

# Decisions of the Constitution, Ethics and Probity Committee

29 June 2017

Members Present:-

Councillor John Marshall (Chairman)  
Councillor Melvin Cohen (Vice-Chairman)

Councillor Anthony Finn (In place of Councillor Richard Cornelius)	Councillor Joan Scannell Councillor Alan Schneiderman (In place of Councillor Ross Houston)
Councillor Dr Devra Kay	
Councillor Barry Rawlings	

Apologies for Absence

Councillor Richard Cornelius      Councillor Ross Houston

## 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 16 March 2017 be approved as a correct record.

## 2. ABSENCE OF MEMBERS

Apologies for absence had been received from:

- Councillor Richard Cornelius who was substituted for by Councillor Anthony Finn; and
- Councillor Ross Houston who was substituted for by Councillor Alan Schneiderman.

## 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

## 4. REPORT OF THE MONITORING OFFICER

None.

## 5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

**6. MEMBERS' ITEMS (IF ANY)**

None.

**7. CONSTITUTION REVIEW**

**RESOLVED that:**

- 1. The Committee recommend to Council that the Constitution be amended to incorporate the changes set out in the table below and the track change versions attached at Appendix A to Appendix E.**
- 2. The Committee recommend to Council that the Constitution be amended to incorporate the changes to the speaking arrangements for planning committees as set out Appendix F.**
- 3. The Committee agree that the Monitoring Officer be delegated authority, in consultation with the Chairman, to make changes to Article 9 (Chief Officers) and Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) to reflect the new senior management structure agreed by the General Functions Committee on 3 May 2017.**

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	25A Members Code of Conduct – Procedure for Dealing with Complaints	Pages 19 – 38	<ol style="list-style-type: none"> <li>1. Delete section 1 (Introduction).</li> <li>2. Delete section 2 (The Members Code of Conduct).</li> <li>3. Delete section 3 (The Independent Person).</li> <li>4. Revised the section titled 'Making an Allegation' to refer to the Monitoring Officer rather than a specific named individual.</li> <li>5. Revised the section titled 'Assessment of an allegation' to clarify the role of the Monitoring Officer and the procedure to be followed</li> <li>6. Amendments to the section titled 'The investigation'.</li> </ol>	Agreed as per report

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			<ol style="list-style-type: none"> <li>7. Delete the section titled 'Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct'.</li> <li>8. Delete the section titled 'Where the Monitoring Officer/Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct'.</li> <li>9. Delete a paragraph from the section titled 'Appeals'.</li> <li>10. Amend the section titled 'Reports' to change the requirement from the six-monthly report to the Committee to an annual report.</li> </ol>	
2	Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers	Pages 39 – 40	Amend the Delegated Authority for the Commissioning Director Adults & Health (Director of Adult Social Services) to include a reference to the Care Act 2014.	Agreed as per report
3	Council Procedure Rules	Pages 41 – 61	<ol style="list-style-type: none"> <li>1. Delete section 2, 16 (Motions for the Adjournment) as this provision is not used in practice.</li> <li>2. Amend section 6 (Variation) to give only the Mayor the discretion to vary the order of business.</li> <li>3. Amend section 7 (Suspension of Procedure Rules) to clarify the wording.</li> <li>4. Delete the heading 'Rules</li> </ol>	Deferred

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			<p>that apply to the whole of council meetings'</p> <ol style="list-style-type: none"> <li>5. Delete the provision in section 9 (General provision for motions and amendments) that enables a motion to be referred to a committee for consideration. Members are able to add matters for debate to committee agendas via the Members Items mechanism.</li> <li>6. Delete section 9.4.</li> <li>7. Delete provision 10.3 (relating to the submission of amendments after 10.30am on the day of the council meeting) from section 10 (Alternations to motions or amendments)</li> <li>8. Delete section 11 (Withdrawal of business items and amendments)</li> <li>9. Delete from section 12 (Motions which may be moved without notice) the following provisions as they are irrelevant: 12.14; 12.15; and 12.16</li> <li>10. Delete section 13 (Motions which may be moved during debate and closure motions)</li> <li>11. Delete section 14 (Division and voting)</li> <li>12. Amend section 15 (Voting)</li> <li>13. Amend section 20 (Rules of debate) to clarify the wording in section 20.4</li> <li>14. Amend section 22 (Motions) to add restrictions in section 22.1 about debating general</li> </ol>	

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			<p>national issues and remove the provisions at section 23.5 and 23.6 relating to the referral of motions to committees.</p> <p>15. Delete section 26 (Procedure for Policy and Resources budget report)</p>	
4	Officers Code of Conduct	Page 63 – 78	Amend the introduction to include the Nolan Principles.	<p>Agreed as per report subject to the following amendments:</p> <p>In the sections titled Selflessness, Integrity, Objectivity, Openness, Honesty and Leadership delete 'Holders of public office' and replace with 'Officers'</p> <p>In the section titled Accountability revise the wording as follows:  "Officers are accountable to their line manager and the Chief Executive who is in turn accountable to elected Members."</p> <p>Agreed to delete the following sentence from section 15.10:  'If the offer of alcohol is accepted, vehicles must not be driven until an appropriate time has elapsed for the</p>

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				alcohol to have left the system.'
5	Financial Regulations	Pages 79 – 84	<ol style="list-style-type: none"> <li>1. Amend section 5.2.5 to strengthen the wording relating the right of Internal Audit to access systems, databases, etc.</li> <li>2. Delete section 5.2.14 as this is not a responsibility of the Chief Internal Auditor</li> <li>3. Delete the word 'Assistant' in section 5.3.1 as the Assurance Director is responsible.</li> <li>4. Amend section 5.3.5 to update the responsibilities of Investigation Officers.</li> <li>5. Add a sentence to section 5.3.6 to strengthen the powers of the Assurance Director</li> <li>6. Amend section 5.3.9 to state that the Assurance Director will maintain a scheme of delegation. Delete sections 5.3.10 to 5.3.16 as these will be transferred into the scheme of delegation.</li> <li>7. Add a new section 5.3.10 to confirm the rights of CAFT officers to clarify rights of access to records.</li> <li>8. Amend new section 5.3.11 to strengthen the provisions</li> </ol>	<p>Agreed as per report subject to the following amendment:</p> <p>Amend section 5.3.6 to delete the wording '...have the right to...' and add '...the Leader...' before the Chief Executive.</p> <p>Revised wording to read: 'Irrespective of the organisational position of CAFT, the Assurance Director should report on matters concerning internal audit and internal control directly to the Leader, Chief Executive and the Audit Committee.'</p>

The Committee considered an addendum which proposed changes to speaking rules at planning committees to clarify the number of speakers for and/or against an application due to the current wording being ambiguous. Upon the recommended changes being put to the vote the proposals were approved. Votes were recorded as follows:

In Favour	4
Against	3
Abstentions	0

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6	Meetings Procedure Rules	Addendum	<p>7.5 Where there have been requests to speak both in favour and against an application one speaker slot will be reserved for supporters and one for objectors.</p> <p>7.9 Where there are speakers registered only in favour or only against an application and there have been <del>Where</del> more than two requests to speak <del>have been received</del>, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.</p>	Agreed as per addendum subject to the additional of the following text at the end of section 7.8: 'Where there is more than one speaker registered either in favour or against an application, the public shall decide amongst themselves who is to address the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.'

The meeting finished at 7.41 pm