

CONSTITUTION AND ETHICS COMMITTEE



Friday, 25 February 2022

Democratic and Members' Services
Fiona McMillan
Monitoring Officer

10:00

New Shire Hall
Alconbury Weald
Huntingdon
PE28 4YE

**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 Apologies for absence and declarations of interest

*Guidance on declaring interests is available at
<http://tinyurl.com/cc-conduct-code>*

2 Minutes - 29 September 2021

The minutes of the previous Constitution and Ethics Committee meeting can be found here:

[Meeting of the Constitution and Ethics Committees 29 September 2021](#)

DECISIONS

3 Code of Conduct Investigation

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Appendix B to this report is confidential. If Members wish to discuss this appendix, it will be necessary to exclude the press and public

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Date of Next Meeting - 26 April 2021

Attending meetings and COVID-19

Meetings of the Council 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. Meetings are streamed to the Council's website: [Council meetings Live Web Stream - Cambridgeshire County Council](#). If you wish to speak on an item, please contact the Committee Clerk to discuss as you may be able to contribute to the meeting remotely.

The Constitution and Ethics Committee comprises the following members:

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

Clerk Name:	Rhiannon Leighton
Clerk Telephone:	01223 728170
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Code of Conduct Investigation

- To: Constitution and Ethics Committee
- Meeting Date: 25 February 2022
- From: Director of Law and Governance & Monitoring Officer
- Outcome: Consideration of Code of Conduct investigation report.
- Recommendations: The Committee is recommended to:
- a) Note the external investigation report at confidential Appendix B into whether there was a failure by former councillor Roger Hickford to comply with the Council's code of conduct whilst he was a Member of the Council;
 - b) Consider any objections to the findings in the report received from Roger Hickford, following the receipt of the final report, received by 23rd February 2022, and any representations about whether he wishes to participate in a local hearing;
 - c) Consider if a local hearing should be held to consider any objections and representations received further before considering the conclusions in the report;
 - d) If no objections are received, or if the Committee considers that a local hearing is not necessary following consideration of any objections and representations received, consider in relation to confidential Appendix B if the public interest in maintaining the exemption outweighs public interest in disclosing the information, and if not to then publish Appendix B immediately following the decision; and
 - e) Consider if it wishes to make any recommendations to the Chief Executive or any other recommendations concerning the findings of the report.

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1. Background and History

- 1.1 The tenancy of Manor Farm was advertised publicly as the smallest of ten vacant County Farms Estate holdings in early 2017. The tenancy was awarded to Mr Roger Hickford on 5th April 2017 with a business tenancy signed on 20th December 2017. On 15th January 2019, the Chairman of Audit and Accounts Committee formally received a request from Councillor Nethsingha to review the process leading to the award-of the tenancy and subsequent decisions made regarding the tenancy. It was agreed that Internal Audit would conduct the investigation. and the subsequent decisions made regarding the tenancy.
- 1.2 The first draft of the 'Tenancy of Manor Farm, Girton' report was completed in June 2019. Some of the early findings showed financial concerns and in line with standard audit practice, the matter was referred to the police on 4th July 2019 to consider whether a formal criminal investigation was required. The police confirmed on 9th October 2019 that they would progress an investigation. At this point the audit work stopped to ensure that there was no prejudice to the police investigation, although Internal Audit continued to support the police investigation throughout.
- 1.3 On 5th March 2020 the police confirmed that they were closing their investigation, with no further action. This was formally confirmed in writing on 29th April 2020, with the audit able to commence again once this notification was received. Following this, there were some delays due, firstly, to the Chief Internal Auditor being deployed on the response to the pandemic, then with dealing with process challenges that had been raised.
- 1.4 The report also went through two rounds of fact checking with key stakeholders which allowed those stakeholders to see the parts of the report that related to them and allowed them to confirm or challenge the facts in those parts of the report which relate to them. The report was due to be completed and issued at the beginning of December 2020, but on 7th December 2020 the Chief Executive was informed that the Chief Internal Auditor would not be able to complete the audit due to sickness.
- 1.5 The Council subsequently appointed Mazars LLP, an international firm and 10th in the UK top accountancy and business assurance practices, to review the internal audit work and conclude on the matters involved. The report and recommendations produced by Mazars were considered by the Audit and Accounts Committee at a number of meetings in March 2021.
- 1.6 Mazars recommended referral of certain matters to the Monitoring Officer for consideration under the Council's arrangements for determining whether Mr Hickford, when a councillor, had failed to comply with the Council's code of conduct in respect of his actions concerning Manor Farm.
- 1.7 The Monitoring Officer sought the views of Mr Hickford with respect to the matters raised with her by Mazars.

- 1.8 The Council obtained Counsel's advice on whether the Council could carry out an investigation and determination as to whether Mr Hickford had failed to comply with the code of conduct when he had ceased to be a councillor. Advice was received that the Council did not have the power to consider any allegation of a breach of code of conduct by a former councillor, but that it did have the power to carry out an investigation pursuant to other powers.

