

CONSTITUTION AND ETHICS COMMITTEE



Date: Thursday, 27 June 2019

Democratic and Members' Services

Fiona McMillan
Monitoring Officer

14:00hr

Shire Hall
Castle Hill
Cambridge
CB3 0AP

**Kreis Viersen Room
Shire Hall, Castle Hill, Cambridge, CB3 0AP**

AGENDA

Open to Public and Press

- 1. Election of Vice-Chairman/woman**
- 2. Apologies for absence and declarations of interest**
Guidance on declaring interests is available at
<http://tinyurl.com/ccc-conduct-code>
- 3. Minutes - 4th April 2019** **5 - 14**
- 4. Proposal to Update the Terms of Reference for the Cambridgeshire Health and Wellbeing Board and to Create a Further Joint Sub-Committee...** **15 - 34**
- 5. Review of Complaints Procedure for Conduct Complaints** **35 - 38**
- 6. Selection and Appointment of Independent Person(s)** **39 - 54**
- 7. Social Media Code for Councillors** **55 - 64**

8.	Gifts and Hospitality	65 - 76
9.	Scheme of Delegation to Officers	77 - 80
10.	Pension Fund Committee Investment Sub-Committee - Substitution Arrangements	81 - 84
11.	A review of the complaints received under the Members' Code of Conduct to end of June 2019	85 - 86
12.	C&E Agenda Plan 2019	87 - 88

The Constitution and Ethics Committee comprises the following members:

Councillor Lis Every (Chairwoman) Councillor Kevin Reynolds (Vice-Chairman)

Councillor David Connor Councillor Lynda Harford Councillor Roger Hickford Councillor
Sebastian Kindersley Councillor Lucy Nethsingha and Councillor Jocelynne Scutt

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

Clerk Name: Nick Mills

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Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccc-film-record>.

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CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Thursday 4th April 2019

Time: 2:00pm – 3:40pm

Venue: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M McGuire (Chairman), I Bates, D Connor, L Dupre, R Hickford, L Nethsingha and J Scutt

Apologies: Councillors K Reynolds (Vice-Chairman) and P Topping

61. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Reynolds (substituted by Councillor Bates) and Councillor Topping.

A non-statutory disclosable declaration of interest under the Code of Conduct was made by Councillor Connor with regard to Minute No. 67 as the Chairman of the Planning Committee.

Non-statutory disclosable declarations of interest were also made by Councillors Bates and Nethsingha with regard to Minute No.70, as they were named in two of the cases contained within the report.

62. MINUTES – 28TH FEBRUARY 2019

The minutes of the meeting held on 28th February 2019 were approved as a correct record and signed by the Chairman.

63. SCHEME OF FINANCIAL MANAGEMENT

The Committee received a report detailing proposed changes to the Council's Scheme of Financial Management (SoFM). A fundamental review of the SoFM had been carried out following the change of financial system from Oracle e-Business Suite to ERP Gold at the beginning of 2018/19, and the proposed changes were a reflection of the recommendations that had arisen following the review. The Head of Finance noted that it had also provided an opportunity to resolve various administrative issues and other inconsistencies that had been identified within the document.

While discussing the report, Members:

- Sought confirmation that when the Chief Finance Officer made use of the delegated power to approve capital bids, as outlined in the second bullet point of Section 2.2 of the report, such action would be reported to Members. The Head of Finance affirmed that any such approvals would be reported to the General Purposes Committee (GPC).

- Suggested that £250k was a relatively low figure to be considered as the cut off point for the delegated power of approval, given that many projects had costs that were significantly higher than this. It was acknowledged that the figure was perhaps low but that it would still reduce the number of projects requiring approval by the GPC.
- Agreed to include a link to an online version of the updated Scheme of Financial Management in the forthcoming Council agenda, rather than include the whole document itself.

It was resolved unanimously to:

- a) Review the updated Scheme of Financial Management; and
- b) Recommend to Full Council that it approves the revised Scheme of Financial Management for inclusion in the Council's Constitution.

64. CHANGES TO CONSTITUTION – HIGHWAYS & COMMUNITY INFRASTRUCTURE AND COMMUNITIES & PARTNERSHIP COMMITTEES

The Committee received a report that proposed a series of changes to the Constitution in relation to the responsibilities of the Highways & Community Infrastructure (HCI) Committee and the Communities & Partnership (CP) Committee. The proposed changes reflected the senior management restructure that had resulted in most of Cultural and Community Services (C&CS) moving in to the People and Communities directorate, within Community and Safety.

While considering the proposals, Members:

- Discussed the capacity of the CP Committee to absorb the highly significant role, given that it already had a busy schedule of meetings and workshops with full agendas. It was, however, noted that the CP Committee itself had for some time been requesting such a change, based on the belief that it would develop stronger links in its wider work and strategy, and that it had not expressed any reservations about taking on the extra responsibility.
- Suggested that the C&CS had always been a peculiar partner for Highways, although it was noted that there had been only four committees when the committee structure was adopted in 2014 and there had not been a suitable committee for it to sit in at the time. Now that the CP Committee had been established, it made sense for C&CS to sit within that committee's remit.
- Acknowledged that the Chairmen of both the CP Committee and the HCI Committee had been consulted over the proposals and given their approval.
- Recognised that Members of the HCI Committee had always been highly interested in the topics under discussion and had shown great diligence in addressing them.
- Sought clarification over the cost implications of changing the HCI Committee's name to the Highways Committee. The Democratic Services Manager informed Members that the cost implications were minimal.

- Considered that given Economy & Environment (E & E) Committee had also seen a large portion of its work taken over by the Cambridgeshire and Peterborough Combined Authority, a merging of the E & E Committee and Highways Committee would cut costs and streamline work. It was agreed to recommend to Group Leaders that the overall committee structure be reviewed in light of the changes to the overall governance of the Council and the Combined Authority.
- Agreed to amend recommendation (b), noting that there was no need for Council to approve an update of the Scheme of Authorisation, whereas it would need to approve the change to the Scheme of Delegation to Officers.

It was resolved unanimously to:

- a) Transfer responsibility for the following functions from Highways & Community Infrastructure Committee to Communities & Partnership Committee:
 - Libraries
 - Archives
 - Culture (Partnerships, Projects & Funding Team)
 - Registration
 - Coroners
- b) Update the Scheme of Delegation to Officers
- c) Rename the Highways & Community Infrastructure Committee as the Highways Committee
- d) Recommend these changes to Council for approval at its meeting on 14th May 2019.
- e) Recommend to Group Leaders that the overall committee structure be reviewed in light of the changes to the overall governance of the Council and the Combined Authority.

