

**Minutes of the Meeting of the STANDARDS AND CONSTITUTION COMMITTEE
held at the Council Chamber, Epsom Town Hall on 25 January 2023**

PRESENT -

Councillor Liz Frost (Chair); Councillor Hannah Dalton (Vice-Chair); Councillors Kate Chinn, Luke Giles, Eber Kington and David Reeve

Absent: Councillor Monica Coleman and Councillor Christine Howells

Officers present: Olwen Brown (Monitoring Officer), Andrew Bircher (Interim Director of Corporate Services), Will Mace (Business Assurance Manager) and Tim Richardson (Democratic Services Manager)

1 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business to be discussed at the meeting.

2 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Standards Committee held on 22 February 2022 were agreed as a true record and signed by the Chair.

3 COUNCILLORS' CODE OF CONDUCT

The Committee received a report setting out the approach to be taken to reviewing the current Councillors' code of conduct.

The following matters were considered:

- a) **Councillors' code of conduct.** The Chair informed the Committee that it was proposed to retain the existing Councillors' code of conduct at this time, with a review of the LGA Councillors' code of conduct to be undertaken during 2023-24. This would enable a recommendation to the Committee as a result of that review. Officer advice was that the existing code of conduct was both legally sound and serviceable.

Following consideration, the Committee unanimously resolved to:

Recommend to Full Council:

- (1) that the existing code of conduct is retained at this time and;**

- (2) **that the Standards and Constitution Committee be asked to review the Councillors' code of conduct in the coming Municipal year and make recommendations on whether to adopt the LGA code of conduct, keep the existing code of conduct or produce a new amended version.**

4 COUNCIL CONSTITUTION

The Committee received a report setting out a proposed new Constitution and Operating Framework for the Council, following a review of the current Constitution by the Constitution Working Group.

The Constitution Working Group had reviewed the entire constitution during the course of the past year to update and simplify it. Within the principles for its work, the Group had looked to streamline the constitution so that the Council has a shorter document which contains the main, essential elements of what should be in a modern updated core constitution. It was proposed to move other documents which are important, but which do not have to be in the core constitution into a collection of documents, referred to as the "Council Operating Framework" or to the Officer Employment policy documents.

The following matters were considered:

- a) **Amendment: Petition Scheme.** The Chair informed the Committee that the Constitution Working Group had not been able to come to a consensus with regard to the Council's Petition Scheme. The Chair proposed an amendment to the report to include the following additional recommendation:

"(7) Recommend to Full Council that the Standards and Constitution Committee review the Petition Scheme in the forthcoming municipal year."

The Committee unanimously agreed to include this amendment in the recommendations of the report.

- b) **Human Resources Panel and Committee responsibility for development of the local economy and regeneration.** The Committee considered potential amendments to the recommendations of the report with regard to two matters:

- The terms of reference of the Human Resources Panel
- Committee responsibility for development of the local economy and regeneration.

Following consideration, the Committee considered that these matters should not be made as amendments to the recommendations of the report. The Committee considered that these matters should be considered within the forward work programme for the Committee.

- c) **Minor changes to documents in the Constitution and Operating Framework.** The Committee noted that the following minor changes would be made:
- **Page 12, paragraph 2.7 - Mayors Handbook.** Reference to the Handbook for Mayors would be included. Wording that the Mayor should act subject to the guidance of the Chief Executive and the Chair of Strategy and Resources would also be included.
 - **Gender references.** It was noted that gender specific references had been removed throughout the documents and that any remaining references would be removed by officers when identified. The Committee highlighted a reference to “him or her” on page 44, paragraph 6.1.
 - **Definition of “Proper Officer”.** The Committee noted that the term “Proper Officer” was defined within the glossary of the Constitution.
 - **Page 45, paragraph 9.3.1. ii.** The Committee requested that paragraph 9.3.1. ii on page 45 be re-phrased.
 - **Page 86, paragraph 14.4 – form for motions.** The Committee requested that the wording “on the prescribed form” be removed from paragraph 14.4 on page 86.
 - **Page 89, paragraph 16.5.** The Committee requested that paragraph 16.5 on page 89 be deleted.
- d) **Amendment: speeches on motions referred to Committee for consideration.** Councillor Eber Kington PROPOSED and Councillor Kate Chinn SECONDED the following amendment to paragraph 16.6 on page 89 of the agenda:
- “Once a motion has been put, the proposer of the motion will have 2 minutes to speak on the referral to the committee.”***
- The Committee did not accept this amendment, there being 2 votes in favour of it and 3 votes against it, with the Chair not voting.
- e) **Lengths of speeches.** The committee considered the length and opportunities for councillors to make speeches on motions and amendments. The Committee considered that this was a matter which required further consideration, and requested that that lengths and timings of speeches by Councillors at Council meetings should be reviewed by the Standards and Constitution Committee in its forward work plan.
- f) **Page 90, Paragraph 17.1 – amendments to be displayed on screen.** The Committee considered that amendments to motions should be displayed on the screens in the Council Chamber when moved.