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. It also has powers under section 111 of the Local Government Act 1972 to do things which are incidental or conducive to or facilitate the carrying out of its functions.

- 1.9 On 27th July 2021 the Committee agreed a process to consider whether Mr Hickford failed to comply with the Code on the basis that it would facilitate compliance with the Council's duty under section 27 of the Localism Act. The Committee agreed it was important that the public had faith in the integrity of local democracy. The issues connected with the tenancy of Manor Farm had received significant public attention and concern, therefore the Committee believed it was important to have a clear response to any suggestions of impropriety. The procedure that was agreed is attached as Appendix A.
- 1.10 The Committee noted that, as Mr Hickford is no longer a councillor and therefore any investigation would not be carried out under the Council's arrangements under the Localism Act, no sanctions could be applied to Mr Hickford if he were found to have failed to comply with the Code. However, if the Council published the outcome of the investigation, it would demonstrate that the Council had acted on concerns and any lessons learned in relation to the Code and the way Councillors interacted with officers could also be considered.
- 1.11 The Monitoring Officer also consulted with the Council's Independent Person who stated that, in their opinion, the conduct matters raised in the Mazars report should be investigated.

2. Considerations

- 2.1 In August 2021, the Monitoring Officer instructed Jonathan Goolden, Head of Public Law at Wilkin Chapman LLP solicitors, to conduct the investigation and his investigation report is submitted for consideration as confidential Appendix B.
- 2.2 The report is being treated as an exempt appendix at this stage under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, as it contains information relating to any individual. The Committee will be asked to consider and make a judgement whether that exemption should be maintained or not, considering the public interest in all the circumstances of the case.

- 2.3 The First Tier Tribunal (Information Rights) concluded in *Dedman v Information Commissioner* (Appeal No. EA/2016/0142), albeit relating to a Freedom of Information Act request rather than Schedule 12A of the Local Government Act 1972, that the test for disclosure is fairness. This involves balancing the legitimate interests of the data subject in maintaining confidentiality against the public interests in disclosure. In that case, which related to disclosure of a conduct report involving a member who was no longer a councillor at the time of completion, the Tribunal held that the public was entitled to know whether a serious complaint regarding the conduct of an elected representative was found to be justified, regardless of their status when the report is disclosed as such 'transparency is essential to the maintenance of proper standards in public life, whether or not the subject of the complaint remains in office'. The fact that they were no longer in office was no obstacle to disclosure.
- 2.4 Under the agreed procedure, Mr Hickford has five working days to notify the Monitoring Officer if he objects to the findings of the investigation report and if so whether he wishes to participate in a local hearing. If Mr Hickford does lodge objections to the findings in the report and represents that he wishes to participate in a local hearing, the Committee should consider the objections raised and any representations and decide whether a local hearing should be held to consider any such objections further, before considering the conclusions in the report.

3. Council response so far

- 3.1 The Committee is asked to note that the Council has already taken the following steps in respect of some of the issues raised in the Mazars report:
- a) The Council's Respect@Work policy and guidance for staff relating to any incidents of violence and aggression at work was reviewed and updated with input from the Council's Equality and Diversity group and its recognised trade unions. This was agreed by Staffing and Appeals Committee in September 2021. It now includes information for officers on how on to address concerns with a third party such as a partner, contractor or elected Member. The revised policy was published and relaunched with a communication campaign to raise the profile both of the policy and of the Council's stance that all officers should feel comfortable to carry out their roles in a respectful and supportive working environment. This followed a staff engagement survey which specifically focused on officers' experiences of respect at work, including interactions with Members.
 - b) Work was carried out on the Council's intranet system to create a single source of information for people to access that clearly showed them which policy or process to use, depending on what they have experienced and where, and appropriate sources of support in each case.

- c) A virtual training session on the Code of Conduct and Ethical Standards for all newly elected Councillors, alongside returning Councillors, took place on Friday 18 May 2021 and was run by Weightmans solicitors. The training included guidance on conflicts of interests and the Member-Officer protocol, along with bias and predetermination. Members worked through a number of case studies in small groups. The training was well attended on the day and video recorded so that Members who were not able to attend could watch at another time alongside the training notes. All Members unable to attend were asked to watch the session as soon as possible. Democratic Services compiled a training record which was reported back to Committee on 29th September 2021, with the aim of ensuring all Members of the Council had participated. At that time, 52 out of 61 Members had completed the training.

- d) A new Conflict of Interest Guidance document for Members was also agreed by the Committee on 27th July 2021 which now forms an appendix to the Member Code of Conduct. This guidance dealt with more specific declarations of interest relating to cases where Members had more complex interactions with the Council including where they used any council service requiring an application and / or eligibility criteria, such as a tenancy.

- e) The Council's Whistleblowing Policy has been updated and agreed by Audit & Accounts Committee on 22nd July 2021. The new policy was more concise, clearer and also signposted where concerns that didn't fit under the Whistleblowing Policy could be addressed.