65. UPDATE FOLLOWING PUBLICATION OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REPORT ON LOCAL GOVERNMENT'S ETHICAL STANDARDS IN JANUARY 2019.

The Committee received a report highlighting the key recommendations drawn from the recent Local Government Ethical Standards Review Report from the Committee on Standards in Public Life. It was noted that many of the suggested changes required primary legislation to the Localism Act 2011, while others were awaiting the publication of a new model code of conduct by the Local Government Association and the Monitoring Officer was unable to provide a timescale for either of these. Despite this, there were many points of best practice that could be implemented immediately. The Monitoring Officer noted that any proposed changes by Members would need to be considered in a further specific report at a later Committee meeting, with some then proceeding to Council for approval if necessary.

While considering the recommendations listed in the report's appendix, Members:

- Discussed the need for a social media code in order to adapt the changes expected in R3 of Appendix 1. Members established that both the current and the proposed rules were only applicable with regard to public arenas, excluding closed or private websites, as well as private exchanges. It was agreed for the Monitoring Officer to present a report on adopting a social media code of conduct at the next meeting.
- Noted that there was a lack of clarity over rules regarding gifts and hospitality. An example was given of whether Members were required to include the value of an accompanying partner when declaring an invitation to an event, as this often affected whether the value was over or above the £25 level adopted by the Council. It was suggested that £25 was a low requirement for declarations of gifts and hospitality, considering that some neighbouring local councils set the requirement as high as £100. It was agreed for the Monitoring Officer to present a report at the next meeting concerning the requirement for making a declaration, which would include a proposal to raise the financial level, as well as providing more detailed guidance than was currently provided.
- Considered the proposal for political groups to require Members to attend formal induction training, as suggested in R25 of Appendix 1, noting that it was difficult to obligate Members to undertake training. It was agreed for the political groups to discuss the matter among themselves.
- Expressed concern over the Council policy of publishing decision notes upon the completion of preliminary considerations of complaints made against Members, noting that other councils were known to publish information only if the complaint led to a formal investigation. It was argued that the guidance in the report supported the idea of publishing a decision notice only when the Monitoring Officer had judged the complaint to warrant an investigation. Members acknowledged the value of informing the public when a person was exonerated, as well as the fact that it was difficult to restrict members of the public from making their initial complaints public. It was agreed that the Monitoring Officer would present a report at the next meeting proposing changes to the decision notice publication process.

It was resolved unanimously to:

- a) Note the recommendations contained within the Committee on Standards in Public Life report on Local Government Ethical Standards;
- b) Request the Monitoring Officer to revise the Members' Code of Conduct, Constitution or Guidance as necessary, in consultation with the Constitution and Ethics Committee, to bring in to effect the required changes when appropriate; and
- c) Agree that the Committee should receive reports at its next meeting on the social media code of conduct, gifts and hospitality, and complaint decision notices.

66. ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)

The Committee received a report outlining proposed arrangements to be recommended to Council regarding the appointment of an Independent Person or Persons. Members were informed of the recently published report on Local Government Ethical Standards by the Committee on Standards in Public Life detailing best practice in relation to the appointment of Independent Persons including the need for local authorities to have access to two Independent Persons. It was noted that the Council currently had one Independent Person, as the second appointee had resigned in October 2017.

A review of the Committee's Terms of Reference was also proposed, in order to assign the duty of selecting candidates for recruitment as Independent Persons to the Constitution and Ethics Committee, although the duty of appointing Independent Persons would remain with the Council.

While considering the proposals, Members:

- Sought clarification over why the process of recruitment had not been initiated 18 months previously, when one of the Independent Persons had resigned his post. Members were informed that the Cambridgeshire and Peterborough Combined Authority had proposed forming a pool of Independent Persons which could be accessed by local authorities across the County, although little work had been done on forming such a joint panel and the proposal had now seemingly been dissolved.
- Established that the role description required any potential Independent Person to declare their political affiliation.
- Discussed whether the Council would be able to unappoint an Independent Person, were it deemed necessary. The Monitoring Officer informed Members that the position was a non-contractual appointment which carried an honorarium, meaning that the Council could simply stop using an Independent Person in the event of such a situation. It was noted that this served to highlight another benefit of having more than one Independent Person.
- Agreed that £500 was a reasonable remuneration for the level of work required of an Independent Person, although some members suggested that it was low and that further payments could be given on the basis of the number of cases on which they worked. It was noted that the average remuneration across a sample of 20 local authorities was £636, with some neighbouring authorities offering higher remuneration £1000, although Members argued that this was not a fair comparison as the quantity of work differed between authorities.

It was resolved unanimously to recommend to Council to:

- a) Authorise the Monitoring Officer, in consultation with the Chairman/woman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of suitable candidates to be recommended to Full Council for appointment as an Independent Person; and

- b) Amend the Constitution and Ethics Committee's Terms of Reference to include the authority to select and recommend to Council persons for appointment as an Independent Person.
- c) Set the level of remuneration at £500 for each Independent Person so that it can be included in information supplied to applicants for the post of Independent Person.

67. CHAIRMEN/WOMEN AND VICE-CHAIRMEN/WOMEN OF COMMITTEES

The Constitution and Ethics Committee received a report detailing proposed changes to the Constitution regarding the appointment and removal of Chairmen/women and Vice-Chairmen/women of Committees. In the presentation of the report it was noted that all Chairmen/women that received a Special Responsibility Allowance (SRA) were appointed by Council, except for those in the Audit & Accounts, Pension Fund and Planning Committees. It was also argued that if Council had the power to appoint Chairmen/women, it should also have the power to remove them.

While discussing the proposals contained within the report, Members:

- Noted that the three Committees in question were based on impartiality, and some Members expressed concern that giving Full Council the ability to remove the Chairmen/women would at the very least detract from the perception of impartiality. Other Members argued that the important issue was that the committee itself remained impartial and that the position of the Chairman/woman did not affect that.
- Praised the current independent nature of the three committees, noting that this was not always the case in other counties. Some Members objected that the proposed changes would potentially make it more likely for problems in the future, even though the committees were currently functioning well.
- Considered whether there would be a shift in the power balance, as the proposed changes would allow the majority group to remove the Chairmen/women of some committees which were by convention chaired by another Group to the majority. Normally such decisions would be made by the Group to which the Chairman/woman belonged.
- Suggested that any report that came to Full Council requesting the removal of the Chairman/woman of one of the committees would lead to the discussion being held in public and would therefore increase transparency and accountability.
- Sought clarification over whether Full Council could currently remove Chairmen/women of the other committees appointed by Council and it was confirmed by the Monitoring Officer that this was the case. It was also clarified that the Chairmen/women of these committees would be appointed at each Annual Meeting.

