

MINUTES

Constitution Committee

Monday, 8 November 2021, 10:30

Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Mark Whittington (Chairman)
Councillor Ray Wootten (Vice-Chairman)

Councillor Ashley Baxter
Councillor Paul Fellows
Councillor Breda-Rae Griffin

Cabinet Members in attendance

Councillor Linda Wootten (Cabinet Member for Governance and Licensing)
Councillor Rosemary Trollope-Bellew (Cabinet Member for Culture and Visitor Economy)

Officers in attendance

Alan Robinson (Deputy Chief Executive/Monitoring Officer)
Graham Watts (Head of Democratic Services/Deputy Monitoring Officer)
Lucy Bonshor (Democratic Officer)

The Chairman welcomed Councillor Ray Wootten to the meeting and to the position of Vice-Chairman. Councillor Ray Wootten was a former Chairman of the Committee and brought his knowledge of the Constitution to the Committee.

19. Apologies for absence

Apologies for absence were received from Councillors' Bellamy and Sandall. Councillor Fellows gave apologies for late attendance.

20. Disclosure of interests

None disclosed.

21. Minutes of the meeting held on 13 September 2021

The minutes of the meeting held on 13 September 2021 were proposed, seconded and **AGREED**.

22. Updates from the previous meeting

The Chairman confirmed that actions from the last meeting would be discussed at the meeting.

One Member asked if a date had been set for the extra meeting in January 2022. The Chairman suggested the week 10-15 January 2022. The Deputy Chief Executive stated that the best date would be looked into and Members would be informed accordingly.

(10:40am Councillor Fellows arrived)

Questions were asked about the findings from the Scrutiny and the Planning Reviews and when these would be looked at by the Constitution Committee. The Deputy Chief Executive indicated that a meeting to look at the findings from the Scrutiny Review would be held on 11 November 2021. A report would come before the Constitution Committee early in the New Year.

The Chairman stated that the timetable for both reviews were similar but that they would be looked at outside of the timetable for the Constitution Review. If additional meetings of the Constitution Committee were required they would be arranged.

23. Member Code of Conduct

The Cabinet Member for Corporate Governance and Licensing presented the report on the New Model Member Code of Conduct. The Local Government Association had introduced the new Model Code on 23 December 2020 and a copy was appended to the report. The Model Code had been developed in association with key partners and following extensive consultation with the local government sector. A number of authorities across the country had adopted the Model Code either as it was, or it had been used as a template with local amendments. Currently South Kesteven's Code of Conduct was based on the previous Model Code.

The Cabinet Member for Corporate Governance and Licensing referred Members to Sections 1.6 and 1.7 of the report where the changes were listed. The new Code included greater transparency regarding the registration and disclosure of interests. It included a requirement for further interests to be registered and these were listed at 1.7 of the report.

The Head of Democratic Services/Deputy Monitoring Officer stated that the new model Code focused on the seven principals of public life and the Nolan principals that underpinned the current Code of Conduct. He referred Members to the first page of the Code and the principals listed that Councillors should act in accordance with, in undertaking public roles. Sections covered were:

- Respect
- Bullying, harassment and discrimination

- Impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the Code of Conduct
- Interests
- Gifts and hospitality

The new Model Code had gone through a rigorous process and consultation had been undertaken over a 12 month period.

The Head of Democratic Services had met with the Independent Person and both he and the Monitoring Officer supported the adoption of the new Model Code of Conduct.

Members' attention was drawn to the changes in relation to interests both Disclosable Pecuniary Interests and also other registrable interests which included:

- Any unpaid directorships
- Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- Any body:
 - i) Exercising functions of a public nature
 - ii) Directed to charitable purposes or
 - iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Of which you are a member or in a position of general control or management.

The Chairman asked how many local authorities had adopted the new Model Code to date. Research was currently being done to find out the number and it was stated that the information on how many Lincolnshire authorities who had adopted the new Model Code would be available for the next Full Council meeting if Members were minded to recommend adoption.

ACTION:

- 1. The Head of Democratic Services to supply the number of Lincolnshire authorities who had adopted the new Model Code for the Full Council meeting to be held on 25 November 2021.**

The Monitoring Officer informed the Committee that he had recently attended a meeting of local Monitoring Officers in Lincolnshire. He stated that Lincolnshire County Council had adopted a scheme similar to the Model Code and both North Kesteven and West Lindsey District Councils were currently in the process of considering implementing the new Model Code.

A question was asked about the consequences of a Member breaking the Code of Conduct. The Deputy Chief Executive/Monitoring Officer replied that the sanctions were limited, there was no ability to suspend or remove a Councillor from office and this had been the case since 2012. Lobbying was constantly being undertaken by the Monitoring Officers Group to make changes to the sanctions. Current sanctions included the removal of the use of council facilities, council voting to remove members from committees and public censure on a Council's website. Public censure was the most significant one with other sanctions requiring recommendations to Full Council.