4. Source Documents

- 4.1 [Members' Code of Conduct](#)
- 4.2 [Audit and Accounts Committee – 23 March 2021](#)
- 4.3 [Audit and Accounts Committee - 26 March 2021](#)
- 4.4 [Audit and Accounts Committee – 22nd July 2021](#)
- 4.5 [Constitution and Ethics Committee – 27 July 2021](#)
- 4.6 [Staffing and Appeals Committee – 16 September 2021](#)
- 4.7 [Constitution and Ethics Committee – 29 September 2021](#)

5. Appendices

- 5.1 Appendix A – Investigation Procedure
- 5.2 Appendix B (Exempt) – Investigation Report

Appendix A – Procedure agreed on 27th July 2021

Investigation

The Monitoring Officer will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The decision on investigating officer will depend upon a variety of factors including staff capacity and nature of complaint.

The Investigating Officer will write to Mr Hickford provide him with details of the potential breaches of the Code.

The investigating officer will be provided with such documents as he/she considers necessary to fully investigate the issues.

The investigating officer will interview Mr Hickford and such other people as he/she considers he/she needs to in order to properly consider the issues raised. The investigating officer will produce statements to be signed by all interviewees.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to Mr Hickford to give him an opportunity to identify any matter in that draft report which he disagrees with or which he considers requires more consideration. Mr Hickford will be given 7 days to make any comments on the draft report.

Having received and taken account of any comments which Mr Hickford may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and if satisfied with the investigation report the outcome to the Constitution and Ethics Committee.

What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

Mr Hickford will be sent a copy of the report and given 5 working days to notify the Monitoring Officer if he objects to the findings and if so whether he wishes to participate in a local hearing.

If he does not object to the findings prior to the deadline the report will be final and the Monitoring Officer will refer it to Constitution and Ethics Committee.

If Mr Hickford does object to findings in the report within 5 working days then the Constitution & Ethics Committee will consider if a local hearing should be held to consider his objections further before considering the conclusions in the report.

Hearing

If the Constitution & Ethics Committee consider that a hearing should take place the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the Constitution and Ethics Committee, which will conduct a local hearing to decide whether Mr Hickford failed to comply with the Code of Conduct and, if so, what action should be taken.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring Mr Hickford to give his response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary, and make representations to substantiate his/her conclusion that Mr Hickford failed to comply with the Code of Conduct.

Mr Hickford would then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he considers that he did not fail to comply with the Code of Conduct.

The Hearings Panel will seek the views of the Independent Person before reaching a decision.

The Hearings Panel will then reach a decision on whether Cllr Hickford failed to comply with the Code of Conduct and, if so, what action should be taken as a result. As Mr Hickford is no longer a member this would be limited to referring the report to Council, publishing the report, writing to Mr Hickford about the determination and his conduct and referring any lessons learned from the investigation for consideration by the Constitution and Ethics Committee.

Motions on Notice

To: Constitution and Ethics Committee

Meeting Date: 25 February 2022

From: Democratic Services Manager

Outcome: To clarify how the Council will treat motions submitted to Full Council which relate to planning applications.

Recommendations: The Committee is asked to:

Consider the proposed amendments to the Constitution, as set out in Section 2.9 of the report, and recommend any changes to Full Council, if considered appropriate.

Officer contact:

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1. Background

- 1.1 Motions on notice can be moved for discussion at Council meetings, provided they comply with the notice requirements set out in section 10.1 of the Council Procedure Rules (Part 4.1 of the Constitution).
- 1.2 Section 10.3 of the Procedure Rules requires that motions must be about matters for which the Council has a responsibility, or which affect the County. It also clarifies that motions may propose an addition or change to a policy framework provided that the addition or change could not reasonably have been raised when the policy framework was originally approved.
- 1.3 Section 10.4 states that motions will not be permitted to raise the competence or performance of a councillor or officer, or any matter involving exempt information or normally considered confidential, nor can they make any abusive or defamatory comments.
- 1.4 Section 9.3 (Public Question Time) of the Council Procedure Rules states that if the Monitoring Officer considers a public question that has been submitted relates to a planning application, they will inform the Chair who will then decide whether or not to reject the question. Section 9.4 (Petition Scheme) states that petitions relating to planning applications are to be considered by the Planning Committee and not Full Council. While the Council Procedure Rules restrict public questions and petitions relating to planning applications, they do not currently include a similar restriction for motions.
- 1.5 Concern was expressed at the Council meeting on 25 January 2022 about the danger of Full Council pre-determining applications to be considered by its Planning Committee. It was therefore requested by the Joint Administration that the Constitution and Ethics Committee consider changes to the Constitution in order to avoid such situations in the future.

