

# CONSTITUTION AND ETHICS COMMITTEE



**Wednesday, 29 September 2021**

**Democratic and Members' Services**  
Fiona McMillan  
Monitoring Officer

**14:00**

Shire Hall  
Castle Hill  
Cambridge  
CB3 0AP

**Multi Function Room, New Shire Hall, Alconbury Weald,  
Huntingdon, PE28 4YE  
[Venue Address]**

## **AGENDA**

**Open to Public and Press by appointment only**

### **CONSTITUTIONAL MATTERS**

- 1 Election of Vice-Chair**
- 2 Apologies for absence and declarations of interest**  
*Guidance on declaring interests is available at*  
<http://tinyurl.com/ccs-conduct-code>
- 3 Minutes of the Meetings held on 30th June 2020, 18th May 2021 and 27th July 2021** **3 - 10**

### **DECISIONS**

- 4 Review of the Members' Code of Conduct** **11 - 44**

<b>5</b>	<b>County Council – Proposed Changes to the Constitution</b>	<b>45 - 74</b>
<b>6</b>	<b>Parental Leave Policy for Councillors</b>	<b>75 - 80</b>
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<b>8</b>	<b>A Review of the Complaints Received Under the Members’ Code of Conduct to 21st September 2021</b>	<b>85 - 88</b>
<b>9</b>	<b>Constitution and Ethics Committee Agenda Plan</b>	<b>89 - 90</b>

The Constitution and Ethics Committee comprises the following members:

*For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact*

**COVID-19**

The legal provision for virtual meetings no longer exists and meetings of the Council therefore take place physically and are open to the public. Public access to meetings is managed in accordance with current COVID-19 regulations and therefore if you wish to attend a meeting of the Council, please contact the Committee Clerk who will be able to advise you further.

Councillor Sebastian Kindersley (Chair) Councillor David Ambrose Smith Councillor Alex Bulat Councillor Lorna Dupre Councillor Janet French Councillor Neil Gough Councillor Mac McGuire Councillor Kevin Reynolds and Councillor Tom Sanderson

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## **CONSTITUTION AND ETHICS COMMITTEE: MINUTES**

**Date:** Tuesday 30th June 2020

**Time:** 2:00pm – 2:40pm

**Present:** Councillors L Every (Chairwoman), K Reynolds (Vice-Chairman), D Connor, L Harford, R Hickford, D Jenkins, S Kindersley and J Scutt

### **104. ELECTION OF VICE-CHAIRMAN/WOMAN**

It was proposed by Councillor Hickford, seconded by Councillor Harford, and resolved unanimously to elect Councillor Reynolds as the Vice-Chairman for the municipal year 2020-21.

### **105. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence.

There were no declarations of interest.

### **106. MINUTES OF THE MEETING HELD ON 22ND APRIL 2020**

The minutes of the meeting held on 22nd April 2020 were approved as a correct record and it was agreed that they would be signed by the Chairwoman when the Council returned to its offices.

### **107. DECISION REVIEW PROCESS**

The Committee received a report that contained proposed changes to the Decision Procedure Rules set out in the Council's Constitution. It was recalled that during the Committee's discussion of the proposed Environment and Sustainability Committee at its meeting on 22nd April 2020, Members had considered whether the proposed delegations on climate change were strong enough or whether the Committee should be given the power to initiate a review of decisions made by other Policy and Service Committees, if they were judged to have a negative impact on climate change.

While discussing the report, Members:

- Acknowledged that concern for the environment and sustainability should be a central feature of all the Council's work, although it was also suggested that the creation of a committee whose defined focus was the environment and sustainability should have the widest possible reach on related issues. It was emphasised that the proposed power should be viewed as a constructive and helpful means of protecting the Council's commitment to the environment and sustainability, rather than as a critical, negative or scrutinising function.
- Considered whether the committee system already provided sufficient scrutiny, with some Members suggesting that the proposal represented a superfluous additional

level of scrutiny, while other Members argued that the committee system only provided self-scrutiny. The Democratic Services Manager observed that it was not a requirement for committee systems to operate a decision review process, due to scrutiny being inherent in the committee process.

- Acknowledged the motion which Full Council passed unanimously in May 2019, which led to the Council declaring a Climate Emergency. One Member suggested that an environment and sustainability call-in power would demonstrate the Council's commitment to climate change. Other Members argued that such a commitment should be demonstrated by the whole Council at all times, including each Councillor and committee, rather than just one committee, while the creation of the Environment and Sustainability Committee represented a clear demonstration of the Council's commitment.
- Clarified that report templates for Policy and Service Committees included references to the environment which authors were required to consider, with an expectation that they would be challenged by the relevant service director at the sign off stage if any concerns remained.
- Considered the proposal to increase the number of General Purposes Committee members required to initiate a review of a decision taken by another Policy and Service Committee, with one Member observing that the proposed increase would continue to reserve the right to call in decisions to only the ruling party.

It was resolved to:

- a) Reject amendments to the Constitution, as set out in Appendices 1 and 2 of the report; and
- b) Recommend to full Council an increase in the number of members of General Purposes Committee required to initiate a review of a decision taken by a Policy and Service Committee from eight to nine.

## **108. CONSULTATION ON DRAFT MODEL CODE OF CONDUCT**

The Committee received a report on the consultation being carried out by the Local Government Association (LGA) on the Draft Model Code of Conduct. The Monitoring Officer emphasised that the LGA had been requested to carry out the review by the Government and also noted that the process had been delayed as a result of Covid-19. The Committee was asked to consider whether to send a collective response from the Committee on behalf of the Council or whether Members and officers should participate on an individual basis. It was noted that any decision to apply the new Model Code of Conduct, or parts of it, to the Council's Code of Conduct would be considered by the Committee once the LGA's final document had been published.

The Monitoring Officer informed Members that the content of the draft Model Code of Conduct was very similar to the Council's Code, noting that some of the proposed additional text was already included in the Council's Code. There were some semantic variances between the two, such as the alternative use of the word civility and respect, while there was also a proposal to reinsert a clause about bringing the Council into disrepute. It was noted that the Draft Model Code proposed that the minimum value of gifts or hospitality that should be registered with the monitoring officer was £25, while

the Council had agreed to raise the minimum value in the Council's Code to £100 on 23rd July 2019.

While discussing the report, Members:

- Considered whether it would be difficult to establish a collective response on various aspects of the Code of Conduct, while observing that individual responses provided greater value by ensuring that Members and officers could include all their points in their response, whereas conflicting views in a collective response would require some contributions to be omitted. Some Members suggested that the Monitoring Officer would nonetheless be able to produce a brief summary of opinions put forward by the Committee and other Members. It was further argued that such a contribution would demonstrate leadership and that one of the purposes for being a member of the LGA was to participate in such consultations.
- Emphasised that Members and officers had been encouraged by the LGA to submit individual responses to the consultation if they felt that the formal response from the Council did not represent their views. The Monitoring Officer confirmed that Members and officers would be informed of this possibility and would be provided with the necessary information to participate on an individual basis within the consultation period.
- Acknowledged comments contributed by Councillor Count in Appendix 1 of the report, which expressed concern over the limited definition of harassment. It was noted that there were alternative, broader definitions of harassment, such as that of the Citizens Advice Bureau, and argued that it would be preferable for the Draft Model Code to adopt an expanded definition.
- Welcomed the proposal in the consultation for the code of conduct itself to be separated from individual pieces of guidance, in order to produce a more streamlined, simplified and unambiguous document.
- Agreed that the Monitoring Officer would prepare a response and circulate it to Members for their agreement before submitting it to the LGA.

It was resolved to:

- a) Note and comment on submissions from Members relating to the draft model code of conduct;
- b) Consider whether it wishes to submit a response to the consultation on behalf of the Council; and if so
- c) Authorise the Monitoring Officer to prepare a response in consultation with the Committee.

## **109. CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN**

While discussing the Committee's agenda plan, Members clarified that 'A Review of the Complaints Received under the Members' Code of Conduct to End of June 2020' had been withdrawn from the agenda because there were no complaints to report to the

Committee. It was also observed that the 'Review of Social Media Guidance', due to be presented at the Committee meeting on 29th September, would be deferred to a later date following the completion of the LGA's review of the model code of conduct.

Chairwoman  
29th September 2020

## Constitution and Ethics Committee: Minutes

Date: Tuesday 18<sup>th</sup> May 2021

Time: 1:00pm – 1:15pm

Venue: Conservation Hall, Imperial War Museum, Duxford

Present: Councillors Sebastian Kindersley (Chair), David Ambrose Smith, Alex Bulat, Lorna Dupré, Neil Gough, Mac McGuire, Kevin Reynolds and Tom Sanderson

### 1. Apologies for Absence and Declarations of Interest

Apologies were received from Councillor Janet French.

There were no declarations of interest.

### 2. Appointment of an Independent Remuneration Panel

The Committee received a report considering the selection and appointment of Independent Remuneration Panel (IRP) members, the Terms of Reference of the panel, and the proposed rate of remuneration. It was highlighted that local authorities were required to have a scheme of allowances for elected members, with a further requirement that an IRP be established to submit a report prior to the Council making or amending the scheme of allowances. The report proposed that the County Council appoint the four members of Peterborough City Council's IRP to be members of Cambridgeshire's IRP, based on their previous experience, knowledge and availability. The proposed Terms of Reference for the IRP were also attached as an appendix to the report.

While discussing the report, Members:

- Clarified that while the Committee had been delegated the authority to select and appoint the panel, the Local Authorities (Members' Allowances) (England) Regulations 2003 required the panel to be independent.
- Suggested that appointing the panel for a five-year term, rather than a four-year term, would ensure that a panel was already in place following the subsequent local election in 2025. However, it was argued that the appointment of a panel should be made by each administration rather than the previous Council. It was also noted that some local authorities carried out a review more frequently than the four years required by statute.
- Established that although two days had been proposed for the review, further time would be allocated if required. It was also noted that much of the review would be carried out using video conference facilities, thus reducing the cost.

- Considered whether the remuneration rate adopted by Huntingdonshire District Council of £200 a day plus expenses would be appropriate but agreed to maintain the current rate of £20 per hour for each member, with a maximum of £150 per day with the addition of travel and parking expenses if appropriate, as recommended in the report.

It was resolved unanimously to:

- a) Appoint the four members of Peterborough City Council's Independent Remuneration Panel (IRP) to be members of Cambridgeshire County Council's IRP;
- b) Agree the Terms of Reference of the Independent Review Panel at Appendix A of the report; and
- c) Maintain the current rate of remuneration for IRP members.

Chair



## Constitution and Ethics Committee: Minutes

Date: Tuesday 27<sup>th</sup> July 2021

Time: 10:00am – 10:35am

Venue: Eco Hub, Gamlingay

Present: Councillors Sebastian Kindersley (Chair), Alex Bulat, Lorna Dupré, Janet French, Mac McGuire, Kevin Reynolds, Tom Sanderson and Philippa Slatter (substituting for Councillor Neil Gough)

### 3. Apologies for Absence and Declarations of Interest

Apologies were received from Councillor Gough.

There were no declarations of interest.

### 4. Conflicts of Interest Guidance for Members

The Committee received a report responding to two recommendations that emerged from the Manor Farm Audit, which had been considered by the Audit and Accounts Committee during March 2021. The first of these related to the Monitoring Officer ensuring that comprehensive training took place for all Members of the Council on the Code of Conduct and associated issues, including how to deal with conflicts of interest. This had been concluded, as set out in section 2 of the report, and a training record would be reported back to the Constitution and Ethics Committee with the aim of ensuring all Members had participated. The second recommendation was for guidance about conflicts of interest to be issued to Members, and it was proposed that the draft guidance attached as Appendix 1 to the report be both circulated to Members and recommended to Full Council as an appendix to the Members' Code of Conduct in the Constitution.