Having considered the proposed amendments, it was resolved by majority to:

Recommend the changes to Full Council.

68. PROTOCOL ON MEMBER/OFFICER RELATIONS

Following a review of the protocol on Member/Officer Relations, the Committee received a report proposing some slight changes. Special emphasis was placed on the suggestions made in sections 2.7 and 2.8 of the report, with regard to Officers meeting non-County Council elected representatives and keeping local Members informed.

While considering the proposals, Members:

- Sought clarification over which Council employees were classed as officers. The Monitoring Officer confirmed that all employees working for the Council were classed as officers and were covered by the protocol.
- Noted that while Section 3.1 of the protocol ensured that officers were able to seek assistance from Local Members in the same way as any other member of the public, the same assurances were not given for Members themselves. The Monitoring Officer informed Members that they would be treated like any other member of the public whenever they asked for it to be so, although she agreed to one Member's request to include such a guarantee within the protocol.
- Obtained agreement from the Monitoring Officer to add 'or any other personal matter' to the end of Section 5.8 of the protocol.
- Established that Section 7.1 of the protocol did not prevent Members from disclosing information to other Members within either their own Group or any other Group. It was noted that the restrictions on disclosing information were limited to officers.
- Agreed to amend the first section of Section 7.6 of the protocol in the following way (addition in bold, removal in strikethrough):
*Finally, any Council information provided to a Member must ~~only~~ be used by the Member **solely** for the purpose for which it was provided...*
- Expressed concern that the proposed addition to Section 8.2 of the protocol would risk slowing down processes due to the difficulty in ensuring a time when both Local Members would be available. The Monitoring Officer noted that the important issue was that both Local Members needed to be aware of any meeting and suggested overcoming this concern by amending the proposed amendment as follows (additions in bold, removal in strikethrough):
*The officer will then meet the Councillor or elected representative ~~in the presence of the relevant~~ **and the** County Councillor for the Division **will be invited**.*
- Discussed replacing the phrase 'can expect to' in Section 10.1 of the protocol with the word 'should', to place greater importance on the responsibility of keeping Local Members informed. It was eventually agreed to replace the phrase with the word 'will'.

- Expressed a preference for maintaining a reference to the contribution to decisions in Section 10.2 of the protocol. The Monitoring Officer suggested amending the second paragraph to the following, which was agreed by the Committee (addition in bold):

*Local Members shall also be kept informed about matters affecting their decisions during the formative stages of policy development and discussion at informal meetings, **to enable them to contribute to the decision-making process.***

- Expressed concern that the proposed addition to Section 10.6 of the protocol was impractical and hard to define. It was noted that the key issue was ensuring that officers were kept abreast of any meetings so that they were not put in a difficult position at a later date due to being unaware of what had been said.
- Noted that it could be confusing for officers establishing which division they were in, often leading to them approaching incorrect Members. Websites such as www.my.cambridgeshire.gov.uk and www.writetothem.com were both identified by Members as helpful tools for establishing the local Member for a certain area and then communicating with them.

Having considered the amendments laid out in Appendix 1 of the report and pending the changes raised during the discussion, it was resolved unanimously to:

Recommend the changes laid out in Appendix 1 to Full Council.

69. SCHEME OF DELEGATION

The Committee received a report on the Scheme of Delegation for its consideration. It was noted that the Constitution required the Scheme of Delegation to be considered at each Annual Meeting of the Council. Members agreed to a request to provide a link to the document when published in the Council agenda for the meeting on 14th May 2019, as opposed to publishing the whole document.

It was resolved unanimously to:

Recommend to Council that it agree the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree.

70. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO END OF MARCH 2019

The Committee received a review of the complaints received under the Members Code of Conduct up until the end of March 2019. Three complaints had been completed and after the Monitoring Officer and Independent Person had considered the matters, it was decided that no breaches of the code had occurred and that no further action was required. The decision notices were published on the Council website.

In the course of the discussion, Members expressed concern about Bullying UK's definition of bullying, noting that by limiting use of the term to only repeat offences there was a risk of ignoring aggressive behaviour that occurred as a one off event.

It was resolved to:

Note the contents of the report.

71. AGENDA PLAN

While considering the Committee's agenda plan, one Member requested a report on introducing substitute members to the Pension and Investment Sub-Committee who were not members of the Pension Committee. The Democratic Services Manager advised Members that such a process was complicated by the fact that members of that particular committee required training and induction, although she committed to investigate the possibility.

Members noted that further additions would be made to the agenda plan including reports on the introduction of a social media code of conduct, declarations of gifts and hospitality, as well as the publication of decision notices.

Noting that it would be his last meeting as Chairman of the Constitution and Ethics Committee, Councillor McGuire thanked the members of the Committee for their support and input over the last two years.

The Committee also recorded its thanks to the Chairman for his excellent chairing of the Committee during his term of office.

Chairman
27th June 2019

**PROPOSAL TO UPDATE THE TERMS OF REFERENCE FOR THE
CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD AND TO CREATE A
FURTHER JOINT SUB-COMMITTEE WITH PETERBOROUGH BOARD**

To: **Constitution and Ethics Committee**

Meeting Date: **27 June 2019**

From: **Director of Governance and Legal Services and
Monitoring Officer**

Electoral division(s): **All**

Purpose: **To present a proposal from the Cambridgeshire Health and Wellbeing Board to update its terms of reference by aligning them with those of the Peterborough Health and Wellbeing Board, and to amend the terms of reference for the Joint Cambridgeshire and Peterborough Health and Wellbeing Board (a sub-committee comprising both boards), and create a further joint sub-committee of the Cambridgeshire and Peterborough Health and Wellbeing Boards.**

Recommendation: **The Constitution and Ethics Committee is asked to:**

- a) recommend the updated terms of reference for the Cambridgeshire Health and Wellbeing Board and the Joint Cambridgeshire and Peterborough Health and Wellbeing Board (a sub-committee comprising both boards) to full Council for approval; and**
- b) recommend the proposed terms of reference for the new sub-committee of the Health and Wellbeing Board to full Council for approval.**

<i>Officer contact:</i>		<i>Member contact:</i>	
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1. BACKGROUND