2. Main Issues

- 2.1 The Council has recently taken decisions on motions relating to planning applications. Two motions were submitted to the Council in relation to Nationally Significant Infrastructure Projects (NSIPs), on 'Wisbech Energy from Waste' (July 2020) and 'Sunnica Solar Farm' (July 2021) where the motion movers wished to show their support for concerns raised by residents. Although NSIPs are determined by the Planning Inspectorate (PINS) on behalf of the Secretary of State, such projects, should they reduce in size to trigger the NSIP threshold, could fall for determination by the Council's Planning Committee.
- 2.2 Planning applications can often be contentious and generate significant public interest which in turn is relayed to Members. The Council has a statutory duty to determine planning applications, delegated to the Council's Planning Committee, and the regulatory process places an emphasis on participating members avoiding pre-determination and bias.
- 2.3 Motions to Council regarding planning applications therefore have to be very carefully worded in order to avoid the risk of pre-determination. Members of the Planning Committee have to consider whether taking part in debate and voting on such a motion could lead to a risk of pre-determination or bias, potentially increasing the risk to the Council of legal

challenge. If any such challenge is successful, this can potentially vitiate the Council's decision.

- 2.4 Committee memberships are reviewed and can be changed at each annual meeting of Full Council and during the course of the municipal year. If a Member does not excuse themselves from the debate and votes on such a motion, and then subsequently becomes a member or substitute member of the Planning Committee having previously debated and voted on such a motion, they then need to consider the potential risk of being challenged on the grounds of pre-determination and/or bias. If they decide to recuse themselves and other Members are similarly conflicted, there is the potential for an inquorate Planning Committee.
- 2.5 Given the complexity and risk of legal challenge to the determination of planning applications (both by the applicant and members of the public through a judicial review process) , the Committee is asked to consider whether the best overall defence for the Council against such challenge is to only consider such matters at the relevant Planning Committee (which includes the District Council planning committees where relevant, based on technical officer advice submitted to them by the Council), or through the relevant Examination by PINS for NSIPs.
- 2.6 Current case law offers a defence to the current position where motions on planning matters can be considered by Full Council, highlighting the distinction and separation of powers between Full Council and Planning Committee, particularly where emphasis is placed on measures taken to demonstrate that elected Members sitting on the relevant planning committee are not pre-determined. However, planning officers remain concerned that it would be harder for the Council to defend either an appeal or judicial review where such an event has taken place. They would endorse an amendment to the Council Procedure Rules to help strengthen the Council's position in the event of any legal challenge, and ensure that such matters are considered and determined in the correct forum as:
- It would be easier to demonstrate that no pre-determination has taken place, particularly for an application currently awaiting determination by the Council;
 - The current system could potentially leave the Planning Committee short of regular members and trained substitutes to determine an application or inquorate, or with a reduced but quorate committee (that may not represent all political parties) which could be perceived as not doing a very contentious planning application justice;
 - Not all the information on the current planning application would necessarily be available to elected Members at the point of the motion, which is why planning applications are not taken to the relevant planning committee until they are ready with all the information and representations made and assessed;
 - The planning system is clear that decisions need to be made based on the development plan and other policy / guidance, so a moratorium type approach to certain developments (e.g. Energy from Waste (EfW) developments) would be used against the Council's own adopted planning policy which has only just been adopted by the Council; and

- Objectors may interpret a motion as the Council's final and fixed position and wonder why it even entertains any future applications for EfW (incineration) developments – even where it is clarified that it would be to support the concerns of the resident and not determine the application.
- 2.7 Planning appeals are time intensive and costly. The costs are borne by the Council, not PINS. The costs to the Council for the Waterbeach Energy from Waste scheme were significant, and whilst there will be instances where it is necessary to defend such decisions, officers are concerned that the Council is not placed in such a position unnecessarily through concerns around the decision-making process.
- 2.8 Other local authorities have implemented restrictions to motions on notice that relate to planning matters, including Nottinghamshire County Council and Wiltshire County Council.
- 2.9 It is therefore proposed the Committee considers combining sections 10.3 and 10.4 of the Council Procedure Rules to form a list, along with a further restriction to motions related to planning matters, as set out below (addition in bold, removal in strikethrough).

10.3 Scope

~~Motions must be about matters for which the Council has a responsibility or which affect the County. They may propose an addition or change to a policy framework provided that the addition or change could not reasonably have been raised when the policy framework was originally approved.:~~

- (a) Must be about matters for which the Council has a responsibility, or which affect the County;**
- (b) May propose an addition or change to a policy framework, provided that the addition or change could not reasonably have been raised when the policy framework was originally approved;**
- (c) May not raise the competence or performance of a Councillor or officer;**
- (d) May not raise any matter involving information that is exempt or normally considered confidential;**
- (e) May not make any abusive or defamatory comments.**
- (f) May not be related to a planning application, or any other quasi-judicial matter, that will or could be determined by the Authority, including Nationally Significant Infrastructure Projects (NCIPS), or for which it is a statutory consultee.**

~~10.4 Motions affecting Councillors or persons employed by the Council~~

~~Motions will not be permitted to raise the competence or performance of a councillor or officer, nor any matter involving exempt information or normally considered confidential. A motion cannot make any abusive or defamatory comments.~~

3. Source documents

3.1 [Cambridgeshire County Council Constitution \(Part 4-1 – Council Procedure Rules\)](#)

3.2 [Nottinghamshire County Council Constitution \(Part 5 – Democracy Procedures, Section 59\)](#)

3.3 [Wiltshire County Council Constitution \(Part 4 – Council Rules of Procedure, Section 18.7\)](#)

4. Appendices

4.1 None

Officers' Code of Conduct

To: Constitution and Ethics Committee

Meeting Date: 25 February 2022

From: Assistant Director: HR Services / Democratic Services Manager

Outcome: Incorporation of the Officers' Code of Conduct into the Constitution

Recommendations: The Committee is asked to:

Recommend to Full Council the incorporation of the Officers' Code of Conduct into the Constitution, as set out in Appendix 2 of the report.