While discussing the report, Members:

- Welcomed the proposed guidance for dealing with more specific declarations of interest, noting that it related to cases when Members had more complex interactions with the Council.
- Observed that there were also occasions when conflicts of interest arose for Members who represented different tiers of local government, such as the Cambridgeshire and Peterborough Combined Authority, and suggested that additional guidance on such issues would also be helpful. The Monitoring Officer noted that she provided advice to Members related to representation on multiple tiers on a case-by-case basis. She also informed the Committee that regular meetings were held with the other Monitoring Officers across the County, and

undertook to raise the issue with them to discuss a consistent approach across the tiers.

It was resolved unanimously to:

- a) Note that Code of Conduct training had taken place and an update on Members who had attended or watched the training subsequently would be provided at the next Committee meeting; and
- b) Approve the Guidance on Conflicts of Interest (Appendix 1 of the report) and recommend to Full Council that it formed an appendix to the Member's Code of Conduct in the Council's Constitution.

## 5. Exclusion of Press and Public

It was moved by the Chair, seconded by Councillor Dupré and resolved unanimously that:

The press and public be excluded from the meeting on the grounds that the agenda contained exempt information under Paragraphs 1 & 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed information relating to any individual, and information relating to the financial or business affairs of any particular person (including the authority holding that information).

## 6. Code of Conduct Investigation

It was resolved unanimously to:

Agree the recommendations as set out in the report.

Chair  
21<sup>st</sup> September 2021

## Review of the Members' Code of Conduct

To: Constitution and Ethics Committee

Meeting Date: 29 September 2021

From: Monitoring Officer & Director of Law and Governance

Electoral division(s): All

Key decision: No

Outcome: Review of the Council's Members' Code of Conduct

Recommendations: The Committee is recommended to:

- a) Review the new Local Government Association Model Code of Conduct against the Council's current Members' Code of Conduct;
- b) Agree to retain the Council's current Members' Code of Conduct for the time being; and
- c) Agree to keep the Council's Members' Code of Conduct under review, pending a response from the Government to the recommendations from the Committee on Standards in Public Life

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# 1. Background

- 1.1 The Committee on Standards in Public Life wrote to the Prime Minister in January 2018 to inform the Government that the Committee was to undertake a review of local government standards. As part of this review, the Committee held a public stakeholder consultation and looked at the conduct and culture in local government, both at principal authority level and in town and parish councils. The consultation closed on 18<sup>th</sup> May 2018 and the Committee's report was published on 30<sup>th</sup> January 2019. Amongst the various recommendations contained within the Report, it was suggested that the Local Government Association (LGA) should create an updated model Code of Conduct produced in consultation with representative bodies of Councillors and officers of all tiers of local government.
- 1.2 On the 11<sup>th</sup> September 2019, the Board of the LGA agreed to commence reviewing the Code of Conduct, and in June 2020 they began consulting on a draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information Team via an online questionnaire and email. Over 1600 written responses to the consultation were received. In addition, workshops of members and Monitoring Officers took place to discuss the approach and content.
- 1.3 At Cambridgeshire County Council, all political groups were offered input into the new Model Code of Conduct via the extensive consultation process. The following formal response was sent from the Constitution and Ethics Committee, following a discussion at the Committee meeting on 30<sup>th</sup> June 2020:

“Generally the Committee welcomes the revised model code, whilst noting that it is not dissimilar to the current Cambridgeshire County Council code of conduct, which actually differs considerably from the previous national model code of conduct issued after the Localism Act changes. For example CCC has additional types of interest called "non-statutory disclosable interests" in its Code and therefore believes provision for this type of interest to be necessary.

The Committee would like to make the following comments:

- The current CCC code uses the word "respect" rather than "civility" and the Committee is unclear why the word "civility" is preferred
- The Committee notes the proposal to reinsert a clause about bringing the Council into disrepute which was contained in the pre-Localism Act Code and felt this can be interpreted in many different ways -clear guidance would be necessary about application
- The Draft Model Code proposed that the minimum value of gifts or hospitality that should be registered with the monitoring officer was £25, while CCC has only recently reviewed this and agreed to raise the minimum value in the Council's Code from £25 to £100 on 23<sup>rd</sup> July 2019. This was thought to cover the type of hospitality extended to the Council Chairman when he and his wife were invited to a civic dinner at another local authority. The Committee would therefore prefer this amount to be higher than £25.

- The Committee believes that the draft Code's definition of harassment was too limited as it seems to be restricted to harassment which is based on one of the protected characteristics under the Equality Act. The Committee would prefer the Code to contain a broader definition of harassment, such as that of the Citizens Advice Bureau, which distinguishes between harassment and harassment which can also be unlawful discrimination:  
<https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/harassment/>
- The Committee welcomes the proposal in the consultation for the Code of Conduct itself to be separated from individual pieces of guidance, in order to produce a more streamlined, simplified and unambiguous document, which was the unanimous desire of the Committee.
- The Committee would prefer the same tense to be used throughout the document as the current draft appears to vary between the first and second person singular but has no preference about which to use.
- The Committee would welcome guidance on best practice resolution processes.
- The Committee has also expressed concerns on a number of occasions in the last few years about the perceived pointlessness of a Code of Conduct which does not carry with it any effective sanctions.”

- 1.4 The final Model Code of Conduct for Councillors was approved by the LGA on 23<sup>rd</sup> December 2020, and made available to all local authorities shortly thereafter. The stated purpose of the LGA's Model Code of Conduct is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The new LGA Model Code of Conduct is attached at Appendix 1 of the report.
- 1.5 Guidance to accompany the code, offering advice on how it should be interpreted, was published in July 2021, and can be found via the link in the Source Documents below. This guidance also contains links to other LGA guidance, such as guidance for Councillors on social media.
- 1.6 There is no legal requirement to adopt the new Model Code of Conduct, as under the Localism Act 2011, it is for each authority to adopt whatever code of conduct it thinks fit. The LGA expressly acknowledges that the model code is a “template”, which it will review annually.
- 1.7 The Committee now has all the information to consider the new model code alongside the Council's current Members' Code of Conduct (attached at Appendix 2 of the report) and now needs to consider the following three options:
- (i) Adopt the new code in its entirety;
  - (ii) Make amendments to the Council's existing Members' Code of Conduct, in order to improve or enhance it; or
  - (iii) Retain the Council's existing Members' Code of Conduct for the time being.

- 1.7 Any changes to the Council's current Members' Code of Conduct would need to be recommended to Full Council for approval.
- 1.8 The Committee is asked to consider the new code alongside the existing Code and form a view on whether Members prefer the content, style and format of the new Model Code of Conduct to the Council's current Members' Code of Conduct, and whether it makes it easier to understand.

## 2. Main Issues

How does the new model Code differ from the Council's existing Code?

2.1 The key differences are as follows:

1. The new LGA Code of Conduct has comments/guidance built into every section, as well as separate guidance on how to interpret it.
2. The new LGA Code of Conduct makes clear in the introduction that it applies to social media communications in specific circumstances, and includes a rebuttable presumption that a Member is acting in their official capacity for all public interactions, including on social media.
3. The new LGA Code of Conduct adds in "harassment" as well as bullying. This is a best practice recommendation from the Committee on Standards in Public Life, which also recommends that examples of such behaviour are given.
4. The new LGA Code of Conduct adds back in (previously contained in the pre-2012 national code of conduct) "bringing your role or local authority into disrepute". This is not included in the Council's current Members' Code of Conduct.
5. The new LGA Code of Conduct adds in a requirement to undertake Code of Conduct training, and to comply with any sanctions imposed on a Councillor following a finding that there has been a breach of the Code of Conduct.
6. The new LGA Code of Conduct sets gifts and hospitality declarations at £50 and over. The Council's current Members' Code of Conduct is set a higher level of £100.
7. The new LGA Code of Conduct has a section on "Other Registrable Interests". The Council's current Members' Code of Conduct calls these "non-statutory disclosable interests", which is very similar.
8. The standards in the new LGA Code of Conduct are set out in the first person (e.g. "I ..."), so a Member reads the Code of Conduct as a personal commitment to behave in accordance with the standards.

2.2 The Council and the Constitution and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. An appropriate Members' Code of Conduct is an important part of complying with that duty.

- 2.3 As the Council's current Code of Conduct is already comprehensive, there are few essential differences between the two codes of conduct. However, where differences exist, these reflect the findings of the Committee on Standards in Public Life.
- 2.4 One of the overriding reasons for a new Model Code of Conduct was for all local authorities to adopt it, ensuring consistency across many tiers of local government, especially for those Councillors who represent at both County and Districts levels, and even Parish level, where different codes of conduct could apply. This is currently a cause of confusion for those Members, as well as the public. Whilst the LGA is promoting the new Model Code of Conduct for adoption, there is no statutory requirement to do so.
- 2.5 There has been a mixed response to the LGA Model Code of Conduct nationally, with some councils adopting it in full, others in part and others not at all. In a survey with Monitoring Officers and Deputy Monitoring Officers conducted by Lawyers in Local Government (LLG), the following findings were revealed from 82 responses:
- 20% have adopted, or intend to adopt, the Model Code of Conduct in full.
  - 20% will adopt parts of the Model Code of Conduct.
  - 55% have decided not to adopt the Model Code of Conduct, of which:
    - 25% will not be adopting the model Code of Conduct or changing their own current Code of Conduct.
    - 30% have not adopted the Model Code of Conduct in full or in part, but are looking to make some changes to their own Code of Conduct independently.
    - 5% remain undecided at this time
- 2.6 It is understood that the position across Cambridgeshire reflects the findings of the LLG survey, with each council taking a different view on the new Model Code of Conduct. Therefore, in the absence of a new nationally mandated code of conduct, it is not going to be possible to achieve one code of conduct adopted by all local authorities.
- 2.7 The Government has yet to respond to the Committee on Standards in Public Life's report, which included a recommendation for the introduction of more meaningful sanctions for more serious breaches of the Code of Conduct, which would require primary legislation. The Committee may wish to postpone making any alterations to its current Members' Code of Cond until the Government's response to this recommendation has been issued.

### 3. Source Documents

- 3.1 [Local Government Ethical Standards Report \(Committee on Standards in Public Life – 30<sup>th</sup> January 2019\)](#)
- 3.2 [Guidance on the LGA Model Code of Conduct](#)







**Local Government Association**  
**Model Councillor Code of Conduct 2020**

**Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

**6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.



## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
  - b) 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
  - c) 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

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***



## Members' Code of Conduct

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code sets out the standard of service that is expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.

It is important Councillors and co-opted members undertake their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Councillor or co-opted member has breached the Code.

This Code is adopted in accordance with Section 27(2) of the Localism Act 2011.

### Underlying Principles

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:

- i. Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. Leadership - Holders of public office should promote and support these principles by leadership and example.

## Part 1 – General Provisions

### 1. Introduction and interpretation

1.1. This Code applies to you whenever you are acting in your capacity as a member of Cambridgeshire County Council (“CCC”) including:

- (a) When acting as a representative of the authority;
- (b) In taking any decision as a Division Councillor;
- (c) At briefing meetings with officers;
- (d) When corresponding with the authority other than in a private capacity.

1.2. The term “the Authority” used in this Code refers to Cambridgeshire County Council.

1.3. “Member” means any person being an elected or co-opted member of the Authority.

1.4. It is your responsibility to comply with the provisions of this Code.

1.5. In this code:

“Meeting” means any meeting of:

- a) The Authority;
- b) The Authority’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
- c) Any of the Authority’s advisory groups and boards, working parties and panels

1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

### 2. General obligations

2.1. You must treat others with respect.

2.2. You must not:

- (a) Do anything which may cause the Authority to breach UK equalities legislation;
- (b) Bully any person;

- (c) Intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) A complainant;
  - (ii) A witness; or
  - (iii) Involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with their authority's code of conduct.
- (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) Conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

### 3. You must not:

3.1. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) You have the consent of a person authorised to give it;
- (b) You are required by law to do so;
- (c) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) The disclosure is:
  - (i) Reasonable and in the public interest; and
  - (ii) Made in good faith and in compliance with the reasonable requirements of the authority; or

3.2. Prevent another person from gaining access to information to which that person is entitled by law.

### 4. You must not:

4.1. use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

### 5. You must:

5.1. When using or authorising the use by others of the resources of your Authority:

- (a) Act in accordance with your Authority's reasonable requirements;
- (b) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

## Part 2 – Interests

### 6. Disclosable Pecuniary Interests

- 6.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 6.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State, (attached at Appendix A), and either:
- (a) It is an interest of yours, or
  - (b) It is an interest of:
    - (i) your spouse or civil partner;
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

### 7. Registration of Disclosable Pecuniary Interests

- 7.1. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of:
- (a) This Code being adopted or applied by the Authority; or
  - (b) Your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

- 7.2. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change.