- 1.1 In November 2018, the Cambridgeshire Health and Wellbeing Board agreed to the establishment of a Joint Sub-Committee with the Peterborough Health and Wellbeing Board, with the full membership of both Boards. The rationale was that this would support joint working across the system and enable the Health and Wellbeing Boards to have a stronger strategic influence on the work of NHS organisations such as the Cambridgeshire and Peterborough Clinical Commissioning Group and the Cambridgeshire and Peterborough Sustainable Transformation Partnership (STP), which work across the two areas. The creation of a joint sub-committee with full membership of both Health and Wellbeing Boards was approved at full Council on 11 December 2018 following a recommendation from Constitution and Ethics Committee on 29 November 2019.
- 1.2 A joint development workshop for Cambridgeshire and Peterborough Health and Wellbeing Boards on 28th March 2019 explored options for how to take further forward joint working and priorities across the two Health and Wellbeing Boards. Two distinct roles of the Health and Wellbeing Boards were identified for joint work. The first was a system leadership role for health and wellbeing, for which representation from a range of organisations which impact on the wider determinants of health was required. The second was oversight of detailed financial, joint commissioning and integration issues for health and social care, specific to NHS commissioners and upper tier local authorities, which could be done more efficiently by a smaller group, reflecting the core statutory membership of the Health and Wellbeing Boards.

2. MAIN ISSUES

- 2.1 At its meeting on 30 May 2019, the Health and Wellbeing Board endorsed the creation of a joint infrastructure which will effectively deliver both roles of the Health and Wellbeing Boards. It is proposed to create a second Joint Sub-Committee (Core Joint Sub-Committee), and amend the terms of reference of the existing (Whole System) Joint Sub-Committee, comprising the full membership of both Boards, as follows:

Whole System Joint Sub-committee

Membership:	Full membership of both Cambridgeshire HWB Board and Peterborough HWB
Role:	To drive forward wider system health and wellbeing priorities, which require involvement from a range of organisations.
Delegations:	Approve Cambridgeshire and Peterborough Joint Strategic Needs Assessments Approve Cambridgeshire and Peterborough Joint Health and Wellbeing Strategy

Core Joint Sub-committee

Membership:	Core statutory HWB Board membership – equal across Cambridgeshire and Peterborough HWBs Total of seven to nine members <ul style="list-style-type: none">- Four Local Authority members (including the Chairs of both HWB Boards or a nominated substitute, Director of Public Health, Director of Adult Social Care & Children)- Four Clinical Commissioning Group members- One representative of Cambridgeshire and Peterborough Healthwatch
Role:	To drive forward and oversee joint commissioning and integration of specific NHS / upper tier local authority services.
Delegations:	Better Care Fund approval Joint commissioning of NHS and LA social care / public health services

2.2 It is also proposed that the two parent Health and Wellbeing Boards would continue to meet to cover Cambridgeshire only and Peterborough only issues. Overall during one year the proposed calendar of meetings would include:

- Two meetings of the Cambridgeshire (parent) Health and Wellbeing Board
- Two meetings of the Whole System Joint Sub-Committee
- Four meetings of the Core Joint Sub-Committee

2.3 In order to enable clear delegation of functions to the two sub-committees, the Monitoring Officer has advised that the terms of reference of the Cambridgeshire Health and Wellbeing Board and the Peterborough Health and Wellbeing Board should be aligned, so that the same wording is used to describe their functions. This will enable clarity in the delegation of functions to sub-committees. Since both Health and Wellbeing Boards have the same statutory duties, but describe the functions of the Board in different levels of detail, this alignment is relatively straightforward. The proposed updated terms of reference for the Cambridgeshire Health and Wellbeing Board and the two proposed Joint Sub-Committees are attached as **Annex A**.

Source Documents	Location
Cambridgeshire Health and Wellbeing Board – 22 November 2018, 30 May 2019 Constitution and Ethics Committee – 29 November 2018 Full Council – 11 December 2018	https://cambridgeshire.cmis.uk.com/cc/c_live/Committees.aspx



Annex A

Additions in bold and deletions in strikethrough

**12. CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD
TERMS OF REFERENCE**

Introduction

The Cambridgeshire Health and Wellbeing Board (HWB) is established as a committee of the County Council under section 102 of the Local Government Act 1972. Its remit is to work to promote the health and wellbeing of Cambridgeshire's communities and its focus is on securing the best possible health outcomes for all residents.

Membership

- Five County Councillors ~~(to include the Chairman/woman, or Vice-Chairman/woman or any member of the following: Adults, the Health, and the Children and Young People Policy and Service Committees)~~
- Five nominated District Council representatives (supported by Senior District Council officer with Observer Status)
- Three representatives of the Clinical Commissioning Group (CCG) (nominated by the CCG Governing Body)
- ~~Five representatives for NHS providers (a mix of non-executive directors and executives, one each from Cambridge University Hospitals NHS Foundation Trust; Cambridgeshire and Peterborough NHS Foundation Trust; Cambridgeshire Community Services NHS Trust; Hinchingsbrooke Health Care NHS Trust; Papworth Hospital NHS Foundation Trust)~~
- One representative of the local HealthWatch*
- Director of Public Health*
- Executive Director: People and Communities*
- Representative of NHS Commissioning Board*
- **Representative of Cambridge University Hospitals NHS Foundation Trust (CUHFT)**
- **Representative of North West Anglia NHS Foundation Trust (NWAFT)**
- **Representative of Papworth Hospital NHS Foundation Trust**
- **Representative of Cambridgeshire and Peterborough NHS Foundation Trust (CPFT)**
- **Representative of Cambridgeshire Community Services NHS Trust (CCS)**
- **Representative of the voluntary and community sector**
- ~~Chief Finance Officer (Section 151 Officer)~~
- ~~One representative of the Voluntary Sector~~

* Statutory members of the HWB. There is also a statutory requirement for at least one Local Authority Councillor, ~~and at least one representative of the CCG,~~ to be a member of the HWB.