Officer contact:

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Member contact:

Names: Councillor Sebastian Kindersley
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1. Background

- 1.1 The third report of the Committee on Standards in Public Life, published in July 1997, on standards of Conduct of Local Government in England, Scotland and Wales, recommended that local authorities have an ethical framework for the conduct of officers:

Recommendation 19: Every local authority should be required to draw up a code of conduct for officers (based either on the LGMB model or locally-drafted) incorporating rules for the registration and declaration of interests by officers similar to those we recommend for councillors.

Recommendation 20: Every local authority should have its own written statement or protocol, governing relations between members and officers.

- 1.2 The Council has an Officers' Code of Conduct, which is currently published on the Council's intranet and is attached at Appendix 1.

2. Main Issues

- 2.1 Unlike the Members' Code of Conduct, the Officers' Code of Conduct itself is not currently contained within the Council's Constitution, and is instead available to members of the public on request. While containing the Code in the Constitution is not a legal requirement, it is considered good practice and ensures that any changes are considered by the Constitution and Ethics Committee before being approved by Full Council. This is also the practice carried out by most other local authorities.
- 2.2 It is therefore proposed that the Council's current Officers' Code of Conduct be incorporated into Chapter 5-2 (Officers' Code of Conduct) in the Constitution, which currently only references the actual Code, with the proposed revised chapter attached at Appendix 2.

3. Source documents

- 3.1 [Standards of Conduct of Local Government in England, Scotland and Wales - GOV.UK](#)

4. Appendices

- 4.1 Appendix 1 – Current Officers' Code of Conduct
- 4.2 Appendix 2 – Proposed Revisions to Chapter 5-2 (Officers' Code of Conduct)

The Way We Do Things

Code of Conduct

1. Introduction

The Code of Conduct defines the standards of behaviour we expect of all our employees. If you do not understand it or how to comply with it, you must ask your line manager to explain it to you.

The intention of the Code of Conduct is to helpfully set out the broad principles of how we should do things – it is not an exhaustive list of what you can and cannot do. (The Code of Conduct is enforced through our disciplinary procedure).

2. Behave professionally

We expect all staff to interact and work with the public and colleagues in an appropriate and professional way at all times.

We expect you to engender public trust and confidence in the Council and not to bring the organisation into disrepute. This includes action outside of work that is relevant to your job role or that may undermine public confidence in you to carry out your role. You must not knowingly publish or post anything, including on social media that could damage the reputation of the Council.

We expect you to co-operate with your manager and comply with all lawful management instructions.

You are expected to work in a professional manner with all Councillors regardless of their political affiliation. If you have or enter into a close personal relationship with an Elected Member you need to disclose this (see Section 11).

3. Act with honesty and Integrity

We expect you to communicate openly and honestly with your line manager about your work.

We expect you to submit accurate claims for expenses and allowances – claiming only for payments, which you are entitled to receive. If you receive any payment in error, for example an overpayment of salary or expenses, you must notify your manager as soon as possible.

You must keep accurate records of your working time where this is required.

You must not order goods for your own personal use through a Council account. You are not permitted to use your position to obtain a discount for goods or services unless this is part of our recognised employee discount scheme.

4. Act lawfully

You must comply with the law in all aspects of your work.

You are required to immediately notify your manager in writing if you are arrested, cautioned, charged or convicted of any crime at any point during your employment. Your manager will assess whether this information has any impact on your job role.

If you suspect that someone is breaking the law you must report this - speak to your line manager in the first instance. Alternatively you should contact Internal Audit or raise your concerns using the Whistleblowing Policy.

If your role involves working in/managing children or adult services you must inform your manager immediately if you are barred for any reason. If you are working in early years childcare, or working with/managing later years childcare (for children up to the age of 8 outside the school day) you must tell your manager immediately if you are disqualified from working with children or if someone who lives or works in your household becomes barred.

5. Respect equality and diversity

Respecting the equality and diversity of the public that we serve and your colleagues is very important. We expect you to promote our commitment to equality and diversity at all times.

You must not discriminate against any individual on the basis of their protected characteristic(s) (i.e. because of their age, disability, race, religion or belief, gender, sexual orientation, gender reassignment, pregnancy or maternity leave or because of a person's marital or civil partnership status).

You should appropriately challenge any discriminatory behaviour that you witness – and seek support from your line manager in the first instance.

6. Contact with the media

You must not make statements to the media on behalf of the Council unless it is your job to do so. All media enquiries should be referred to our Communications Team.