### 8. Disclosable Pecuniary Interests in Matters Considered at Meetings

- 8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting:
- (a) If the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 9 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not

already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure; and

- (b) Whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority's Monitoring Officer:
  - (i) Participate, or participate further, in any discussion of the matter at the meeting; or
  - (ii) Remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter.

## 9. Sensitive Interests

- 9.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

## 10. Non Statutory Disclosable Interests

- 10.1. You have a "non-statutory disclosable interest" in an item of business of your authority where:
- i) A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the division or electoral area for which you have been elected or otherwise of the authority's administrative area; or
  - ii) It relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

- 10.2. If you attend a meeting and are aware that you have a 'Non Statutory Disclosable Interest in any matter to be considered, or being considered, at that meeting:
- (a) If the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 9 above, disclose to the meeting the fact that you have a Non-Statutory Disclosable Interest in that matter; and

- (b) If the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest, you must not:
- (i) participate, or participate further, in any discussion of the matter at the meeting; or
  - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting;
- apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter.

## 11. Dispensations

- 11.1. Where a Member is prohibited from voting on or participating in discussions on matters in which they have a Disclosable Pecuniary Interest or a Non-statutory Disclosable Interest within the meaning of paragraph 10.1 of this Code (“Relevant Non-Statutory Disclosable Interest”), a Member may on written notice to the Monitoring Officer (by letter or email) request the grant of a dispensation to permit them to participate in the voting or discussions on such matters.
- 11.2. Any written notice given by a Member to the Monitoring Officer in accordance with paragraph 11.1 must:
- (a) Be given:-
    - (i) At least five working days before a meeting at which the relevant matter falls to be discussed; or
    - (ii) At least 24 hours before a meeting at which the relevant matter falls to be discussed, exceptionally, where circumstances require, and at the absolute discretion of the Monitoring Officer.
  - (b) Provide details of the matter to be voted on or discussed at a meeting and the nature of the Member’s interest in that matter.
  - (c) Specify the grounds on which the dispensation is applied for in accordance with paragraph 11.3.
  - (d) Specify whether a dispensation is requested for a single meeting or on an on-going basis (up to a maximum of four years).
- 11.3. A dispensation requested under paragraph 11.1 may be granted only if, after having regard to all relevant considerations, the Monitoring Officer is satisfied that one of the following grounds for the grant of dispensations applies:
- (a) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

- (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- (c) Granting the dispensation is in the interests of persons living in the authority's area; or
- (d) If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) of the Act from participating in any particular business to be transacted by the authority's executive, or
- (e) Considers that it is otherwise appropriate to grant a dispensation.

11.4. A dispensation granted in accordance with this paragraph 11 must:

- (a) Specify the period for which it is granted which must not exceed four years.
- (b) Specify whether the dispensation allows the Member to take part in discussions on and/or vote on the matter in which they have a Disclosable Pecuniary Interests or Relevant Non-Statutory Pecuniary Interest.

11.5. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates.

11.6. A copy of the dispensation shall be kept with the Register of Members' Interests.

## 12. Gifts and Hospitality

12.1. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.

12.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

12.3. Guidance for Members relating to Gifts and Hospitality is set out in Part 5.1(b) – Members' Code of Conduct Guidance on Confidentiality



## Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <ul style="list-style-type: none"> <li data-bbox="818 1402 1437 1503">(a) under which goods or services are to be provided or works are to be executed; and</li> <li data-bbox="818 1541 1433 1574">(b) which has not been fully discharged.</li> </ul>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <ul style="list-style-type: none"> <li data-bbox="770 2000 1409 2031">(a) The landlord is the relevant authority; and</li> </ul>

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Interest	Prescribed description
Securities	<p data-bbox="770 383 1417 454">(b) The tenant is a body in which the relevant person has a beneficial interest.</p> <p data-bbox="722 499 1358 571">Any beneficial interest in securities of a body where:</p> <p data-bbox="770 611 1417 719">(a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p data-bbox="770 763 935 799">(b) Either—</p> <p data-bbox="828 840 1441 947">(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p data-bbox="828 983 1441 1198">(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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For this purpose:

“The Act” means the Localism Act 2011.

“Body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

“Director” includes a member of the committee of management of an industrial and provident society.

“Land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

“M” means a member of a relevant authority.

“Member” includes a co-opted member.

“Relevant authority” means the authority of which M is a member.

“Relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act.

“Relevant person” means M or any other person referred to in section 30(3)(b) of the Act:

- i) M's spouse or civil partner;
- ii) A person with whom M is living as husband and wife; or
- iii) A person with whom M is living as if they were civil partners.

“Securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Part 3 – Related Documents

The following documents also provide guidance on the standards of conduct expected of Members and can assist in the interpretation of this Code of Conduct.

These documents can be found in the Council's Constitution.

1. Members' Code of Conduct – Guidance on Confidentiality which can be found at Part 5.1(a) of the Constitution.
2. Cambridgeshire County Council's Protocol on Member/Officer Relations which sets out how members and officers should work together which can be found at Part 5.3 of the Constitution.
3. Cambridgeshire County Council's Gifts and Hospitality Policy which sets out the procedures under which registration and declaration of interests, gifts and hospitality are to be made which can be found at Part 5.1(b) of the Constitution.

## County Council – Proposed Changes to the Constitution

To: Constitution and Ethics Committee

Meeting Date: 29 September 2021

From: Democratic Services Manager

Purpose: To consider proposed revisions to the Council's Constitution.

Recommendation: The Committee is asked to:

Recommend the following changes to the Constitution, as set out in the report, to full Council:

- (i) Amendment to the procedure for changes in committee membership;
- (ii) Repositioning of the substitute procedure rules;
- (iii) Amendments to the motions and amendments procedure in the Council Procedure Rules;
- (iv) Amendments to the amendments procedure in the Procedure Rules for Committee and Sub-Committee meetings;
- (v) Amendments to the Media Protocol;
- (vi) Requirement for meetings to adjourn every two hours;
- (vii) Amendment to the Officer Employment Procedure Rules;
- (viii) Renaming of the Communities, Social Mobility and Inclusion Committee;
- (ix) Amendments to the Terms of Reference of the Communities, Social Mobility and Inclusion Committee;
- (x) Amendment to the Rules of Procedure for the Pension Fund Committee, Investment Sub-Committee and Pension Fund Board;

- (xi) Delegation of authority to the Monitoring Officer to carry out any constitutional amendments required by changes to LGSS; and
- (xii) Amendment to the Terms of Reference of the Children and Young People Committee.

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## 1. Background

- 1.1 The Local Government Act 2000 requires all local councils to have a constitution that covers all the standing orders, delegated processes and the codes of conduct for councillors. Changes to the Council's Constitution are considered by the Constitution and Ethics Committee before being recommended to Full Council for approval.

## 2. Main Issues

### 2.1 Changes to Committee Membership

- 2.1.1 According to the Council's Constitution, every person appointed to be a member of a committee or sub-committee will remain a member of that committee until the first of the following events:
- (a) They cease to be a Councillor;
  - (b) Their resignation;
  - (c) Changes to political balance necessitate changes to committee membership; or
  - (d) Removal by the Proper Officer at the request of their group.
- 2.1.2 Substitute members may attend meetings only:
- (i) To take the place of the ordinary member for whom they are the designated substitute; and
  - (ii) After notifying the relevant Democratic Services Officer of the intended substitution before the start of the meeting.
- 2.1.3 Any changes in membership must be notified to the Democratic Services Manager by the Group Leader or the majority of the group no later than 12.00 noon five clear working days before the relevant meeting.
- 2.1.4 This leaves no provision for extraordinary circumstances, for example should a Councillor cease to be the member of a committee after resigning from their political group (as occurred with the Adults Committee on 10<sup>th</sup> December 2020) or sadly die within five clear working days of a meeting. Under the current procedure, the Group would not be able to nominate a new Councillor to take their place on the committee, nor would a substitute be able to attend the meeting, as the Council has allocated a place to the political Group as opposed to the Member.
- 2.1.5 In order to minimise the potential for this situation arising, the following amendment is proposed for Paragraph 4.1 of Part 4.1 of the Constitution (Council Procedure Rules), with removals in strikethrough and additions in bold:

Any changes in membership must be notified to the Democratic Services Manager by the Group Leader or the majority of the group no later than 12.00 noon ~~five clear working days~~ **the working day** before the relevant meeting.

2.1.6 Also, the procedure for substitution at committee meetings is currently included in the Council Procedure Rules, and not in the Committee Procedure Rules, for which the rules of substitution are relevant. Therefore, it is proposed that the current procedure for substitution, listed below, be transferred to Part 4.4 of the Constitution (Procedure Rules for Committee and Sub-Committee Meetings) [additions for clarification in bold].

#### 4.2 Powers and Duties

Substitute members, when substituting for an ordinary member of the committee, will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

**When substituting for the Chair of a committee, the substituted Member will have the power and duties of any ordinary Member, but not the additional duty of Chair.**

#### 4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (i) To take the place of the ordinary member for whom they are the designated substitute.
- (ii) After notifying the relevant Democratic Services Officer of the intended substitution before the start of the meeting.

In the event of the ordinary member of the committee being present at the start of the meeting, the ordinary member may advise that the substitution shall not take effect. The membership of the committee shall be as constituted at the start of the meeting and substitution will not be permitted during the course of the meeting.

Substitute members are eligible for allowances in accordance with the Council's scheme of allowances as if they were appointed members of that committee.

## 2.2 Procedure for Amendments to Motions

2.2.1 At the meeting of Council on 15<sup>th</sup> December 2020, the Chair of the Council asked the Constitution and Ethics Committee to review the section in the Constitution relating to amendments to motions. He was concerned about an amendment which he felt had negated a motion but had then been allowed following a revision after the deadline for the submission of amendments.



2.2.2 Section 12.6, Amendments to Motions (Part 4.1 – Council Procedure Rules), states the following:

#### 12.1 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration.
  - (ii) To leave out words.
  - (iii) To leave out words and insert or add others.
  - (iv) To insert or add words.
  - (v) As long as the effect of (ii) to (iv) is not to negate the motion.
- (b) An amendment to a motion must be delivered to the Monitoring Officer and Democratic Services Manager in its intended final form not later than noon one working day before the date of the meeting at which the motion is to be considered. If more than one amendment is received, amendments will be taken at the meeting in the order in which they were received by the Democratic Services Manager.

If no withdrawal, confirmation or change is received by the Monitoring Officer, it will be assumed that the amendment is to be considered in its initial form.

No other amendment may be moved at the meeting except where the Chairman/woman of Council may permit, at his or her absolute discretion, in exceptional circumstances and to ensure the efficient or proper discharge of the Council's business, a further amendment or amendments to be moved.

- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- (f) After an amendment has been carried, the Chairman/woman will advise the meeting of the content of the amended motion before accepting any further amendments, or if there are none, put it to the vote.

2.2.3 The current wording of the Council's Standing Orders on amendments reflects the Model Standing Orders issued from the Government as part of the Modular Constitution alongside the Local Government Act 2000.

2.2.4 In order to avoid amendments which add wording which is unrelated to the subject of the motion, it is proposed to add the following [addition in bold] to the above section 12.1(a) of the Constitution:

An amendment to a motion must be relevant to the motion and **should not seek to introduce into the motion a new issue unrelated to the subject in the motion.** It will either be:

## 2.3 Timing of submission of amendments

### Submission to the Monitoring Officer

2.3.1 Section 12.1(b) of Part 4.1 (Council Procedure Rules) of the Constitution states:

An amendment to a motion must be delivered to the Monitoring Officer and Democratic Services Manager in its intended final form not later than noon one working day before the date of the meeting at which the motion is to be considered.