Discussion followed on a Councillor's role and their private life and the use of social media. It was noted that the Code of Conduct applied to Members when they were acting in their capacity as a Councillor and examples of when this applied were highlighted within the model Code. Some Members felt that there was a "grey area" about when you acted as a Councillor and when you acted as a member of the public in relation to the use of social media. The Head of Democratic Services stated that training on the new Code, if adopted by Council, would take place on 29 November 2021 and examples and scenarios would be explored especially in relation to social media.

Further discussion followed on the ineffectiveness of the current sanctions in relation to breaches of the Code of Conduct and a recent example was given and reference made to the "uselessness" of the sanctions.

The majority of the Members present at the meeting were in favour of adopting the new Model Code of Conduct, but acknowledged that there were still "grey areas" around the use of social media and what could and could not be said and how it could be interpreted. It was felt that training sessions needed to add clarity for Members in relation to the Code and the use of social media. It was noted, however, that Members should be civil and show respect to each other at all times regardless of political party.

Further discussion followed in respect of training on the Code of Conduct and that refresher training should be introduced.

The type and frequency of complaints in relation to breaches of the Code was raised. The Deputy Chief Executive stated that it was within the Council's powers to amend the Code if they felt it was necessary to do so. Also the Monitoring Officer Network Group regularly met and discussed where issues appeared and the LGA were constantly asking for feedback.

In concluding the debate it was stated that the Code could be reviewed as appropriate, and if it was felt that further areas needed to be strengthened these could be addressed accordingly.

RECOMMENDATION

On being put to the vote it was proposed, seconded and AGREED to recommend the adoption of the new Local Government Association Model Councillor Code of Conduct to Full Council.

A question was asked in relation to signing up to the new Code of Conduct and, what happened to Members who did not wish to sign up to the new Code. The Head of Democratic Services indicated that he would take advice on the issue outside of the meeting.

24. Review of the Council's Constitution

The Cabinet Member for Corporate Governance and Licensing introduced the report on the Constitution Review update, the new format for the review had been agreed at Council on 30 September 2021. The Council had agreed that the Constitution would be reviewed in sections starting with Part 3, the Responsibility for Functions.

The Cabinet Member for Corporate Governance and Licensing wished to thank the Head of Democratic Services/the Deputy Monitoring Officer for the work that had been done to date on Part 3.

Part 3 had been split into three sections; Council Functions, Executive Functions and Delegated Powers to Officers. Information in the new document had been lifted from the various locations within the current Constitution and placed in the one area.

Members received a presentation from the Head of Democratic Services/Deputy Monitoring Officer on work done to date on the Responsibility for Functions, it was stressed to Members that the document was still a work in progress. The Head of Democratic Services showed Members three documents, the current Constitution which had green and red highlighted areas, the green highlighted areas contained information that was being kept, the red highlighted areas contained information that was being removed. The second document was a mapping document which tabled all the changes that had been made; removed information was shown in red, and the reasons for the removal. Lifted information and where it had been moved within the new draft document, shown in green. The remainder document showed the final Responsibility for Functions document and contained recommended additions to the current document and these were shown in yellow, together with amendments to existing wording and these were shown in blue. It was hoped that the documents made it clear to Members where changes had been made and was more clear and transparent than the use of tracked changes.

The Head of Democratic Services/Deputy Monitoring Officer had met with all Directors and Assistant Directors to ensure that the sections relating to their areas were fit for purpose.

Delegations would be shown by service areas rather than focus on job titles, and an index would list which area had the required delegations.

The Head of Democratic Services/Deputy Monitoring Officer had met with the Leader who was supportive of the proposed layout. Further meetings would be held with the Chairmen of Scrutiny Committees and opposition Members and one-to-one meetings could be arranged with any Member of the Committee who wanted one.

The Chairman asked for questions around process rather than specific issues as Members did not have the document before them. Once all mapping work had been done then more specific questions could be asked. He thanked the Head of Democratic Services/Deputy Monitoring Officer for the colour coded document which was crucial for enabling Members of the Committee to follow the process. Discussion previously had taken place about including hyperlinks if the information contained within the Constitution relied on Acts of Parliament and a glossary would also be included.

A discussion followed on the progress to date and the timescale for the documents to go before Council. It was stated that Part 3 of the Constitution, the Responsibility of Functions would be ready for Council on 27 January 2022. An extra meeting of the Committee would be held in early January, before the Council meeting for the Committee to see the final draft of Part 3. Consultation would take place with Members before the final draft of the reviewed Constitution was reported to the Annual Council meeting in May 2022. Any required changes following the Scrutiny Review and Planning Review could be fed into the document at any stage and were on a slightly different timetable. It was proposed that the Constitution would be kept under review and a report would be submitted to Annual Council each year with any issues to keep the document fit for purpose.

A further meeting was due to take place in relation to the building control element of the Responsibility of Functions and when this had been finalised the working papers would be shared with Members of the Committee.

ACTION

- 1. To circulate the working papers to Members of the Committee once the Responsibility of Functions in relation to building control had been finalised.**

Members of the Committee noted the work that had taken place to date.

- 25. Any other business which the Chairman, by reasons of special circumstances, decides is urgent**

None.

- 26. Close of meeting**

The meeting closed at 11:40am.