7. Fulfil your safeguarding responsibilities

We are committed to safeguarding children and vulnerable adults and it is essential that you fully comply with our safeguarding policies and procedures. This includes adhering to specific local rules and procedures that apply in your area of work. If you have any concerns about any aspects of safeguarding you must raise these with your line manager in the first instance. Alternatively you should raise any safeguarding concerns using the Whistleblowing Procedure.

8. Handle information securely

We have specific rules on data security, outlined in Information Management Policy, which you need to read and familiarise yourself with. You are required to comply with these rules when handling information. You must not access or use any information obtained in the course of your employment for personal gain.

9. Comply with all policies, rules and procedures

You are required to act in accordance with all of our policies and procedures and comply with local rules that are in place in your area of work.

- IT Policies – i.e. computer misuse policy, internet policy, email policy, mobile device policy
- Health and safety policy and procedures – include the Drug Alcohol and Substance Misuse policy and the Smoke Free Policy
- Anti-Money Laundering and Anti-Fraud and Corruption Policy
- All employment policies

10. Fulfil your management responsibilities

If you have line management responsibility you must make sure your employees are aware of the Code of Conduct and address any breaches as soon as these occur.

We expect you to proactively manage any employment issues that arise in your team in accordance with our employment policies.

You are responsible for proactively managing your team's performance and promptly addressing any performance issues that arise.

You must not be involved in making significant decisions that involve a relative, partner or friend.

You are not permitted to line manage a partner or family member.

11. Declare relevant interests

You are required to declare any private interests that you have and any work that you undertake elsewhere in accordance with table below

Situation	Action required
Undertaking private work (paid or unpaid)	All employees - complete the Private Interests Form before doing any private work. Employees on a P Grade (or equivalent) and above – must also discuss with their Head of Service the potential impact of additional work on their role with us and agree how any potential negative impact will be avoided.
Undertaking consultancy work for another organisation	Obtain permission from your Head of Service prior to undertaking consultancy work.
Potential conflicts of interest. Examples include: <ul style="list-style-type: none"> • Involvement with clubs and societies that we work with or fund • Involvement with organisations that provide similar services to the Council, • Directorships including with companies that are involved with or funded by the Council. • Relationships with elected members. 	Declare any interests that you have outside of work and discuss with your line manager and agree how any conflicts can be avoided. You must also declare if your partner or a close relative's has a potential conflict of interests (e.g. if your partner is involved with an organisation that is tendering for work with the Council).

12. Declare gifts and hospitality

You must declare any gifts and hospitality that you are offered as detailed below. If you have any doubts about whether you should accept a gift or offer of hospitality you should speak to your line manager. There may be specific local rules that apply in your team e.g. to protect vulnerable service users who may feel obliged to give a gift.

Situation	Action required
Offered a token gift (value of £25 or lower)	Check with your manager if this can be accepted Complete a declaration form

Offered a gift that is more than a token gift (value of £25 or above)	Do not accept Return gifts that have already been received Make a declaration
Offers of hospitality	You may attend a function in an official capacity for example a conference related to your job role. Decline any invitations that are primarily or only for social purposes (and that could be viewed as trying to influence your decision making).

13. Data Protection

Any data collected and processed as part of employing and managing employee's is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure; process or activity. Records are retained and destroyed in accordance with the organisations Retention Schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under this Disciplinary Procedure.

14. Further information

Employees with questions about the Code of Conduct should speak to their line manager. Managers requiring further guidance should speak to the HR Advisory Team.

Officers' Code of Conduct

1. Introduction

The Assistant Director, HR Services, in consultation with the Monitoring Officer, shall prepare, maintain and review the Council's Code of Conduct for Officers and refer any proposed changes to the Constitution and Ethics Committee for consideration and recommendation to Full Council.

1.1 The Officers' Code of Conduct defines the standards that the Council expects its employees to abide by. These are often more demanding than those expected by other employers because:

- Council employees are paid from public funds;
- The Council's work is open to public scrutiny and is often politically sensitive. The Council's reputation depends on confidence in Council employees. In practice, one act of corruption can undo years of good work; and
- The Council is often the only access point for services which can have a profound impact on the well-being of people who live in the County – there is often no one else that they can turn to.

1.2 The Code contains the basic rules and principles which govern the way the Council's employees work. Where necessary, examples and explanations are given, but the Code is not an exhaustive list of the standards, and employees may still face disciplinary action for allegations of a similar nature. Breaking some rules are so serious that the Council may consider dismissing employees for a first offence without notice.

1.3 The Code applies to all the Council's employees and is recommended to schools. The Council undertakes to apply the Code's rules consistently and fairly, and expects its managers to apply the Code with rigour to ensure that the integrity of employees is beyond reproach. For example, information given on application forms is checked, and the Council works closely with the police, other local authorities and government departments to detect fraud.

2. Behave Professionally

2.1 All staff are expected to interact and work with the public and colleagues in an appropriate and professional way at all times.