2.3.2 There is currently no requirement for amendments to be submitted in draft/initial form so the Monitoring Officer can consider if they can be accepted in good time before noon the day before the council meeting. Complex amendments or amendments on specialist service issues often involve the need to contact the relevant Executive Director or Service Director for clarification/guidance before a decision can be made as to whether an amendment can be accepted in the form in which has been submitted.

2.3.4 For example, Peterborough City Council's standing orders require an amendment to be delivered to the Monitoring Officer in its initial form not later than noon three clear working days before the date of the meeting (not including the day of the meeting) at which the motion is to be considered, and to be delivered to the Monitoring Officer in its intended final form not later than noon one working day before the date of the meeting (not including the day of the meeting) at which the motion is to be considered.

If the amendment is not submitted in its initial form by 12.00 noon three clear working days before the date of the meeting it is not to be allowed. There is no opportunity to bypass this process and go straight to the final version.

2.3.5 It is therefore proposed to adopt a similar approach to this but to require draft amendments to be submitted two working days before the date of the meeting instead of three, so that they must be received by noon on Friday before a council meeting on Tuesday morning. The Monitoring Officer will then, after discussion with relevant service areas, confirm with

the member proposing the amendment if any alterations are necessary before a final form amendment is submitted before noon on the day before the council meeting.

It is further proposed, for clarity, that the order of the subsequent two sentences in the above section 12.1(b) of the Constitution be switched as one relates directly to the submission of amendments.

If more than one amendment is received, amendments will be taken at the meeting in the order in which they were received by the Democratic Services Manager.

If no withdrawal, confirmation or change is received by the Monitoring Officer, it will be assumed that the amendment is to be considered in its initial form.

## Amendments to Recommendations and Motions in Committee Meetings

2.3.6 The current procedure for amendments to recommendations and motions in committee meetings, as set out in Part 4.4 (Procedure Rules for Committee and Sub-Committee Meetings) states:

### 15. Amendments to Recommendations and Motions

Amendments to a motion can be moved or seconded by any Councillor to leave out words, to add words or both provided that such changes must not have the effect of reversing a proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.

Amendments must be dealt with and voted on one at a time, subject to the exceptions set out in the Rules of Debate.

If an amendment is not carried following a vote then alternative amendments can be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chair will advise the meeting of the content of the amended motion before accepting any further amendments, or if there are none, put it to the vote.

2.3.7 The current procedure allows for amendments to recommendations to be made without prior notice or consultation with officers. This increases the likelihood that an unenforceable amendment is proposed or approved.

It is therefore proposed to replace the above Section 15 of Part 4.4 (Procedure Rules for Committee and Sub-Committee Meetings) with the procedure set out in Section 12.6 of Part 4.1 (Council Procedure Rules), subject to the changes proposed in 2.2.4 and 2.3.5 above, as follows:

## Amendments to Recommendations and Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
- (i) To refer the matter to an appropriate body or individual for consideration or reconsideration.
  - (ii) To leave out words.
  - (iii) To leave out words and insert or add others.
  - (iv) To insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) An amendment to a motion must be delivered to the Democratic Services Officer supporting the relevant committee in its intended final form not later than noon one working day before the date of the meeting at which the motion is to be considered. If more than one amendment is received, amendments will be taken at the meeting in the order in which they were received by Democratic Services.

If no withdrawal, confirmation or change is received by the Democratic Services Officer supporting the meeting, it will be assumed that the amendment is to be considered in its initial form.

No other amendment may be moved at the meeting except where the Chair may permit, at their absolute discretion, in exceptional circumstances and to ensure the efficient or proper discharge of the Council's business, a further amendment or amendments to be moved.

- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Chair will advise the meeting of the content of the amended motion before accepting any further amendments, or if there are none, put it to the vote.

## 2.4 Media Protocol

2.4.1 The Council is committed to effective communications so that citizens of the County are well informed about the services that affect their lives every day and how these services are organised, led and developed. The local media – both traditional and increasingly well-followed social media platforms – play a valuable role in Cambridgeshire life. The Communications Unit operates within the terms and spirit of a legal framework set out in the Local Government Act 1986 – which defines what publicity is, and that it should not be used to solicit support for any political party. It also operates within the National Code of Recommended Practice on Local Authority Publicity, first published by the Government in August 1988 and revised in 2001 and 2011. The revised code states that publicity issued by local authorities should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.

2.4.2 To ensure the Council works within both the framework and the code, the communications and media protocol forms part of the Council's Constitution. It is reviewed every four years following Council elections or if significant legal changes happen earlier.

2.4.3 Following a review of the current protocol, proposed changes are set out in Appendix 1 of the report. Key changes since the protocol was last reviewed include:

- Changes to reflect the practicalities of working with a joint administration, including a ratio for the different Joint Administration Leaders to comment on issues relating to Council policy (e.g. 5.6.1 in Appendix 1)
- The increased use of social media and social media platforms to communicate directly with different audiences (e.g. 5.8 in Appendix 1)
- A stronger focus on the way the council will use research and campaigns to affect behavioural change around key outcomes (e.g. 5.5 in Appendix 1)
- More detailed information about protection for children in our care in relation to media or communications activities (e.g. 6.11 in Appendix 1)
- Clarification around communication in partnerships. (7 in Appendix 1)

## 2.5 Obligatory Adjournment of Meetings

2.5.1 It is recommended that a requirement be added to the Constitution for meetings exceeding two hours to adjourn for ten minutes every two hours.

2.5.2 The following amendment is proposed for Section 2 of Part 4.1 of the Constitution (Council Procedure Rules), with additions in **bold**:

### 2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) Elect a person to preside if the Chair and Vice-Chair are not present.
- (ii) Approve the minutes of the last meeting.
- (iii) Receive any announcements from the Chair, Leader, Committee Chairmen/women or the Chief Executive.
- (iv) Subject to the consent of the person presiding at the meeting:
  - (a) receive questions from, and provide answers to, the public; and
  - (b) receive petitions in accordance with the Council's petitions scheme.
- (v) Deal with any business from the last Council meeting.
- (vi) Consider recommendations from the Council committees on matters requiring a Council decision.
- (vii) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
- (viii) Consider motions.
- (ix) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Strategy and Resources Committee in relation to the Council's budget and policy for debate.
- (x) Put questions to the Council's representatives on the Fire Authority and the Combined Authority Board and Overview and Scrutiny Committee.
- (xi) **Adjourn for ten minutes approximately every two hours, at an appropriate point.**

2.5.3 The following amendment is proposed for Section 6 of Part 4.4 of the Constitution (Procedure Rules for Committee and Sub-Committee Meetings), with additions in **bold**:

## 6. Other Points Regarding the Order of Business

- At any time during the meeting the Chair can adjourn the meeting.
- The order of business can be varied at the discretion of the Chair.
- The minutes of ordinary meetings will not normally be confirmed at special meetings.

- **The meeting will adjourn for ten minutes approximately every two hours at an appropriate point.**

## 2.6 Appointment of Statutory Officers

2.6.1 Confirmation of the appointment and dismissal of statutory chief officers (the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer) is reserved to Full Council, as indicated in Part 3A (Allocation of Responsibility for Functions – Full Council and Committees) of the Constitution.

2.6.2 However, this procedure is not fully referenced in Part 4.6 (Officer Employment Procedure Rules) of the Constitution. It is therefore recommended that Section 3 of the Officer Employment Procedure Rules be amended as follows, with additions in **bold**:

### 3. Appointment of Chief Executive, **Monitoring Officer and Chief Finance Officer (Section 151 Officer)**

- (a) The Full Council will approve the appointment of the Chief Executive, **the Monitoring Officer and the Chief Finance Officer (Section 151 Officer)** following the recommendation of such an appointment by the Staffing and Appeals Committee. That committee shall comprise no more than nine members of the Council;
- (b) The Full Council may only make or approve the appointment of the Chief Executive, **the Monitoring Officer or the Chief Finance Officer (Section 151 Officer)** where no well-founded objection has been made by any member of the Staffing and Appeals Committee.

## 2.7 Communities, Social Mobility and Inclusion Committee – Title and Terms of Reference

2.7.1 At the Communities, Social Mobility and Inclusion Committee meeting on 8<sup>th</sup> July 2021, it was unanimously resolved to request the addition of the word ‘Partnership’ be added to the Committee’s title. The Committee would therefore be named the Communities, Partnership, Social Mobility and Inclusion Committee. This is intended to emphasise the importance of partnership working and its central role in the Think Communities approach, alongside the work of the Committee. If accepted, references to the Committee in the Constitution would need to be updated.

2.7.2 The Council has a statutory duty to positively promote equality. Given the Communities, Social Mobility and Inclusion Committee’s remit to address inequalities, it is suggested that the Committee takes formal responsibility for this duty, with the following additional delegation being added to its Terms of Reference:

Authority for oversight, operation and review of the Council’s response to its equalities duties.

2.7.3 The following responsibilities lie with the Executive Director for People and Communities, as indicated in the Scheme of Delegation, and should therefore be included in the functions delegated to the Committee in its Terms of Reference:

- Community Safety (including Domestic Abuse and Sexual Violence)
- Community Development and Resilience
- Prevent and Hate Crime
- Homelessness Prevention

## 2.8 Pension Fund Board – Membership and Quorum

2.8.1 The Pension Fund Board has requested Full Council approve an increase in the Board quorum from two to three members. It is proposed that the Rules of Procedure for the Pension Fund Committee, Investment Sub-Committee and Pension Fund Board in Part 3B-9 (Pension Fund Committee and Board) be amended as follows (addition in bold, removal in strikethrough):

Quorum	<p>5 (1/3 plus 1) Committee Members shall form a quorum for meetings of the Committee.</p> <p>4 (1/3 plus 1) Investment Sub-Committee Members shall form a quorum for meetings of the Investment Sub-Committee.</p> <p><b>23</b> (1/3 <b>plus 1</b>) Board Members shall form a quorum for meetings of the Board (shall include <b>at least</b> one each from the employer and member sides).</p> <p>No business requiring a decision shall be transacted at any meeting of the Committee or Investment Sub-Committee or Board unless the meeting is quorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end and arrange for the completion of the agenda at the next meeting or at a special meeting.</p>
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## 2.9 Local Government Shared Services (LGSS)

2.9.1 The Constitution requires a number of amendments to reflect recent changes to the relationship between the Council and LGSS, including the reallocation of delegations to Council officers and the removal of references to now non-existent roles. It is recommended that Full Council delegate authority to the Monitoring Officer to carry out any current or future constitutional amendments required by changes to LGSS.

## 2.10 Co-opted Members’ Voting Rights on the Children and Young People Committee

2.10.1 A co-opted member of the Children and Young People Committee has asked for clarification of co-opted members’ voting rights. The Constitution and Ethics Committee is



asked to consider recommending to Council that the Constitution be amended to reflect the position more clearly. Similarly, Peterborough City Council has also recently appended the co-opted members guidance note to their Constitution.

2.10.2 Department for Education (DfE) Circular 19/99 states that, where a diocesan body appoints foundation governors of a voluntary school in a local authority area, the local authority committees dealing with education matters should include diocesan representatives as non-elected voting members. Those diocesan representatives will be entitled to vote on:

- i. Matters which relate to schools maintained by the local authority
- ii. Matter which relate to pupils who are educated in schools maintained by the local education authority, or who are educated by the local education authority otherwise than at school.

2.10.3 The Children and Young People Committee's Terms of Reference (Part 3-3 of the Constitution) currently state that:

'The following representatives, who shall be co-opted as non-elected members with voting rights on those matters relating to the Council's education functions. They may speak but not vote on other matters:

- 1 Church of England diocesan representative
- 1 Roman Catholic diocesan representative.'