Health and Wellbeing Board Powers and Functions

Delegated Authority	Delegated Statutory Reference/ Condition
Authority to prepare the Joint Strategic Needs Assessment (JSNA): To develop a shared understanding of the needs of the community through developing and keeping under review the JSNA and to use this intelligence to refresh the Health & Wellbeing Strategy	Section 116, Local Government and Public Involvement in Health Act 2007 Section 196, Health and Social Care Act 2012
Authority to prepare the Joint Health and Wellbeing Strategy based on the need identified in the Joint Strategic Needs Assessment and overseeing the implementation of the Strategy, which informs and influences the commissioning plans of partner agencies	Section 116A, Local Government and Public Involvement in Health Act 2007. Section 196, Health and Social Care Act 2012
Authority to respond to consultations about commissioning plans issued by clinical commissioning groups in connection with Section 26 of the Health and Social Care Act 2012	Section 26, Health and Social Care Act 2012
Authority to encourage persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner	Section 195, Health and Social Care Act 2012
Authority to provide any advice, assistance and support it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006	Section 195, Health and Social Care Act 2012 Section 75, NHS Act 2006
To consider options and opportunities for the joint commissioning of health and social care services for children, families and adults in Cambridgeshire to meet identified needs (based on the findings of the Joint Strategic Needs Assessment) and to consider any relevant plans and strategies regarding joint commissioning of health and social care services for children and adults.	

Delegated Authority	Delegated Statutory Reference/ Condition
To identify areas where joined up or integrated commissioning, including the establishment of pooled budget arrangements would benefit improving health and wellbeing and reducing health inequalities.	
By establishing sub groups as appropriate give consideration to areas of joint health and social care commissioning, including but not restricted to services for people with learning disabilities.	
To keep under consideration, the financial and organisational implications and impact on peoples experience of joint and integrated working across health and social care services, and to make recommendations for ensuring that performance and quality standards for health and social care services to children, families and adults are met and represent value for money across the whole system.	
Authority to prepare and provide Health and Wellbeing Board sign off for the Better Care Fund Plan.	
Authority to discharge any other functions specifically reserved to be undertaken by the Health and Wellbeing Boards as set out in legislation, guidance, circulars and directives received from national government.	



Cambridgeshire Health and Wellbeing Board (Standing Orders)

1. Co-optees

The Chairman/woman or the Board will be entitled to appoint, in consultation with the Board via e-mail, up to 3 people at any one time as non-voting co-opted members of the Board. The Board shall determine whether the co-options shall be for a specified period, for specific meetings or for specific items. Co-options may only be made if the person co-opted has particular knowledge or elected expertise in the functions for which the Board is responsible, or knowledge/responsibility for a geographic or academic agenda issue.

2. Notice of Meetings

Meetings of the Board will be convened by the County Council, who will also arrange the clerking and recording of meetings (a member of the County Council's Democratic Services Team will act as Clerk).

3. Chairmanship

The appointment of the Chairman/woman will be determined by full Council at the annual general meeting, or at any subsequent meeting should the need arise; having regard to recommendations from the Leader of the Council. The Cambridgeshire Health and Wellbeing Board will elect annually a Vice- Chairman/woman who will not represent the County Council.

4. Quorum

The quorum for all meetings of the Board will be five members (~~Chairman/woman or Vice-Chairman/woman to be in attendance~~).

5. Appointment of Substitute Members

Nominating groups may appoint a substitute member for each position. These members will receive electronic versions of agendas and minutes for all meetings. Notification of a named substitute member must be made in writing or by email to the Clerk. Substitute members may attend meetings after notifying the Clerk of the intended substitution before the start of the meeting either verbally or in writing. Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.

6. Decision Making

It is expected that decisions will be reached by consensus, however, if a vote is required it will be determined by a simple majority of those members present and voting. If there are equal numbers of votes for and against, the Chairman/woman will have a second or casting vote. There will be no restriction on how the Chairman/woman chooses to exercise a casting vote.



7. Meeting Frequency

The Board will meet *at least two times* a year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Board meeting may be called by the Chairman/woman, by any three members of the Board or by the Director of Public Health if he/she considers it necessary or appropriate.

8. Supply of information

The Health and Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request—

- (a) the local authority that established the Health and Wellbeing Board;
- (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8) of the Health and Social Care Act 2012 (“the 2012 Act”);
- (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) but is not acting as a representative.

A person who is requested to supply information under (a), (b) and (c) must comply with the request. Information supplied to a Health and Wellbeing Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.

9. Status of Reports

Meetings of the Board shall be open to the press and public and the agenda, reports and minutes will be available for inspection at Cambridgeshire County Council’s offices and on the County Council’s website at least five working days in advance of each meeting. [This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and Schedule 12A to the Local Government Act 1972 as amended.] Other participating organisations may make links from their website to the Board’s papers on Cambridgeshire County Council’s website.

10. Press Strategy

An electronic link to agendas for all meetings will be sent to the local media. Cambridgeshire County Council will be responsible for issuing press releases on behalf of the Board and dealing with any press enquiries. Press releases issued on behalf of the Board will be agreed with the Chairman/woman or Vice-Chairman/woman and circulated to all Board members.

11. Members’ Conduct

Part 5 - Codes and Protocols of the County Council’s Constitution applies to all elected and ‘co-opted’ members of the Board.



http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution

12. Amendment of the Terms of Reference

The Board may recommend variations to its Terms of Reference by a simple majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting.

13. Governance and Accountability

The Board will be accountable for its actions to its individual member organisations. There will be sovereignty around decision making processes. Representatives will be accountable through their own organisations for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference. Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies. It is expected that decisions will be reached by consensus.

Health and Wellbeing Board Support Group

This is a working group mainly consisting of officers to discuss actions from Health and Wellbeing Board meetings and to help develop papers for the Health and Wellbeing Board



12.1 ~~JOINT CAMBRIDGESHIRE AND PETERBOROUGH HEALTH & WELLBEING BOARD WHOLE SYSTEM JOINT (A SUB-COMMITTEE COMPRISING OF BOTH BOARDS): TERMS OF REFERENCE~~

Membership

Membership will comprise the full membership of both the Cambridgeshire and Peterborough Health and Wellbeing Boards. The Chairman/woman of the Sub-Committee shall alternate annually between the Chairman/woman of the Cambridgeshire and Peterborough Health and Wellbeing Boards. The Vice-Chairman/woman of the Sub-Committee shall be selected and appointed by the membership of the Sub-Committee.

~~Overview of Functions~~

~~The Sub-Committee has delegated authority to exercise all the Health and Wellbeing Board's functions relating jointly to Cambridgeshire and Peterborough, with the exception of functions relating to Cambridgeshire only which will remain with the Cambridgeshire Health and Wellbeing Board.~~

Aim: To drive forward wider system health and wellbeing priorities, which require involvement from a range of organisations.