- 2.2 Employees are expected to engender public trust and confidence in the Council and not to bring the organisation into disrepute. This includes action outside of work that is relevant to their job role or that may undermine public confidence in them to carry out their role. They must not knowingly publish or post anything, including on social media that could damage the reputation of the Council.
- 2.3 Employees are expected to co-operate with their manager and comply with all lawful management instructions.
- 2.4 Employees are expected to work in a professional manner with all Councillors, regardless of their political affiliation. If they have, or enter into, a close personal relationship with an Elected Member, they need to disclose this (see Section 11).

3. Act with Honesty and Integrity

- 3.1 Employees are expected to communicate openly and honestly with their line manager about their work.
- 3.2 Employees are expected to submit accurate claims for expenses and allowances – claiming only for payments they are entitled to receive. If they receive any payment in error, for example an overpayment of salary or expenses, they must notify their manager as soon as possible.
- 3.3 Employees must keep accurate records of their working time where this is required.
- 3.4 Employees must not order goods for their own personal use through a Council account. They are not permitted to use their position to obtain a discount for goods or services unless this is part of the Council's recognised employee discount scheme.

4. Act Lawfully

- 4.1 Employees must comply with the law in all aspects of their work.
- 4.2 Employees are required to immediately notify their manager in writing if they are arrested, cautioned, charged or convicted of any crime at any point during their employment. Their manager will assess whether this information has any impact on their job role.
- 4.3 If employees suspect that someone is breaking the law, they must report this by speaking to their line manager in the first instance. Alternatively, they should contact Internal Audit or raise their concerns using the Council's Whistleblowing Policy.

- 4.4 If an employee's role involves working in/managing children or adult services, they must inform their manager immediately if they are barred for any reason. If they are working in early years childcare or with/managing later years childcare (for children up to the age of 8 outside the school day), they must tell their manager immediately should they be disqualified from working with children or should someone who lives or works in their household becomes barred.

5. Respect Equality and Diversity

- 5.1 Respecting the equality and diversity of the public and colleagues is very important. Employees are expected to act in accordance with the Council's Respect@Work policy, put the Respect@Work pledge into practice, and promote the Council's commitment to equality and diversity at all times.
- 5.2 Employees must not discriminate against any individual on the basis of their protected characteristic(s) (i.e. because of age, disability, race, religion or belief, gender, sexual orientation, gender reassignment, pregnancy or maternity leave or because of a person's marital or civil partnership status).
- 5.3 Employees should appropriately challenge any discriminatory behaviour that they witness, seeking support from their line manager in the first instance.

6. Contact with the Media

- 6.1 Employees must not make statements to the media on behalf of the Council unless it is their job to do so. All media enquiries should be referred to the Council's Communications Team.

7. Fulfil Safeguarding Responsibilities

- 7.1 The Council is committed to safeguarding children and vulnerable adults, and it is essential that employees fully comply with safeguarding policies and procedures. This includes adhering to specific local rules and procedures that apply in their area of work.
- 7.2 If employees have any concerns about any aspects of safeguarding, they must raise these with their line manager in the first instance. Alternatively, they should raise any safeguarding concerns using the Whistleblowing Procedure.

8. Handle Information Securely

- 8.1 The Council has specific rules on data security, outlined in its Information Management Policy, with which employees need to read and familiarise themselves. Employees are required to comply with these rules when handling information.
- 8.2 Employees must not access or use any information obtained in the course of their employment for personal gain.

9. Comply with All Policies, Rules and Procedures

- 9.1 Employees are required to act in accordance with the Council's policies and procedures and comply with local rules that are in place in their area of work.
- IT Policies – (e.g. computer misuse policy, internet policy, email policy, mobile device policy, etc);
 - Health and safety policies and procedures (e.g. the Drug Alcohol and Substance Misuse policy and the Smoke Free Policy);
 - Anti-Money Laundering and Anti-Fraud and Corruption Policy; and
 - All employment policies.

10. Fulfil Management Responsibilities

- 10.1 If employees have line management responsibility, they must make sure their employees are aware of the Officers' Code of Conduct and address any breaches as soon as these occur.

Employees are expected to model the Council's values and behaviours and embed them within their teams, ensuring that the team's work is aligned with corporate priorities.

- 10.2 The Council expects managers to proactively manage any employment issues that arise in their team in accordance with employment policies.
- 10.3 Managers are responsible for proactively managing their team's performance and promptly addressing any performance issues that arise.
- 10.4 Managers must not be involved in making significant decisions in the course of their work that involve a relative, partner or friend. They are not permitted to line manage a partner or family member.

11. Declare Relevant Interests

11.1 Employees are required to declare any private interests and any work that they undertake elsewhere in accordance with the table below.

Situation	Action Required
Undertaking private work (paid or unpaid)	All employees must complete the Private Interests form before doing any private work. Employees on a P Grade (or equivalent) and above must also discuss with their Head of Service the potential impact of additional work on their role with the Council and agree how any potential negative impact will be avoided.
Undertaking consultancy work for another organisation	All employees must obtain permission from their Head of Service prior to undertaking consultancy work.
Potential conflicts of interest Examples include: <ul style="list-style-type: none"> • Involvement with clubs and societies that the Council works with or funds; • Involvement with organisations that provide similar services to the Council; • Directorships, including with companies that are involved with or funded by the Council; and • Relationships with elected Members 	All employees must declare any interests that they have outside of work and discuss with their line manager and agree how any conflicts can be avoided. They must also declare if their partner or a close relative has a potential conflict of interests (for example, if their partner is involved with an organisation that is tendering for work with the Council).