2.10.4 To more accurately reflect the guidance contained in DfE Circular 19/99 it is recommended that the Constitution be amended to read:

'One Church of England diocesan representative and one Roman Catholic diocesan representative shall be co-opted as non-elected members with voting rights on:

- i. Matters which relate to schools maintained by the local authority
- ii. Matter which relate to pupils who are educated in schools maintained by the local education authority, or who are educated by the local education authority otherwise than at school.

They may speak but not vote on other matters.'

### 3. Source documents

#### 3.1 [The Council's Constitution](#)



## Principles and Protocols for Proactive Communications with Media and Social Media Outlets

### 1. Background and Introduction

- 1.1 Cambridgeshire County Council is committed to effective communications so that citizens of the ~~e~~County are well informed about the services that affect their lives every day and how these services are organised, led and developed. The local media – both traditional and increasingly well-~~u~~followed social media platforms – play a valuable role in Cambridgeshire life, ~~u~~ as they have the ability to reach large numbers of local residents.
- 1.2 ~~Cambridgeshire County~~The Council's Communications ~~and Information~~ Team aims to provide an efficient and timely response to media enquiries and raise the positive public profile of the authority by actively promoting accurate and balanced coverage of its work and activities.
- 1.3 The proactive communications and marketing of the authority is led by the Head of Communications, ~~and Information, with two Senior Communications Managers leading on 'People' service and issues (Public Health and People & Communities) and two Senior Communications managers leading on 'Place' services and issues (Environment, Transport & Economy and Partnership & Communities issues) working with a team of communication Business Partners responsible for overseeing Corporate and cross-cutting Council issues, People and Public Health, Place, Web and digital, and Internal communications.~~
- 1.4 To manage the demands of a 24-hour rolling news agenda, ~~Cambridgeshire County Council provides a 24/7 on-call emergency communications response service the Council's news desk is available from 9:00am to 5:00pm every working day, but provides an on-call emergency communications service for the media, senior officers and Members at other times.~~
- 1.5 ~~Key contacts for the Communications Team are:~~
- ~~• Main team phone contact: 01223 699281~~
  - ~~• Main email contact: [communications@cambridgeshire.gov.uk](mailto:communications@cambridgeshire.gov.uk)~~
  - ~~• Out of Hours emergency contact number: 07833 480 348~~
- 1.5 ~~The Communications Team will maintain a rolling, forward grid of media and campaign opportunities which are reviewed on a regular basis and are able to be adapted at short notice. This will be based on suggestions from across all service areas and committees linked to the Council's priority outcomes.~~

1.6 It is recognised that the authority wants to speak on issues of relevance in its community leadership role on behalf of the people of Cambridgeshire, and where national issues or developments in other organisations arise on which the authority has relevant knowledge and experience. It is the role of senior officers, as well as the Communications Team where possible, to maintain an awareness of forthcoming potential external developments which have relevance to the Council's operations or priority outcomes (e.g. the publication of research reports and national Government announcements), and to ensure the authority is ready to react in advance or is able to respond as quickly as possible.

## 2. The Legal Framework

2.1 The ~~Team-Unit~~ operates within the terms and spirit of a legal framework set out in the Local Government Act ~~of~~ 1986, which states that:

A local authority shall not publish any material which in whole, or in part, appears to be designed to affect public support for a political party.

2.2 The Act defines publicity as:

any communication, in whatever form, addressed to the public at large or to a section of the public.

2.3 The ~~team-Unit~~ operates within the national Code of Recommended Practice on Local Authority Publicity, first published by the Government in August 1988 and revised in 2001 and 2011. The revised code states that publicity issued by local authorities should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.

2.4 In the event of any potential conflict, the ~~e~~Council's ~~m~~Monitoring ~~e~~Officer will be involved.

## 3. Principles

~~3.1~~ A number of fundamental principles underpin the work of the Communications ~~and Information~~ Team.

3.1 No surprises / Members first

3.1.1 All Members quoted or named on a release, (e.g. Leader ~~/or~~ Deputy Leader of the Council, ~~-~~Committee Chairs, opposition Spokes, Local Members, etc.), will be sent news releases, statements or responses before they are sent to the media, —so that they have time to digest and consider the issue prior to them responding to any follow-up media enquiry.

3.1.2 For the majority of news releases, the Team aims to give named Members 12 – 24 hours' notice of the issue of a release ~~on which they are named~~, on the understanding that these are not shared in advance of publication time.

3.1.3 Where this is not possible, on urgent news items linked to serious issues, releases will still be sent to Members a minimum of 30 minutes before they are issued to the media, and ~~the communications manager or advisor~~ a communications officer will telephone the relevant Member(s) to check receipt.

3.1.4 All other Members will be sent links to news releases ~~as~~ at the same time that they are issued to the media. Every attempt will be made to make sure Members should not hear critical ~~e~~Council information first from other sources.

3.1.5 It is recognised that the urgency of dealing with news stories at short notice will sometimes require telephone contact and out-of-hours contact to ensure a timely response. In order to ensure due respect for Members and officers involved, account will be taken to the level of seriousness of the story and the potential impact of the communication.

~~3.4.2~~ Members actively involved

3.2.1 The content of all principal news releases ~~should~~ will be shared and developed in draft stages with the Leader and/or appropriate Committee Chair.

~~3.4.3~~ Staff informed

3.3.1 Media releases will be agreed with the ~~principal officers and distributed to lead officer or service director and approved by~~ them prior to release. Staff should not learn of changes to their services or employment from the media, and so information about ~~their worksuch changes~~ will be shared with them in advance of, or at the same time as media issue. ~~Our~~ The Council's news releases will also be posted on the internet as soon as they are published.

~~3.4.4~~ Honest

3.4.1 The team will never knowingly mislead the media on a story or issue. Communications staff are in a long-term relationship with the local media in particular and they must trust our ~~advice~~ counsel and respect our honesty of approach.

~~3.4.5~~ Accessible and timely

3.5.1 Staff are firm, friendly but polite in dealings with the media, always ensure contact numbers are accurate and appropriate, and return calls efficiently to recognise competing pressures on deadlines ~~etc~~. The timeliness of the response rate to media enquiries is recorded and a media officer is available to the media (and key departmental and political contacts) on a 24-hour basis, seven days a week.

~~3.4.6~~ Fair

- 3.6.1 The Team does not routinely favour one media source over another. Where appropriate, staff will identify the relative importance of media sources and be able to clearly justify any strategy that promotes one over another. Where concerns are raised about the impartiality of a particular media source, these will be raised with the media outlet concerned initially, and if unresolved, advice will be sought from the Chief Executive and the Monitoring Officer.
- 3.4.7 Prompt and courteous rebuttal
- 3.7.1 Where there is a threat that inaccurate stories could damage the reputation of the ~~Authority~~Council, the Communications team will challenge the story at source, rather than waiting for it to be published. If inaccurate and damaging stories are published, the team will contact the source concerned and seek redress.
4. Work with Media
- 4.1 General
- 4.1.1 One of the most important aspects of dealing with and managing the media is being able to provide a prompt response to a query, question or interview request. The sooner we can respond and involve ourselves in the story, the greater the chance we have to influence it. This is especially important where the Council's reputation might be affected.
- 4.1.2 We also wish to influence the news agenda proactively by offering people for interview or providing case studies to illustrate topical issues.
- 4.1.3 We will use links with departments and Council committees, as well as the forward plan to identify opportunities in advance, but still want/have to exploit on-the-day stories, particularly when there is breaking news or developing stories.
- 4.1.2 Answering media enquiries
- 4.2.1 The team will answer relevant media enquiries as soon as possible, especially as stories are now posted online quickly. If an issue does not involve the Council, or the Council has no comment to make, we will advise the reporter promptly. If the Communications Team believes that a deadline is too tight, we will negotiate an extension if we can. We encourage Members and officers to respond to the Communications unit as quickly as possible, as missing deadlines and being 'unavailable for comment' can harm the Council's reputation.
- 4.2.3 We will not respond to media outlets posting questions to the Council on social media platforms, but will direct them to make their enquiries through the normal communications route (in or out of hours), where both the questions and answers can be logged and monitored, and appropriate Member or senior officer approval can be sought.

#### 4.23 Approach to aggressive enquiries

4.3.1 The Communications Team will answer journalists' enquiries courteously and will expect this to be reciprocated. However, if journalists are aggressive or rude, we reserve the right to politely end a phone conversation and request that the enquiry is made by email.

#### 4.34 Use of Freedom of Information requests (FOIs)

4.4.1 We will encourage the media to submit enquiries, rather than FOIs, and remind them that FOIs are answered within a formal timescale, which can be slower than submitting an enquiry through the usual communications route. All FOIs will be sent to the Communications Team's leads for FOI enquiries, who will sense check proposed responses, especially those to requests submitted by the media, ~~preparing and prepare~~ statements where necessary. We work with the FOI team and departments to reduce the number of FOI requests, by encouraging the proactive publication of key information to regular schedules.

#### 4.45 Press releases

4.5.1 The team will email press releases to all relevant local, regional and national media contacts and will update the distribution list when we become aware of new outlets or journalists. We will also post releases online on the day of publication and, ~~where appropriate tweet links to them and post the releases on Facebook, if that is judged to be the best way to reach an audience for most, will also post links to the story on the most appropriate social media channels (such as the Council's Facebook, Twitter, Instagram or TikTok sites).~~

#### 4.56 Briefings

4.6.1 The team will always attempt to accommodate journalists' requests for briefings with key Members or officers, provided there are no issues around confidentiality or sensitivity. Briefings can add important context and detail to stories, helping to achieve a more balanced result for the Council.

#### 4.67 Council meetings

4.7.1 The Communications Team will work closely with departments in the development of relevant committee papers, and even if this is not required, departments will pass reports to main committees through the key Communications contacts for information as early as possible to reduce the risk that there will be insufficient time to prepare proactive communications or context around sensitive information. We will seek to ensure a relevant Communications officer will participate in Chair/Vice-Chair pre-meetings with officers prior to all service committee meetings, to identify relevant issue for media releases and for use on social media channels.

4.7.2 The media and public are free to film, record or photograph ~~e~~Council meetings, provided that they do not disrupt proceedings. We encourage broadcasters, as a courtesy, to inform the communications unit in advance of any meetings they intend to record or film, due to the size of their equipment, so that we can suggest which part of the room they can film from. ~~Live tweets are published from Full Council meetings, and the proceedings broadcast live on the Council's YouTube channel. Full Council meetings are broadcast live and the ambition is for more meetings to be live streamed, and the communications unit will publicise these broadcast meetings on the Council's YouTube channel.~~

#### 4.7.8 Campaigns/Consultations

4.8.1 The team will work with departments and ~~e~~Council committees to develop an annual campaigns ~~and communications service~~ plan to market and promote the Council's key objectives. It will also provide communications support to consultation and engagement related to major ~~e~~Council projects. These activities will use market segmentation to reach the most appropriate audiences and ~~will~~ be based on Citizen First: Digital ~~f~~First principles wherever possible.

#### 4.9 Strategic issues

4.9.1 It is recognised that the Council faces a number of strategic issues across the authority as a whole, and the Communications Team will maintain regular consultation with the administration to ensure that these are fully integrated in the communications strategy on a continuing basis.

### 5. Organisation

~~The Communications Team organises i~~Information from the ~~County~~ Council ~~is organised~~ in the following distinct ways.

#### 5.1 News Releases

5.1.1 News releases deal with substantial news matters that the Council wants to promote, publicise or explain. They will often arise from items being raised or considered by Members, ~~m~~Member decisions, important visits, and matters of policy, or a wide range of external matters. These will always carry contacts for ~~political~~ comment from all groups represented on committees in ~~group-size~~ order of Member responsibility (Chair, Vice-Chair, other administration Spokes, opposition Spokes).

5.1.2 Our releases are targeted to the most relevant media outlets covering the geographical area or specialism, or to the channel most appropriate to the audience. The team will avoid issuing releases to all media outlets regardless of content, as this form of blanket issue leads to loss of credibility.