- g) **Page 91, paragraph 17.5 – negative motions.** The Committee requested that the wording “The amendment is a negative to the motion” be included within the bullet points listed in paragraph 17.5.
- h) **Page 99, paragraph 5.4 iii.** The Committee considered that the wording “Their performance” could be interpreted to mean the personal performance of an Officer of the Council. Members of the Committee expressed the view that this might not be appropriate and suggested that alternative wording be considered to convey that it would relate to the performance of the council service for which the officer was responsible.
- i) **Page 99, paragraph 5.5.** The Committee requested that the reference to ‘Section 5.5’ in paragraph 5.5 on page 99 on the agenda be amended to read “Section 5.4”.
- j) **Page 126, paragraph 4.6.** The Committee requested that the wording of paragraph 4.6 on page 126 of the agenda be reviewed as it could be misinterpreted to mean that all correspondence to residents should be clarified with the relevant Head of Service. This was not the intended purpose of the paragraph, which was included in the Protocol to highlight that questions of accuracy regarding council policy could be clarified with the relevant Head of Service.
- k) **Page 128, paragraph 5.13 and 5.14.** The Committee requested that the wording of paragraphs 5.13 and 5.14 on page 128 of the agenda be reviewed, with a view to combining them both into a single paragraph. The Committee also requested that reference to GDPR within the paragraph be considered.
- l) **Page 153, paragraph 1.2.** The Committee requested that the wording of paragraph 1.2 on page 153 of the agenda be reviewed, to provide clarity to its meaning.
- m) **Page 154, paragraph 4.1 - notice of meetings.** The Committee requested that the wording of paragraph 4.1 on page 154 of the agenda be reviewed, to detail that notice of meetings would be given in other ways (such as the website and social media channels) in addition to being posted at the Town Hall.
- n) **Thanks to Officers.** The Committee expressed its thanks to the officers for their work to support the Constitution Working Group during the review of the Constitution.

Following consideration, the Committee unanimously resolved to:

- (1) **Approve that Appendix 1, an updated core constitution for the council, be recommended to Full Council for adoption as amended.**
- (2) **Approve the recommendation to Full Council to move the “Officers Code of Conduct” from the constitution into officer employment policies.**

- (3) Approve the recommendation to Full Council to move the “Whistleblowing Policy” from the constitution into officer employment policies.**
- (4) Approve the recommendation to Full Council to remove the “Recording, Photography and Use of Social Media Protocol and Guidance (Part 5, Section 10)” from the constitution.**
- (5) Approve that Appendix 2, being the remaining documents from the constitution reviewed and updated and moved from the constitution, and not covered off by recommendations 2, 3 and 4 above, be recommended to Full Council for adoption, as the Council Operating Framework.**
- (6) Approve the recommendation to Full Council to replace the “Crime and Disorder Sub-Committee” with a new “Crime and Disorder” committee.**
- (7) Recommend to Full Council that the Standards and Constitution Committee review the Petition Scheme in the forthcoming municipal year.**

The meeting began at 7.30 pm and ended at 9.00 pm

COUNCILLOR LIZ FROST (CHAIR)