Delegated Authority	Delegated Statutory Reference/ Condition
Authority to prepare the Joint Strategic Needs Assessment (JSNA) for Cambridgeshire and Peterborough : To develop a shared understanding of the needs of the community through developing and keeping under review the JSNA and to use this intelligence to refresh the Health & Wellbeing Strategy.	Section 116, Local Government and Public Involvement in Health Act 2007 Section 196, Health and Social Care Act 2012
Authority to prepare the Joint Health and Wellbeing Strategy for Cambridgeshire and Peterborough based on the need identified in the Joint Strategic Needs Assessment and overseeing the implementation of the Strategy, which informs and influences the commissioning plans of partner agencies.	Section 116A, Local Government and Public Involvement in Health Act 2007. Section 196, Health and Social Care Act 2012
Authority to approve non-statutory joint strategies on health and wellbeing issues (e.g. Cambridgeshire and Peterborough suicide prevention strategy), subject to agreement by the Chairs and Vice-Chairs of the two parent Health and Wellbeing Boards.	



Delegated Authority	Delegated Statutory Reference/ Condition
Authority to respond to consultations about commissioning plans issued by clinical commissioning groups in connection with Section 26 of the Health and Social Care Act 2012 [Cambridgeshire & Peterborough jointly]	Section 26, Health and Social Care Act 2012
Authority to encourage persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner [Cambridgeshire & Peterborough jointly]	Section 195, Health and Social Care Act 2012
Authority to provide any advice, assistance and support it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006 [Cambridgeshire & Peterborough jointly]	Section 195, Health and Social Care Act 2012 Section 75, NHS Act 2006
Authority to discharge any other functions specifically reserved to be undertaken by the Health and Wellbeing Boards as set out in legislation, guidance, circulars and directives received from national government. [Cambridgeshire & Peterborough jointly]	



CAMBRIDGESHIRE AND PETERBOROUGH HEALTH AND WELLBEING BOARD WHOLE SYSTEM JOINT SUB-COMMITTEE (STANDING ORDERS)

1. Notice of Meetings

Meetings of the Whole System Sub-Committee will be convened by Cambridgeshire County Council and Peterborough City Council on an alternating basis. The convening Council will also arrange the clerking and recording of meetings (a member of the Councils' Democratic Services Teams will act as Clerk).

2. Chairmanship

The Chairmanship will alternate annually between the Chair of the Cambridgeshire Health and Wellbeing Board and the Chair of the Peterborough Health and Wellbeing Board (*except for the first appointment where the appointed Chair will chair until the end of the 2020/21 municipal year*). The Joint Sub-Committee will elect annually a Vice- Chairman/woman who will not represent either Council.

3. Quorum

The quorum for all meetings of the Joint Sub-Committee will be four members including members from both Councils and the CCG.

4. Appointment of Substitute Members

Nominating groups may appoint a substitute member for each position. These members will receive electronic versions of agendas and minutes for all meetings. Notification of a named substitute member must be made in writing or by email to the Clerk. Substitute members may attend meetings after notifying the Clerk of the intended substitution before the start of the meeting either verbally or in writing. Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.

5. Decision Making

It is expected that decisions will be reached by consensus, however, if a vote is required it will be determined by a simple majority of those members present and voting. If there are equal numbers of votes for and against, the Chairman/woman will have a second or casting vote. There will be no restriction on how the Chairman/woman chooses to exercise a casting vote.



6. Meeting Frequency

The Sub-Committee will meet at least twice a year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Board meeting may be called by the Chairman/woman, by any three members of the Board or by the Director of Public Health if he/she considers it necessary or appropriate.

7. Supply of information

The Sub-Committee may, for the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request—

- (a) the local authority that established the Health and Wellbeing Board;
- (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8) of the Health and Social Care Act 2012 (“the 2012 Act”);
- (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) but is not acting as a representative.

A person who is requested to supply information under (a), (b) and (c) must comply with the request. Information supplied to a Health and Wellbeing Board or its Sub-Committees under this section may be used only for the purpose of enabling or assisting it to perform its functions.

8. Status of Reports

Meetings of the Whole System Joint Sub-Committee shall be open to the press and public and the agenda, reports and minutes will be available for inspection at both Cambridgeshire County Council and Peterborough City Council’s offices and on the Council’s websites at least five working days in advance of each meeting. [This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and Schedule 12A to the Local Government Act 1972 as amended.] Other participating organisations may make links from their website to the Sub-Committee’s papers.

9. Press Strategy

An electronic link to agendas for all meetings will be sent to the local media by the Councils’ press offices. Press releases issued on behalf of the Board will be agreed with the Chairman/woman or Vice-Chairman/woman and circulated to all Board members.



10. Members' Conduct

The codes of conduct and protocols of the relevant Council will apply to all elected and 'co-opted' members of the Board.

11. Governance and Accountability

The Sub-Committee will be accountable for its actions to the Health and Wellbeing Boards and their individual member organisations. There will be sovereignty around decision making processes. Representatives will be accountable through their own organisations for the decisions they take. It is expected that Members of the Sub-Committee will have delegated authority from their organisations to take decisions within the terms of reference. Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies. It is expected that decisions will be reached by consensus.



12.2 CAMBRIDGESHIRE AND PETERBOROUGH HEALTH AND WELLBEING BOARD CORE JOINT SUB-COMMITTEE: TERMS OF REFERENCE

Membership

- **Chairman/woman of Cambridgeshire and Peterborough Health and Wellbeing Boards**
- **Four representatives of the Clinical Commissioning Group (CCG) (nominated by the CCG Governing Body)**
- **One representative of the local HealthWatch**
- **Director of Public Health**
- **Executive Director: People and Communities**

Aim: To drive forward and oversee joint commissioning and integration of specific NHS / upper tier local authority services.

Delegated functions

Delegated authority	Delegated condition
Authority to respond to consultations about commissioning plans issued by clinical commissioning groups in connection with Section 26 of the Health and Social Care Act 2012, where the response is for both Cambridgeshire and Peterborough.	Section 26, Health and Social Care Act 2012
Authority to encourage persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner, where this involves both Cambridgeshire and Peterborough.	Section 195, Health and Social Care Act 2012
Authority to provide any advice, assistance and support it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006, where this involves both Cambridgeshire and Peterborough	Section 195, Health and Social Care Act 2012 Section 75, NHS Act 2006



To consider options and opportunities for the joint commissioning of health and social care services for children, families and adults in Cambridgeshire and Peterborough to meet identified needs (based on the findings of the Joint Strategic Needs Assessment) and to consider any relevant plans and strategies regarding joint commissioning of health and social care services for children and adults.	
To identify areas where joined up or integrated commissioning across Cambridgeshire and Peterborough, including the establishment of pooled budget arrangements would benefit improving health and wellbeing and reducing health inequalities.	
By establishing sub groups as appropriate give consideration to areas of joint health and social care commissioning across Cambridgeshire and Peterborough, including but not restricted to services for people with learning disabilities.	
To keep under consideration, the financial and organisational implications and impact on peoples experience of joint and integrated working across health and social care services across Cambridgeshire and Peterborough, and to make recommendations for ensuring that performance and quality standards for health and social care services to children, families and adults are met and represent value for money across the whole system.	
Authority to prepare and provide Health and Wellbeing Board sign off for the Better Care Fund Plan.	