#### 5.4.2 Public Information Notices



- 5.2.1 Public information notices provide important, factual information about normal day-to-day activities of the Council and are both issued to the media proactively and published on the Council's website to share advice and provide data. They include matters such as road works and closures, minor emergencies (~~—such as the temporary closure of offices, schools or other premises to which the public normally have access—~~), and basic event information. These will carry officer or communications contacts only.
- 5.4.3 News Statements
- 5.3.1 Written statements are principally used in respect of sensitive issues to be sure that the Council's position cannot be open to possible misinterpretation or misrepresentation. These will carry communications contacts only.
- 5.4.4 Reactive Comments
- 5.4.1 On reactive communications, the team still work on the principle of 'no surprises' but will also look to be proportionate ~~—so~~. Therefore, if approached for comment on a significant issue affecting the Council we will liaise with the most appropriate officer to develop the answer and seek comment or approval from the most appropriate Councillor ~~—(usually the Leader/~~or Deputy Leader, or the most appropriate Committee Chair/Vice-Chair).
- 5.4.2 Reactive statements will not usually be circulated to all Members, but where a written response is made linked to a significant issue or to ~~e~~Council policy it will be sent to Committee Chairs/Vice-Chairs, ~~/political leads~~ opposition Spokes or Local Member(s) where appropriate.
- 5.4.3 If we are approached for comment on an ongoing issue where previous statements have been approved, or on a purely operational matter (dates, times, confirmation of issues, confirmation of responsibilities, follow up on proactive media releases or campaigns, etc.) we will not usually involve Members.
- 5.5 Campaigns
- 5.5.1 Behaviour change is one of the primary functions of local government communications, helping to improve the quality of life for Cambridgeshire People, and helping the Council to deliver its services or to run more effectively as well as save taxpayer's money.
- 5.5.2 The Communications Team will develop an annual plan of proactive campaigns to support the Council delivering its ambitions through behavioural change campaigns, which it will support in detail. These will be agreed with the appropriate service department and committee Chair/Vice-Chair, or the Leader/Deputy Leader of the Council and the Chief Executive.
- 5.5.3 These campaigns will be based on behavioural science insight and will be appropriately resourced, targeted and monitored. In order to run these successfully, they will be limited to areas of greatest priority for the Council.

They may be constant (e.g. fostering or social work recruitment), annual (e.g. vaccination uptake), or related to specific issues (e.g. publicising the census or elections).

5.5.4 Other campaigns throughout the year may be supported by the team in a 'light touch' manner (e.g. retweeting/sharing materials on the Council's social media platforms from organisations whose aims support those of the Council, or highlighting these campaigns to Council staff and stakeholders through internal routes).

5.5.5 The Leader, Deputy Leader, Committee Chairs or Vice-Chairs will act as the lead spokes for any campaign launch, or will be quoted in campaign review materials. Professional comment (e.g. around the specific need for more foster carers) may come from the lead officer.

5.26 Political quotes and named media contacts

5.26.1 Any quotes on matters relating to the development of ~~County~~ Council policies will always come from the ~~relevant Committee Chair or the Leader of the Council as appropriate~~ Leader or Deputy Leader of the Council on a 2:1 ratio basis across the year, or the most appropriate Committee Chair / Vice-Chair. This principle will also apply to any letters written for publication.

5.26.2 Where appropriate, quotes from other members will be included in a news release. This may be the Chair of the Council on civic matters, or the Leader / Deputy Leader of the Council on matters which relate to their ~~leadership role of the Council,~~ but will most often be the Chair or Vice-Chair of the relevant committee with responsibility for the area concerned, ~~or the Local Member(s).~~

5.26.3 Where a news release specifically relates to an issue affecting a particular area or geographical division, the Communications ~~Team unit~~ will advise the Local Member(s) early, their contact details will be added to the release, beneath those of the political leads, and they will be sent the release prior to or simultaneously with distribution to the local media.

5.26.4 Where the release is non-controversial, and concerns a local issue that a Local Member is particularly connected or involved with, they may be invited to include a quote in addition to, but not supersede, a quote from the Committee Chair.

5.26.5 All quotes should be cleared with the named person ~~being quoted~~ before use.

5.26.6 In the event of situations where an appropriate Member's quote is needed and the Member is unavailable ~~for checking,~~ the appropriate Group Leader will be contacted for guidance clearance. Officers will not normally approve Members' quotes except where a time constraint makes this inevitable, in which case at least one member of the Council's Strategic Joint Management Team (SJMT) in addition to the Communications team must approve the quote.

- 5.26.7 In all cases, the names and contact details for the Spokes of all political groups on the committee will be included on our press releases, in order of ~~group size~~ committee responsibility (Chair, Vice-Chair, other administration Spokes, opposition Spokes).
- 5.26.8 The relevant departmental/officer contact will also be included, followed by that of the eCommunications team's main number and out of hours contacts.
- 5.26.9 The Chair of the County Council (and in their absence, the Vice-Chair) has an important part to play in ceremonial events carried out on behalf of the County Council. Their activities will be published and publicised as appropriate.
- 5.26.10 Officers will respond to media requests for interviews/information on matters involving the giving of background technical or practical operational information, non-policy matters, matters involving the implementation of policies or matters of professional responsibility. Officers can be used as lead spokes~~men or~~ women when the County Council's reputation can be enhanced by use of an perceived 'expert', such as E.g. the Director of Public Health talking about health issues.
- 5.26.11 In both cases above, approval will be sought ~~from an appropriate elected Member in advance from the appropriate Chair/Vice-Chair, or where there are urgent requests or in an emergency situation from the Chief Executive or the appropriate member of JMT.~~

## 5.7 Speaking on behalf of the Council

- 5.7.1 Officers who are directly approached by a member of the media for a comment on Council activities should not answer questions themselves. The journalist should be referred to the Communications team, which will manage the response and gain political sign off where appropriate.
- 5.7.2 Councillors who are directly approached by a member of the media may wish to refer the enquiry on to the Communications team, or make use of the guidance contained in this protocol to answer the enquiry themselves. It is helpful, if they answer directly, for them to advise the Communications unit in case of media follow-up.
- 5.7.3 Officers and Councillors who have contact with the media in a personal capacity or as members of non-Council related organisations must not refer to their Council posts and must make it clear to the journalist concerned that they are speaking in a personal capacity or on behalf of the non-Council related organisation.
- 5.7.4 Trade union officers, who are employees of the Council and who have contact with the media in their trade union or political capacity, must make clear that they are speaking as a union or political group representative.

## 6.5.8 Social Media

- 6.1 A ~~separate strategy and protocol governs the Council's social media protocol, which is published on the Council's website, sets out the Council's general approach to the~~ use of social media channels.
- ~~6.25.8.1~~ The Council will use the most appropriate social media channels, including Twitter ~~and~~, Facebook, YouTube, Instagram, LinkedIn and Whatsapp to promote its news or key campaign messages, in addition to conventional media. The Communications ~~Team~~ unit is responsible for the Council's main channels and has the discretion to write and post material without clearance, provided it is in line with the social media protocol, based on an approved approach around a subject and the Council's key messages.
- ~~6.35.8.2~~ We would remind ~~S~~staff and Members who use social media ~~are reminded~~ that reporters and the public ~~could~~ will view their posts and use them in stories. ~~The Communications Team~~ We would encourage them (and provide training where necessary), to ensure that their social media activity could not be used to damage the reputation of the Council.
- 5.8.3 It is recognised that there is a rapidly changing media landscape whereby most people receive their news through social media and where the best impact is made through speed of response. The Communications Team will seek to identify potential issues and stories in advance where possible, to enable social media posts in real time where possible, but reflecting the requirements of this protocol.
76. Protocols
- 76.1 Issuing of agendas
- 6.1.1 All committee papers will be made available to the media a minimum of five working days before the meeting concerned and posted on the ~~i~~nternet by Democratic Services.
- 76.2 Media attendance at meetings
- 6.2.1 Members of the media must be provided with any additional papers which may have been issued on the day.
- 76.3 Motions and questions
- 6.3.1 Motions and questions from individual Councillors shown on the agenda will not be publicised through ~~County~~ Council news releases in the interests of fairness.
- 76.4 Reporting debates

- [6.4.1](#) If a member of the media has not attended a meeting and wants to find out what was said during a debate [at a meeting that wasn't broadcast](#), officers will direct them to the appropriate Committee Chair directly and offer to provide opposition contacts. Staff from the Communications Team will report back to the media on any decision/recommendation reached.
- [6.4.2](#) Journalists are free to tweet or post from [eCouncil](#) meetings and members of the Communications ~~Team~~ [unit](#) will only tweet factual decisions made by committees and Full Council depending on the newsworthiness of the issue being debated.
- [6.4.3](#) Live broadcasting from [eCouncil](#) meetings is permitted and the Council itself live streams the Full Council meetings on its YouTube channel, which the Communications Team will publicise.
- [76.5](#) Embargoes
- [6.5.1](#) Embargoes should be used sparingly. This would most typically be when a news release is linked to a launch event; when an issue of confidentiality requires it ~~it~~ or when a third party requires it (e.g. [the](#) announcement of [an](#) award or additional funding).
- [6.5.2](#) Embargoes are not legally enforceable and are adhered to by general local agreement.
- [76.6](#) ~~Election period~~ [Communications during the pre-election period](#)
- [6.6.1](#) The ~~County~~ Council follows the guidelines set out in the Code of [Recommended Practice on Local Government](#) ~~p~~Publicity, [which states:](#)
- The period between the notice of election and the election itself, publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute.
- [6.6.2](#) No ~~County~~ Councillors will be quoted in any releases during the period outlined above [when the Council itself is holding an election or if they are involved in elections for other authorities](#).
- [6.6.3](#) Wider publicity initiatives also need to be considered carefully during this period. The Code states that:
- Local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that that identifies them with any Members or groups of Members.
- [6.6.4](#) Any prospective candidates (parliamentary, county and district) requesting visits to ~~County~~ Council premises must always be treated equally. ~~County~~ Council staff should not be included in any photographs that candidates might arrange, to avoid any impression of one party being favoured over another. ~~County~~

Council offices should not be used to host political events during this time, unless these premises are available for general hire.

6.6.5 Further guidance to officers and members is available from the [Council's](#) document on Election Guidance agreed with Chief Officers and Group Leaders before the May [2017-2021](#) elections.

76.7 Letters for Publication

6.7.1 The Communications Team will, in consultation with [the](#) appropriate service director or Committee Chair, consider ~~any reply drafting replies~~ to letters and articles about the Council or its services that appear in the ~~press printed or online media~~ and help draw up letters for publication, if appropriate. In such cases, the Committee Chair concerned will sign the letter or agree who else is best to respond.

6.7.2 Group Leaders will consider and deal with any response to letters or comments which are clearly political in nature and, while the Communications Team may flag these to the relevant group, they will not be involved in the drawing up or issuing of any response.

6.7.3 The ~~staff~~ [Council's Officers'](#) Code of Conduct states that all contact with the media should be conducted through, or in consultation with, the Communications Team. If an employee wishes to write to a newspaper ~~where they can be identified in their position~~ as a Council employee, they must first obtain permission from their senior manager or Head of Service.

76.8 Dealing with Confidential Items

~~The Access to Information Procedure Rules and the Procedure for Taking Urgent Decisions in Part 4 of this Constitution set out the rules for dealing with confidential and exempt information, and for deciding what information falls into those categories and when the press and public should be excluded from a meeting.~~

6.8.1 ~~The Council maintains a Forward Plan of Key Decisions, and a record of decisions taken by officers. Within two working days of a meeting of a Policy and Service Committee, a summary of the decisions taken by that Committee is published on the Council's website; if the decision relates to a confidential matter, there will always be a record of its being taken, even if details of the decision cannot be published because to do so would involve making known information which ought to remain confidential.~~  
Under the Local Government Act 2007, a written record of all key decisions and other executive decisions made by the Council must be made publicly available 'as soon as practicable' after the meeting, even if the decision has been taken as an exempt item. This could be when the minutes of the meeting are available, but could equally be much sooner after the decision has been taken.

6.8.2 The Communications Team will always seek to give the outcome of an issue taken in ~~closed~~ [confidential](#) session—, unless there are over-riding reasons not

to do so, such as the handling of personal and sensitive issues affecting staff or clients, or financial and commercial issues.

