. The second was 'The state of member oversight through scrutiny and audit committees', where it was emphasised that there was a need for the clear inclusion of the role in each committee's terms of reference, as the Council did not have separate overview and scrutiny committees. Members were informed that this would also be included in the

Annual Governance Statement. It was noted that the Audit and Accounts Committee reviewed its effectiveness annually and was also assessed by statutory officers.

- requested that decisions made outside the normal delegation procedure, such as emergency decisions, be reported. The Monitoring Officer reported that emergency decisions were discouraged due to the impact on transparency. However, the few that were taken would be included in future iterations of her report.
- noted that the majority of complaints centred around children with Education Health Care (EHC) Plans and people who required adult social care, which were both areas under financial pressure. It was also queried how the Ombudsman adverse findings compared to previous periods and other authorities. Members were informed that the number and types of complaints were average and consistent compared to other authorities of a similar size. The Ombudsman had published new guidance which required complaint data to be reported to Members. Work was being undertaken to consider how these complaints and all types of complaints across services and corporately would be managed by the Council's committee system. It was emphasised that the new reporting procedure would enable Members to assess the overall trends of complaints. It was agreed to provide Members with the number of complaints for the current period compared to previous periods. **Action required.**

It was resolved unanimously to:

Note and comment upon the contents of the attached report.

59. Disciplinary Procedure for Statutory Officers

The Committee received a report detailing the outcome of a review of the disciplinary procedure for statutory officers including the Head of Paid Service, Chief Finance Officer and the Monitoring Officer. This was to ensure the Council complied with regulations which required the establishment of an Investigating and Disciplinary Committee (IDC) and an Independent Panel.

It was resolved unanimously to:

Recommend to Full Council revisions to the Constitution set out in Appendices A and B of the report.

60. A Review of the 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 since the last update on 13 September 2023. Members were informed that there were three new complaints, one of which had been resolved and two of which had been referred for further investigation.

It was resolved unanimously to:

Note the contents of the report.

61. Arrangements for the Appointment of Independent Person(s)

The Committee received a report on the appointment of an Independent Person or Persons to Council prior to the expiration of the current appointments on 15 October 2024.

While discussing the report, Members suggested that appointments should be made for four years at the Annual General Meeting of the Council following the County Council elections to cover the lifespan of an administration rather than every two years.

The following amendments were proposed by Councillor Kindersley, seconded by Councillor Dew, and agreed unanimously (additions in bold and deletions in strikethrough):

- a) That the Committee recommends that Council authorise the reappointment of Gillian Holmes and Grant Osbourn for a period of two years until **20 May 15** ~~October 2025~~.
- b) **That Council at its Annual General Meeting in 2025, authorise the reappointment of Gillian Holmes and Grant Osbourn, as Independent Persons, until the Annual General Meeting in 2029.**

It was resolved unanimously to recommend that Council:

- a) authorise the reappointment of Gillian Holmes and Grant Osbourn until the Annual General Meeting on 20 May 2025.
- b) at its Annual General Meeting in 2025, authorise the reappointment of Gillian Holmes and Grant Osbourn, as Independent Persons, until the Annual General Meeting in 2029.

62. County Council – Proposed Changes to the Constitution

The Committee received a report with proposed changes to the Contract Procedure Rules in the Council's Constitution, and which presented the Scheme of Delegation for Council's approval. Members were also informed that the ongoing review of the constitution was focussing on reformatting the Constitution to make it more accessible.

While discussing the report, Members suggested that the amendments in the appendix could be expressed more clearly in the version presented to Council.

It was resolved unanimously to:

- a) Recommended changes to the Contract Procedure Rules set out in Appendix A; and

- b) 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).

63. Constitution and Ethics Committee Agenda Plan

While discussing the Committee's agenda plan, it was noted that a report on a review of the Members' Code of Conduct would be presented at the Committee's meeting in June 2024.

It was resolved to note the agenda plan.

Chair