The Constitution

Part 3B - Responsibility for Functions
Committees of Council
Cambridgeshire Health and Wellbeing
Board

Authority to discharge any other relevant functions specifically reserved to be undertaken by the Health and Wellbeing Boards as set out in legislation, guidance, circulars and directives received from national government, subject to agreement by the Chairs and Vice-Chairs of the Parent Boards.



CAMBRIDGESHIRE AND PETERBOROUGH HEALTH AND WELLBEING BOARD CORE JOINT SUB-COMMITTEE (STANDING ORDERS)

1. Notice of Meetings

Meetings of the Core System Sub-Committee will be convened by Cambridgeshire County Council and ~~Peterborough City Council on an alternating basis~~. The convening Council will also arrange the clerking and recording of meetings (a member of the Council's Democratic Services Teams will act as Clerk).

2. Chairmanship

The Chairmanship will alternate annually between the Chair of the Cambridgeshire Health and Wellbeing Board and the Chair of the Peterborough Health and Wellbeing Board (*except for the first appointment where the appointed Chair will chair until the end of the 2020/21 municipal year*). The Joint Sub-Committee will elect annually a Vice- Chairman/woman who will not represent either Council.

3. Quorum

The quorum for all meetings of the Joint Sub-Committee will be four members including members from both Councils, the CCG and HealthWatch.

4. Appointment of Substitute Members

Nominating groups may appoint a substitute member for each position. These members will receive electronic versions of agendas and minutes for all meetings. Notification of a named substitute member must be made in writing or by email to the Clerk. Substitute members may attend meetings after notifying the Clerk of the intended substitution before the start of the meeting either verbally or in writing. Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.



5. Decision Making

It is expected that decisions will be reached by consensus, however, if a vote is required it will be determined by a simple majority of those members present and voting.

6. Meeting Frequency

The Sub-Committee will meet at least four times a year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Board meeting may be called by the Chairman/woman, by any three members of the Board or by the Director of Public Health if he/she considers it necessary or appropriate.

7. Supply of information

The Sub-Committee may, for the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request—

- (a) the local authority that established the Health and Wellbeing Board;
- (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8) of the Health and Social Care Act 2012 (“the 2012 Act”);
- (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) but is not acting as a representative.

A person who is requested to supply information under (a), (b) and (c) must comply with the request. Information supplied to a Health and Wellbeing Board or its Sub-Committees under this section may be used only for the purpose of enabling or assisting it to perform its functions.

8. Status of Reports

Meetings of the Core System Joint Sub-Committee shall be open to the press and public and the agenda, reports and minutes will be available for inspection at both Cambridgeshire County Council and Peterborough City Council’s offices and on the Council’s websites at least five working days in advance of each meeting. [This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and Schedule 12A to the Local Government Act 1972 as amended.] Other participating organisations may make links from their website to the Sub-Committee’s papers.



9. Press Strategy

An electronic link to agendas for all meetings will be sent to the local media by both Council's press offices. Press releases issued on behalf of the Board will be agreed with the Chairman/woman or Vice-Chairman/woman and circulated to all Board members.

10. Members' Conduct

The codes of conduct and protocols of the relevant Council will apply to all elected and 'co-opted' members of the Board.

11. Governance and Accountability

The Sub-Committee will be accountable for its actions to the Health and Wellbeing Boards and their individual member organisations. There will be sovereignty around decision making processes. Representatives will be accountable through their own organisations for the decisions they take. It is expected that Members of the Sub-Committee will have delegated authority from their organisations to take decisions within the terms of reference. Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies. It is expected that decisions will be reached by consensus.

REVIEW OF COMPLAINTS PROCEDURE FOR CONDUCT COMPLAINTS

- To:** Constitution and Ethics Committee
- Meeting Date:** 27 June 2019
- From:** Monitoring Officer
- Purpose:** Consider amending the current complaints procedure to introduce a requirement of confidentiality where appropriate.
- Recommendation:** It is recommended that Constitution and Ethics Committee:
1. Resolve that all code of conduct complaints be subject to a requirement of confidentiality by all participants in the process until such time as the complaint case is concluded.
 2. Resolve that where a conclusion has been reached that the code of conduct has not been breached or where the Monitoring Officer concludes, following an initial assessment of a complaint, that no further action needs to be taken that the identity of the councillor who is the subject of the complaint remains confidential unless that councillor wishes it to be made public.
 3. Resolve that where a complaint has been informally resolved by agreement without the need for a formal investigation that the identity of the councillor who is the subject of the complaint and a summary of the complaint is reported back to the committee.
 4. Resolve that where a conclusion has been reached that the code of conduct has been breached but that no hearing is necessary due to an agreed alternative resolution that the investigation report will be published when the case is reported back to the committee
 5. Resolve that where a conclusion has been reached that the code of conduct has been breached and that alternative resolution is not appropriate/ possible that the investigation report will remain confidential until such time as the hearing into the complaint takes place, at which stage it will be published.

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Fiona McMillan	Name:	Councillor Lis Every
Post:	Monitoring Officer	Chairman:	Constitution and Ethics Committee
Email:	fiona.mcmillan@peterborough.gov.uk	Email:	lis.every@cambridgeshire.gov.uk
Tel:	01733 452361 (office)	Tel:	01223 706398 (office)