12. Declare Gifts and Hospitality

12.1 Employees must declare any gifts and hospitality that they are offered as detailed in the table below. If they have any doubts about whether they should accept a gift or offer of hospitality, they should speak to their line manager. There may be specific local rules that apply in their team (e.g. to protect vulnerable service users who may feel obliged to give a gift).

Situation	Action Required
Offered a token gift (value of £25 or lower)	Employees must check with their manager if this can be accepted.

	They must complete a declaration form.
Offered a gift that is more than a token gift (value of £25 or above)	<p>Employees must not accept this.</p> <p>They must return gifts that have already been received.</p> <p>They must make a declaration.</p>
Offers of hospitality	<p>Employees may attend a function in an official capacity (for example, a conference related to their job role).</p> <p>Employees must decline any invitations that are primarily or only for social purposes (and that could be viewed as trying to influence their decision making).</p>

13. Data Protection

- 13.1 Any data collected and processed as part of employing and managing employees is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure, process or activity. Records are retained and destroyed in accordance with the Council's Retention Schedule.
- 13.2 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Council's Disciplinary Procedure.

14. Further Information

Employees with questions about the Code of Conduct should speak to their line manager. Managers requiring further guidance should speak to the HR Advisory Team.

A Review of the Complaints Received Under the Members' Code of Conduct - End January 2022

To: Constitution and Ethics Committee

Meeting Date: 25 February 2022

From: Fiona McMillan, Monitoring Officer

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 September 2021 to the end of January 2022, along with details of other complaints which are in process or have been concluded.

Recommendation: The Constitution and Ethics Committee is recommended to:

Note the contents of the report.

Officer Contact:

Name: Fiona McMillan
Post: Director of Governance and Monitoring Officer
Email: fiona.mcmillan@peterborough.gov.uk
Tel: 01733 452361 (office)

Member contacts:

Names: Councillors Sebastian Kindersley / Alex Bulat
Post: Chair/Vice-Chair
Email: skindersley@hotmail.com / alex.bulat@cambridgeshire.gov.uk
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 County Councillors.
- 1.2. The requirements of the Act are supported by Article 2 (Members of the Council) in the Council’s Constitution, 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 the last update on 29th September 2021.

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, one new complaint has been received with the following still ongoing:

CONDCOMP/CCC11. A complaint was received from a member of the public on 22nd September 2021 which concerned the conduct of the subject Member during the election period. The Subject Member provided a full response to the complaint which was shared with the Complainant. The Complainant has confirmed that the response does not satisfactorily resolve their concerns and the matter is therefore awaiting discussion with the Independent Person.

CONDCOMP/CCC/06. A complaint was received from the Audit and Accounts Committee on 5th March 2021 and was reported separately to the Committee in July 2021. After receiving legal advice on the available options, the committee decided to commission an external investigation and the outcome of that investigation is being reported separately to the Committee.

2.2 Concluded Complaints

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

CONDCOMP/CCC/09. A complaint was received from a Councillor of Cambridgeshire County Council on 29th July 2021 which concerned the conduct of the subject member at the meeting of Full Council which had taken place on 22nd July 2021. The Complaint has since been withdrawn.

CONDCOMP/CCC/10. A complaint was received from a Councillor of Cambridgeshire County Council on 29th July 2021 which concerned the conduct of the subject member at the meeting of Full Council which had taken place on 22nd July 2021, specifically that the subject member had misled the meeting. The Subject Member provided a full response, however the Complainant did not accept the Subject Member's explanation and the matter was therefore discussed with the Independent Person on 17th December 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 24th December 2021.

3. Source documents

3.1 The Council's Code of Conduct, information about how to make a conduct complaint, and the process that will be followed can be found via the following link:

<https://www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member>

4. Appendices

4.1 None.

Constitution and Ethics 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

25.02.22	Agenda Items		
	1.	Code of Conduct Investigation	F McMillan
	2.	Motions on Notice	M Rowe
	3.	Officers Code of Conduct	J Atkin
	4.	A Review of the Complaints Received under the Members' Code of Conduct up to the 17th January 2022	F McMillan

26.04.22	Agenda Items		
Report Deadline: 06.04.22 Agenda Despatch: 18.04.22	1.	Joint Area Committees	M Rowe
	2.	Revised Contract Procedure Rules	C Ellis
	3.	Appointment of Independent Person(s)	F McMillan
	4.	A Review of the Complaints Received under the Members' Code of Conduct up to the 14 th April 2022	F McMillan

21.06.22	Agenda Items		
Report Deadline: 3.06.22 Agenda Despatch: 10.06.22		No items currently scheduled	

