

Constitution and Ethics Committee Minutes

Date: 14 November 2023

Time: 2:00 p.m. – 3:15 p.m.

Venue: New Shire Hall, Alconbury Weald

Present: Councillors Sebastian Kindersley (Vice-Chair), David Ambrose Smith, Alex Bulat, Lorna Dupré, Mark Goldsack, John Gowing, Tom Sanderson, and Philippa Slatter

49. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillors Gerri Bird (substituted by Councillor Bulat), Mac McGuire (substituted by Councillor Goldsack), Kevin Reynolds, and Graham Wilson (substituted by Councillor Slatter).

There were no declarations of interest.

50. Minutes – 13 September 2023

The minutes of the meeting held on 13 September 2023 were agreed as a correct record and signed by the Vice-Chair.

51. Annual Budget Meeting – Business Plan Debate

The committee received a report which proposed that the protocol for debating the Council's business plan each year be incorporated into the Constitution.

It was resolved unanimously to:

Recommend to Full Council the revisions to the Constitution set out in Appendix 1 of the report.

52. Cambridgeshire and Peterborough Health and Wellbeing Board – Revised Terms of Reference

The committee received a report which proposed changes to the terms of reference of the Cambridgeshire and Peterborough Health and Wellbeing Board / Integrated Care Partnership related to membership, quorum, appointment of substitutes, and declarations of interest.

It was resolved unanimously to:

Recommend the revised terms of reference of the Cambridgeshire and Peterborough Health and Wellbeing Board / Integrated Care Partnership, as set out in Appendix 1 of the report, to full Council for approval.

53. Mitigating the Risks of Intimidation and Abusive Behaviours Towards Members and Officers

The committee received a report providing an update on the live action plan that had been developed to address concerns about the impact of increasing levels of public intimidation and toxicity of debate on democratic processes, which proposed a variety of mitigating measures to address the issue of intimidation and abusive behaviour towards Members, and some additional actions following a Local Government Association (LGA) “Debate Not Hate” campaign webinar.

While discussing the report, Members:

- Welcomed the proposals in the report and the work already carried out by officers to improve and increase the support available to Members, noting that it was an issue also being addressed by many other councils across the country. It was emphasised that intimidation and abuse were unacceptable in any workplace environment and observed that while Members and officers were required to abide by the Council’s codes of conduct, members of the public were not restrained by such rules.
- Highlighted the different circumstances of individual Members and the variety of reasons for which they may be considered vulnerable. It was observed that all Members were liable to become vulnerable if their personal circumstances changed or if their role as a Member led to involvement in controversial issues, regardless of their gender, age or other characteristics, some of which were invisible. It was also observed that Members’ families or partners were occasionally subjected to abuse or intimidation, while former Members could also suffer once their term had concluded. The committee supported the proposal for a generic risk assessment for all Members, which could be tailored accordingly to individual Members, and it was emphasised that such risk assessments should be continuous and not just conducted once for each Member.
- Acknowledged the difficulty in balancing freedom of speech with countering hate speech on social media, suggesting that there was also a difference between written and spoken abuse, but agreed that both abuse and misinformation remained a cause of suffering. Members also expressed concern about the level of toxicity in local and national political debate over the past few years, arguing that Members had a responsibility to minimise such conflict and misinformation, and to not encourage or perpetuate it.
- Drew attention to concerns about security at surgeries held by Members in their local area, noting that local and national politicians were sometimes subjected to physical and verbal abuse at such events, and requested further information on what support was available for them. The committee acknowledged the importance

of continuing to strengthen the relationship between the police and both the Council and Members, particularly in regard to ensuring the police were aware of issues experienced by Members and their particular concerns.

- Highlighted the importance of Members being able to protect their own privacy if required, for example by not publishing their personal telephone number or address on the Council's website. However, it was requested that in such circumstances, a generic telephone number could be listed to ensure that members of the public could still contact their local Member by telephone, with calls forwarded on to the Member if appropriate.
- Noted the importance of trying to accommodate the various ways in which residents contacted Members and suggested that it might be beneficial for Members to be provided with a telephone for Council-related work to ensure that their privacy could be protected while ensuring they were available for contact. It was clarified that Members were expected to make such arrangements through the basic allowance provided to them by the Council, and that any request could be considered by the Independent Remuneration Panel in the future.
- Suggested that the Council's policy for dealing with persistent or nuisance callers failed to adequately address such issues being raised directly with Members at non-Council events, such as parish council meetings, although it was acknowledged that these situations were usually complex and confidential in nature, which made it difficult to keep Members briefed.
- Noted that everyone had a subjective interpretation of what was considered abuse or intimidation, and expressed concern that adoption of the rules of engagement used by the LGA could result in the Council being required to provide additional, detailed clarity on such definitions. Members were informed that the Monitoring Officer used established definitions when making judgements on claims, which were based on the perception of the alleged victim, rather than the alleged perpetrator. It was agreed for the Council to publish a statement on rules of engagement on its website, which Members would be able to refer people to if required or desired.
- Queried how the Council would respond to a Member being incapable, or being judged to be incapable, of carrying out their role due to illness. It was clarified that the Council could not decide that a member was incapable of carrying out their role, with such a decision only being possible for Members themselves or local residents at elections, and the committee was assured that the Council would provide support and ongoing dialogue to a Member's family in such a situation.
- Acknowledged the benefits and importance of the different political groups paying greater attention to the personal wellbeing of their individual Members but agreed that there were sufficient options for Members who required support without the need for each group to have a dedicated wellbeing or safety champion. It was also agreed that surveys would be unlikely to respond to issues in a timely manner.
- Considered establishing a small working group of councillors and officers to identify gaps in support but decided that it would be sufficient for the existing Member Development Panel to assume the additional responsibility.

It was resolved unanimously to:

- a) Note the action plan set out in section 2 of the report; and
- b) Consider and agree actions in relation to the proposals set out in section 3 of the report.

54. Constitution and Ethics Committee Agenda Plan

The Committee noted its agenda plan.

Chair