- [6.8.3](#) In these circumstances, officers should liaise with the department concerned before deciding the best course of action to follow [and clear the approach with the Monitoring Officer and Chair of the relevant committee.](#)
- [76.9](#) Emergency Communications
- [6.9.1](#) ~~Cambridgeshire County~~[The](#) Council has a statutory duty under the Civil Contingencies Act 2004 to warn and inform local people in emergency situations to help minimise risk and harm.
- [6.9.2](#) The Communications team is a member of the Cambridgeshire and Peterborough Warn and Inform Communications subgroup.
- [6.9.3](#) In emergency circumstances, the normal media approvals process may not apply. The Communications Team Leader will approve media activity in consultation with the Chief Executive or relevant ‘gold’ or ‘silver’ command.
- [76.10](#) Media / Social Media Training
- [6.10.1](#) In an organisation comprising 61 elected Members and [approximately 54,000 full-time equivalent](#) employees it would be impossible and impractical for all communications [from or about the Council](#) to be produced and issued by the Communications Team.
- [6.10.2](#) While all high profile and sensitive communications, or those most closely supporting the ~~e~~Council’s objectives, will be led and developed by the Team, part of its role will be supporting elected Members and [Council](#) staff ~~of Cambridgeshire County Council~~ who have responsibility to be good communicators as part of their role.
- [6.10.3](#) The Communications ~~and Information~~ Team will provide training to Councillors and staff which encourages a positive relationship in communicating with their communities and ~~with~~ the media, and provides information on the best ways to get their information across.
- [6.11](#) [Fostering and Adoption](#)
- [6.11.1](#) [Any media requests relating to filming/imagery of children in care requires director sign off. In no case will we allow external media interviews or any filming of any child in care who is under the age of 18 – although our internal team may develop case studies following interviews, using anonymised quotes.](#)
- [6.11.2](#) [In all cases with either partner videos or media interviews, foster carers must give their consent to be involved in the media/video case study process, and be clearly informed where any materials are going to be used and for how long.](#)
- [6.11.3](#) [The supporting Social Worker for that foster carer must also be informed and](#)

then a briefing must take place before any planned media activity.

6.11.4 A signed consent form will also be completed detailing all of this information, by external parties who work on our behalf and by the Council.

7.44 Communication on Partnership Issues or Projects

7.1 Partnership working is an increasingly common feature of our activities. We work closely with many public sector partners, in particular Peterborough City Council, the Cambridgeshire and Peterborough Clinical Commissioning Group and other local statutory bodies.

7.2 It remains the independent decision of the Council to take part or not to take part in joint communications and all partners should be informed in advance that the authority's agreement should be carefully sought and obtained in relation to any joint communications.

7.3 Where we issue joint releases (for instance around a joint response to the Covid-19 pandemic, or joint funding announcements from Government), we will use jointly branded communications headed paper and agree at the outset who the lead spokes will be. Where this is a project with another local government partner, it is likely to involve quotes from the lead spokesperson for each authority. Media approaches for interview will be directed to the most appropriate place or spokes.

7.4 Communications protocols must be established with private sector contractors at the outset of major contracts, and this will be the responsibility of the lead department/officer involved in the contract, but should be overseen by the Communications department.

7.5 The protocols (template available) will set out responsibilities for which organisation takes the communications lead, frequency and type of communications, sign off and key spokespeople.

The template will, ensure that:

- Cambridgeshire CountyThe Council's role or contribution is identified appropriately and information to media or local residents includes quotes from named County Council Members or officers.
- The Cambridgeshire County Council logo is included with others on any documentation.
- The text of information is shared in draft stages between partners and approved by the relevant communications leads prior to distribution.
- The method, manner and timing of distribution are also agreed in advance by the relevant communications leads.
- Depending on the size of the project or partnership the relevant County



Council ~~C~~committee Chair will be consulted as usual but may not be quoted where it is agreed that the ~~County~~ Council is not the lead agency and in the interests of producing succinct media releases.

- Wherever possible, news releases should be issued on joint paper, with contact details for each organisation.

7.128. Greater Cambridge Partnership ~~(City Deal)~~ (GCP)

8.1 Where the ~~Greater Cambridge Partnership~~ GCP is concerned, agreed communication protocols are already in place, as agreed by the ~~Partnership~~ GCP Executive Board on which all partners are represented.

8.2 The key elements are as follows:

- Pro-active communications will, as far as possible, be planned and devised in consultation with the relevant partner agency/ies, via the subject experts (usually an officer) or, in the event of unavailability, through the communications lead.
- Requests for information and/or comments to ~~m~~Members/officers will clearly state the deadline for a response.
- Pro-active and re-active statements will, as far as possible, be seen and approved by the GCP Executive Board Chairperson/Vice-Chairperson who will act as talking heads.

8.3 Inevitably, to maximise an opportunity or to avoid a communications vacuum, there will be occasions when a statement or response needs to be issued dynamically or swiftly to a deadline. It is recognised that, on such occasions, the GCP Programme Director, Communications Manager and/or partners' communications leads will have authority to speak on behalf of the GCP, in good faith, and adhering to the communications principles set out in their strategy, ensuring the GCP Executive Board Chairperson/Vice-Chairperson and relevant officers are kept informed.

8.4 On occasion, it will be relevant for the lead agency to issue a communication which is linked to the GCP programme. In this event, the agency should liaise with the GCP Communications Manager / Programme Director prior to publication.

7.139. Cambridgeshire and Peterborough Combined Authority

~~An agreed communications protocol will be developed with the Combined Authority. Collaboration on a case-by-case basis on any specific activity until a formal communications protocol is established.~~

7.1410. Communications Support for Schools

10.1 Practical support for schools is offered in times of particular difficulties or

success. This is a traded service [primarily for local authority maintained schools](#) and the support can be in the form of general advice and guidance, media releases, supporting with letters to parents, fielding media calls, media briefings/ [and news conferences. However in the event of a significant issue the team will work with Academy Trusts to support schools in times of major crisis and where the reputation of the Council as the local education authority would otherwise be put at risk.](#)

## [10.2](#)

In general terms:

- The content of all media releases or statements will be cleared in advance with the Headteacher and, if possible, the Chair of Governors [\(or where necessary the head of the academy trusts\)](#).
- Any media release will make it clear it is being issued on behalf of the school concerned and headed with the name of the school governing body as appropriate.
- Relevant school contact names and numbers will be included on any release except where prior agreement has been reached that [eC](#)ommunications team staff should field all calls in the first instance.
- The Chair of the Children and Young People Committee, [relevant Spokes](#), and the director with responsibility for Education will be kept fully informed on media issues affecting schools in line with the ‘no surprises’ principle [and statements will be shared with the local Member as they are issued](#).
- Where schools are not buying into the traded service, communications support will still be offered, [at an agreed hourly rate](#).

## Parental Leave Policy for Councillors

- To: Constitution and Ethics Committee
- Meeting Date: 29 September 2021
- From: Assistant Director of Human Resources
- Outcome: Establish an approach to parental leave for Councillors.
- Recommendations: The Committee is asked to:
- a) Consider adopting the proposed Parental Leave Policy for Councillors; and
  - b) Subject to recommendation a), agree one of the following approaches to the payment of Special Responsibility Payments during leave related to maternity, paternity, adoption and shared parental leave:
    - i) Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption and shared parental leave; or
    - ii) Councillors entitled to a Special Responsibility Allowance shall not receive their allowance during a period of maternity, paternity, adoption or shared parental leave.

### Officer contact:

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### Member contact:

Names: Councillor Sebastian Kindersley  
Post: Chair  
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Tel: 01223 706398

## 1. Background

- 1.1 Earlier this year, an Independent Remuneration Panel (IRP) was appointed to review the allowances paid to Councillors within the Council. One of the recommendations from the IRP's report was to consider the adoption of a policy to support parental leave for Councillors.
- 1.2 The purpose of this report is to provide the Constitution and Ethics Committee with a proposed policy that meets this recommendation.

## 2. Main Issues

- 2.1 The IRP recognised the importance of promoting parental leave and the positive benefits that this could bring to enhance and increase the diversity of Councillor representation.
- 2.2 The Local Government Association (LGA) has undertaken work in this area to develop suggested approaches and policies for councillor's parental leave.
- 2.3 The proposed policy, attached at Appendix 1, considers the recommendations of the IRP alongside the approach suggested by the LGA, and clearly sets out a proposed approach that could be adopted by the Council.
- 2.4 The policy proposes two options for the payment of Special Responsibility Allowances during a period of maternity, paternity, adoption and shared parental leave. The recommendation from the IRP, as well as the approach proposed by the LGA, is that Special Responsibility Allowances continue to be paid, although it is recognised that some councils have chosen to discontinue such payments whilst the Councillor is on leave.
- 2.5 Although the exact costs cannot be forecast, the financial impact of continuing to pay the allowances is considered to be low. As a comparison against the Council's workforce of 4300 employees, an average of 70-80 employees are off at any one time on maternity, paternity, adoption and shared parental leave, which amounts to less than 2% of the workforce. Applying this to the number of Councillors would equate to an average of one individual.

## 3. Source documents

- 3.1 [LGA Guidance on Parental Leave for Councillors](#)

## 4. Appendices

Appendix 1 – Parental Leave Policy for Councillors

## Parental Leave Policy for Councillors

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances relating to such periods of leave.

### Introduction

The council recognises that elected Members are not employees of the council and therefore are not entitled to the same rights and benefits that employees receive. Currently, there is no legal entitlement for councillors to have paid parental leave of any kind.

However, the Council is committed to ensuring that Cambridgeshire is a county where families are supported to develop and flourish, and the introduction of a parental leave policy for councillors may help to remove barriers that existing and prospective Members may face.

### Principles

The objective of the policy is to ensure that as far as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for councillors during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.

### Maternity and Adoption Leave

Members giving birth, adopting, fostering for adoption, or becoming surrogate parents are entitled to up to 6 months maternity leave from the due date. In the case of premature births, maternity leave will start from the date of birth for a period of up to 6 months. A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement.

In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 6-month entitlement. Consideration should also be given to those who have experienced a still birth or late term miscarriages. In those circumstances the provisions of this policy would apply, except where the Member has a miscarriage, termination, or stillborn delivery before or in the 24th week of pregnancy.

### Paternity Leave

Two weeks paternity leave is offered to:

- The biological father of a child who has (or expects to have) responsibility for the upbringing of the child.
- The spouse, civil partner or partner of the child's mother or adopter who has (or expects to have) the main responsibility for the child apart from any responsibility of the mother or adopter.
- Parents in a surrogacy situation and approved prospective adopters who look after children as part of a foster to adopt arrangement and who are notified of a match.

Paternity leave should be taken within 56 days of the actual date of birth or, if the child was born prematurely, within the period from the actual date of birth up to 56 days after the expected week

of childbirth. In the case of adoption, the leave should be taken within 56 days of the actual date of placement (UK adoption), or the child's entry into Great Britain (overseas adoption).

### Shared Parental Leave

A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months. Special and exceptional arrangements may be made in cases of prematurity.

### Allowances

All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, adoption and shared parental leave.

**Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption and shared parental leave.**

Or,

**Councillors entitled to a Special Responsibility Allowance shall not receive their allowance during their period of maternity, paternity, shared parental or adoption leave.**

If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided. The ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance any Special Responsibility Allowance will cease from the date they leave office.

### Policy and Notification Requirements

Where for reasons connected with maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972.

Any Member who takes maternity, paternity, adoption or shared parental leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

Any Member intending to take maternity, paternity, adoption or shared parental leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

During a period of absence, the relevant Group Leader may assign another elected Member to cover routine Division enquiries from residents. Any replacement will be temporary and will cease upon the return of the Member who has taken leave. Replacement Members will not be entitled to a second vote as part of their temporary role.

Members should notify the Monitoring Officer of any request to take leave under this policy 28 days before the qualifying parental leave is due to start.

### **Resigning from Office and Elections**

If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

If an election is held during the Member's maternity, paternity, adoption or shared parental and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.





## Record of Standards and Governance Training

To: Constitution and Ethics Committee

Meeting Date: 29 September 2021

From: Democratic Services Manager

Purpose: The Constitution and Ethics is being asked to review the Standards and Governance training undertaken on 14<sup>th</sup> May 2021, to ensure that Members have participated in the training.

Recommendation: The Committee is asked to:

Note the training record.

### Officer contact:

Name: Michelle Rowe  
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### Member contacts:

Names: Councillor Sebastian Kindersley  
Post: Chair  
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Tel: 01223 706398

## 1. Background

- 1.1 The Council has a duty pursuant to section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its Members. To promote such standards, the Council arranged Code of Conduct training, which was delivered by a representative of Weightmans Solicitors on 14<sup>th</sup> May 2021.
- 1.2 The session was recorded and made available to Members who were unable to attend the training session. Members were also invited to attend Question and Answer sessions with the Monitoring Officer.
- 1.3 The recording of the training remains available to all Members.

## 2. Main Issues

- 2.1 The 52 Councillors (from a total of 61 Councillors) who undertook the Standards and Governance training, either by attending the session or watching the recording, are listed below:

Councillor David Ambrose Smith  
Councillor Michael Atkins  
Councillor Henry Batchelor  
Councillor Alex Beckett  
Councillor Ken Billington  
Councillor Gerri Bird  
Councillor Anna Bradnam  
Councillor Alex Bulat  
Councillor Simon Bywater  
Councillor Hilary Cox Condron  
Councillor Adela Costello  
Councillor Steve Count  
Councillor Piers Coutts  
Councillor Steve Criswell  
Councillor Douglas Dew  
Councillor Lorna Dupre  
Councillor Stephen Ferguson  
Councillor Ryan Fuller  
Councillor Ian Gardener  
Councillor Derek Giles  
Councillor Mark Goldsack  
Councillor Bryony Goodliffe  
Councillor Neil Gough  
Councillor John Gowing  
Councillor Ros Hathorn  
Councillor Anne Hay  
Councillor Mark Howell  
Councillor Richard Howitt  
Councillor Samantha Hoy

Councillor Sebastian Kindersley  
Councillor Jonas King  
Councillor Maria King  
Councillor Simon King  
Councillor Peter McDonald  
Councillor Elisa Meschini  
Councillor Brian Milnes  
Councillor Edna Murphy  
Councillor Lucy Nethsingha  
Councillor Keith Prentice  
Councillor Catherine Rae  
Councillor Kevin Reynolds  
Councillor Tom Sanderson  
Councillor Dan Schumann  
Councillor Joshua Schumann  
Councillor Neil Shailer  
Councillor Alan Sharp  
Councillor Philippa Slatter  
Councillor Simone Taylor  
Councillor Firouz Thompson  
Councillor Susan van de Ven  
Councillor Alison Whelan  
Councillor Graham Wilson

2.2 Councillors who last attended training in 2017 are listed below:

Councillor Mandy Smith

### 3. Source documents

3.1 None



## A Review of the Complaints Received Under the Members' Code of Conduct to 21<sup>st</sup> September 2021

To: Constitution and Ethics Committee

Meeting Date: 29 September 2021

From: Monitoring Officer & Director of Law and Governance

Outcome: To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from January 2020 to 21<sup>st</sup> September 2021, along with details of other complaints which are in process or have been concluded.

Recommendation: The Committee is recommended to:

Note the contents of this report.

### Officer contact:

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### Member contact:

Names: Councillor Sebastian Kindersley  
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Tel: 01223 706398

# 1. Background

- 1.1 The Localism Act (“the Act”) places a statutory duty on the Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as Councillors.
- 1.2. The requirements of the Act are supported by Article 2 of the Constitution, Members of the Council, and by Part 5.1, Members’ Code of Conduct. The Constitution and Ethics Committee’s Terms of Reference give it authority to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution and Ethics Committee with an overview of the complaints received under the Code of Conduct since its last update.

# 2. Overview of Complaints

## 2.1 Ongoing Complaints

2.1.1 The publication of details of complaints only takes place after conclusion of the complaint and only if a breach of the code has been established. The purpose of this restriction is to reduce speculation on limited information, to ensure there is no compromise of any assessment or investigation, and to uphold the requirements of the Data Protection Act 2018 and UK GDPR.

2.1.2 Since the time of last reporting, ten new complaints have been received with the following still ongoing:

CONDCOMP/CCC/06. A complaint was received from the Audit and Accounts Committee on 5<sup>th</sup> March 2021 and was reported separately to the Committee in July 2021.

CONDCOMP/CCC/09. A complaint was received from a County Councillor on 29<sup>th</sup> July 2021 which concerned the conduct of the subject Member at the meeting of Full Council which had taken place on 22<sup>nd</sup> July 2021. The subject Member has provided a full response to the complaint, which has since been shared with the complainant and there are currently ongoing discussions as to whether an informal resolution can be agreed.

CONDCOMP/CCC/10. A complaint was received from a County Councillor on 29<sup>th</sup> July 2021 which concerned the conduct of the subject Member at the meeting of Full Council which had taken place on 22<sup>nd</sup> July 2021. The subject Member has provided a full response to the complaint which has been shared with the complainant, who has been asked to confirm whether or not it satisfactorily resolves their concerns.

## 2.2 Concluded Complaints

2.2.1 Since the time of last reporting, the following complaints have been resolved/discontinued:

CONDCOMP/CCC/01. A complaint was received from a member of the public on 4<sup>th</sup> March 2021 which concerned what was considered to be the disrespectful tone and content of an email sent to him by the subject Member. The subject Member's response included an acknowledgement of the longstanding history between them and what he considered to be consistent criticism. However, the subject Member went on to apologise for any offense that may have been caused and this was relayed to the Complainant. The Complainant was unwilling to accept the apology and the complaint was therefore discussed with the Independent Person. Following an initial assessment, the Independent Person's view was that, whilst the email was not appropriate, an apology had been offered and it would not therefore be in the public interest to pursue the matter further. The Deputy Monitoring Officer agreed, and the outcome was therefore confirmed to the complainant and subject Member on 1<sup>st</sup> April 2021.

CONDCOMP/CCC/02. A complaint was received from a member of the public on 6<sup>th</sup> August 2020 which concerned what was described as disrespectful and bullying behaviour on the part of the subject Member to a third party. The subject Member responded with an explanation of their version of events and to refute that they amounted to breaches of the Code. The Complainant did not consider that the subject Member's response had satisfactorily resolved his concerns and the complaint was therefore discussed with the Independent Person. The Independent Person recognised, in considering the facts of the complaint, that there was a clear difference of opinion between the Complainant and the subject Member. Nevertheless, even taking the allegations at face value, there was an obligation to give due consideration to the subject Member's Convention Rights and the case law associated with that. In that regard, whilst it was noted that the subject matter of the discussion was controversial as between the subject Member and the third party, and that the exchange could even have been viewed as confrontational, it was not considered that the words spoken were in any way unlawful. The Independent Person therefore went on to consider whether the words spoken and behaviours demonstrated were otherwise inappropriate in accordance with the Nolan Principles and General Obligations of the Code. Following that assessment, the Independent Person did not consider that the circumstances met the threshold for further investigation. The Deputy Monitoring Officer agreed, and the outcome was therefore confirmed to the complainant and subject Member on 10<sup>th</sup> November 2020.

CONDCOMP/CCC/03. A complaint was received from a member of the public on 7<sup>th</sup> October 2020 which concerned an allegation that the subject Member had brought his office/authority into disrepute as a result of a deliberate failure to respond to concerns raised in specific correspondence. The subject Member had also stated their intention not to respond at a public meeting and a minute of that was provided in support of the complaint. The subject Member provided a detailed response explaining that the correspondence had been sent to several Members at the same time and one of them had responded on behalf of them all. That was the basis upon which he had stated his intention not to respond. The complainant was not satisfied with the subject Member's response and the matter was therefore referred for discussion with the Independent Person. Following consideration of the complaint and the response, the Independent Person considered that there had been no deliberate attempt to deprive the complainant of a response since another Member had responded to the correspondence, with the response clearly stating that it was sent on behalf of all named recipients. It was noted that the complainant considered that some of the questions posed remained unanswered. However, the

Independent Person was satisfied that the lack of an individual response from the subject Member would not give rise to a breach of the Code of Conduct in the circumstances described. The Deputy Monitoring Officer agreed, and the outcome was therefore confirmed to the complainant and subject Member on 11<sup>th</sup> November 2021.

CONDCOMP/CCC/04. A complaint was received from a member of the public on 23<sup>rd</sup> March 2021 which contained allegations of disrespectful and bullying behaviour on the part of the subject Member, designed to intimidate the complainant and with the potential to bring their office/authority into disrepute. The factual basis for the allegations centred around the complainant and subject Member's opposing views about a matter of community importance and the comments made verbally and on social media in response to that. The subject Member provided a full response to the complaint in which the allegations were denied with supporting evidence provided. The Councillor was no longer a Councillor following the May elections, and therefore the complaint was discontinued.

CONDCOMP/CCC/05. A complaint was received from a County Councillor on 16<sup>th</sup> March 2021 which contained allegations in relation to a breach of s.21 of the General Obligations. In particular, the allegations centred around the subject Member's conduct in the Council Chamber and a perceived lack of respect that had been shown during the meeting. Again, the conduct process was instigated with lengthy correspondence between the subject Member and Monitoring Officer. The Councillor stood down from being a Councillor at the May elections, and therefore the complaint was discontinued..

CONDCOMP/CCC/07. A collective complaint was received from two members of the public on 6<sup>th</sup> May 2020 which contained allegations in relation to comments made by the subject Member at a meeting during which controversial development proposals were discussed. The subject Member is accused of predetermination and bias which could prejudice the outcome of future discussions and consultation in relation to the proposal. The subject Member provided a full response to the complaint in which the allegations were denied. The complainant did not accept the subject Member's explanation and the matter was therefore discussed with the Independent Person on 3<sup>rd</sup> July 2021. Following that assessment, the Independent Person did not consider that the Code of Conduct had been breached. The Deputy Monitoring Officer agreed, and the outcome was therefore confirmed to the complainant and subject member on 21<sup>st</sup> July 2021.

CONDCOMP/CCC/08. A complaint was received from a member of the public on 29<sup>th</sup> June 2021 which contained various general statements of concern however, it was not possible to identify from the information provided which Councillors the complaint was specifically about and/or which of the general obligations of the Code were alleged to have been breached. The Deputy Monitoring Officer wrote to the complainant on 30<sup>th</sup> June 2021 referring them to the guidance on the Council's dedicated conduct webpage and requesting that they identify the subject matters and respective breaches of the Code. The Deputy Monitoring Officer has not received a response and it has not therefore been possible to take any further action.

### 3. Source documents

- 3.1 [Cambridgeshire County Council's Code of Conduct, and information about how to make a conduct complaint and the process that will be followed](#)



## Constitution and Ethics Committee Agenda Plan

The following are standing agenda items which are considered at every Committee meeting:

- Apologies and Declarations of Interest
- Minutes of Previous Meeting
- Agenda Plan

29 <sup>th</sup> September 2021		
1.	Election of Vice-Chair	
2.	Review of the Members' Code of Conduct	F McMillan
3.	County Council – Proposed Changes to the Constitution	M Rowe
4.	Parental Leave Policy for Councillors	J Atkin
5.	Record of Standards and Governance Training	M Rowe
6.	A Review of the Complaints Received under the Members' Code of Conduct up to 21 <sup>st</sup> September 2021	F McMillan

16 <sup>th</sup> November 2021		
1.	Contract Procedure Rules	H Swann

27 <sup>th</sup> January 2022		
1.	A Review of the Complaints Received under the Members' Code of Conduct up to 17th January 2022	F McMillan

3 <sup>rd</sup> March 2022		
	No items currently scheduled	

26 <sup>th</sup> April 2022		
1.	A Review of the Complaints Received under the Members' Code of Conduct up to the 17th January 2022	F McMillan