1. BACKGROUND

- 1.1 The Constitution & Ethics Committee has requested a review of existing procedures for the handling of code of conduct complaints to consider whether a requirement of confidentiality should be introduced to the process.
- 1.2 Currently decision notices relating to all complaints against councillors are published on the council's website, whether the complaint was upheld or not. Complainants often contact the media to say that they have lodged a complaint against a member which leads to media interest before any conclusions have been reached about the complaint.
- 1.3 The purpose of this report is for the Committee to decide if it wishes to introduce a requirement that all complaints that a member has breached the code of conduct should be dealt with on a confidential basis initially. This would enable information regarding complaints to be treated as confidential until such time as they are concluded so that information is not released which may be prejudicial to the conduct of the complaints process and to protect the identity and reputation of councillors who have not breached the Code of Conduct.
- 1.4 Under the previous legislative system for handling complaints against councillors set up by the Local Government Act 2000 there was a statutory requirement that complaints should be kept confidential. When the Localism Act 2011 introduced a new way of working in July 2012 councils were able to devise their own codes of conduct (as long as it was based on the Nolan Principles) and set its own procedures for dealing with complaints.
- 1.5 Some councils continued to see the benefit of keeping the process confidential until resolution and included this in the new procedures. The issue has not previously been considered by Cambridgeshire County Council.
- 1.6 This report is for Constitution and Ethics Committee to consider under its Terms of Reference "Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:
 - Promoting and maintaining high standards of conduct by Members and co-opted members;
 - Assisting the Members and co-opted members to observe the Code of Conduct;
 - Advising the Council on the adoption or revision of the Code of Conduct;
 - Monitoring the operation of the Code of Conduct;
 - Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct."
- 1.7 In the absence of a specific statutory requirement regarding confidentiality under the Localism Act the Council has the ability to set its own processes.
- 1.8 The Monitoring Officer advises the Committee could consider the following resolutions:

- i) All complaints about the conduct of a member be subject to a requirement of confidentiality by all participants in the process until such time as the case is concluded and reported back to the Committee. A breach of this requirement may be a separate breach of the Code of Conduct.
- ii) Where a conclusion has been reached that the code of conduct has not been breached or where the Monitoring Officer concludes, following an initial assessment of a complaint, that no further action needs to be taken that the identity of the councillor remains confidential. This is because there is no reason for making their identity public in these circumstances and no public interest in doing so. Any investigation report will be published as a confidential item on the agenda and only an anonymised case summary put on the public agenda for Constitution & Ethics Committee. The complaint will only be made public if councillor who is the subject of the complaint decides to make it public at the end of the process.
- iii) Where a complaint has been informally resolved by agreement without the need for a formal investigation (this is usually by way of an apology which is offered and accepted) that the identity of the councillor who is the subject of the complaint and a summary of the complaint is reported back to the committee. It is considered to be in the public interest that these details are made public where there is an acknowledgement of fault on behalf of the relevant councillor.
- iv) Where a conclusion has been reached (following a formal investigation) that the code of conduct has been breached but that no hearing is necessary, due to alternative resolution, that the investigation report and any action taken will be published when the case is reported back to the committee for information. It is considered to be in the public interest that the details of a complaint where an investigation has taken place and a finding made that a councillor has breached the code of conduct are published. It is important to note that alternative resolution is only possible where the councillor accepts an element of fault.
- v) Where a conclusion has been reached that the code of conduct has been breached and where alternative resolution is not appropriate/possible that the investigation report will remain confidential until such time as the hearing into the complaint takes place, at which stage it will be published. This is to avoid “trial by media” in advance of a case being heard so that panel members are not prejudiced by anything that is published in the media.

REASON FOR THE RECOMMENDATIONS

- 1.9 If a requirement of confidentiality is added to the complaints process it should ensure that councillors are not judged publically for their conduct until due process has been gone through and a finding made. This will minimise the opportunity for the reputation of councillors who have complaints made against them being tarnished before any decision has been made on whether they have breached the code of conduct and minimise the possibility of

Hearings Panel members being influenced by press reporting of complaints which may not have the full facts.

Source Documents	Location
None	

SELECTION AND APPOINTMENT OF INDEPENDENT PERSON(S)

To: Constitution and Ethics Committee

Meeting Date: 27 June 2019

From: Director of Governance and Legal Services and
Monitoring Officer

Electoral division(s): All

Purpose: To consider the interview process for the selection and
appointment of an Independent Person.

Recommendation: That the Committee agrees the interview process for the
selection and appointment of an Independent person
including the following as set out in the report:

- The advert and advertising process
- The establishment of a four member interview panel
- The application pack
- The timetable

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Michelle Rowe	Name:	Councillor Lis Every
Post:	Democratic Services Manager	Chairman:	Constitution and Ethics Committee
Email:	michelle.rowe@cambridgeshire.gov.uk	Email:	lis.every@cambridgeshire.gov.uk
Tel:	01223 699180	Tel:	01223 706398 (office)

1. BACKGROUND

- 1.1 The Committee considered a report on the arrangements for the appointment of an Independent Person(s) at its meeting on 4 April 2019. Following a recommendation from the Committee, Full Council approved on 14 May 2019 an amendment to the Committee's Terms of Reference in the Constitution as set out below:
- Authority to select and recommend to Council persons for appointment as an Independent Person.
- 1.2 Full Council also on the recommendation of the Committee agreed to:
- Set the level of remuneration at £500 for each Independent Person so that it could be included in information supplied to applicants for the post of Independent Person.
- 1.3 The Committee, at its last meeting, agreed to authorise the Monitoring Officer, in consultation with the Chairman/woman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of suitable candidates to be recommended to Full Council for appointment as an Independent Person. Council was informed that the Committee would recommend names for appointment to be presented to Council in October.
- 1.4 In line when the position was last advertised in 2012, the Cambridgeshire and Peterborough Fire Authority has asked to be included as part of the process to avoid it having to advertise separately.

2. PROCESS AND TIMELINE

Advertising for and Independent Person

- 2.1 The Committee will need to advertise for an Independent Person(s). It is proposed that the following advert should be placed on the front of the Council and Cambridgeshire Fire and Rescue Service's websites:

APPOINTMENT OF INDEPENDENT PERSON

Cambridgeshire County Council and Cambridgeshire and Peterborough Fire Authority are looking to appoint an Independent Person to help the Monitoring Officer of both organisations in assessing complaints of alleged misconduct by members of the Council and Fire Authority.

The Council and the Fire Authority have a code of conduct setting out the standards of behaviour expected of its members. If a complaint is made, the Independent Person is consulted for an independent and impartial view before a decision is made on what to do.

We are looking for someone with the experience and knowledge that the public would recognise and respect as bringing an impartial and informed perspective.

To ensure your voice is independent there are restrictions on who can apply; you must not have been a member or an officer of the Council and or Fire Authority within the last five years, or be a relative or a close friend of such a member or officer.

The appointment will come into effect on 15 October 2019 for the Council and 7 November 2019 for the Fire Authority for an initial period of two years, with the possibility that the period may be extended. Appropriate training will be given. The Council and the Fire Authority currently pay a small allowance of £500 and £250 per year respectively and will reimburse necessary travel expenses.

If you are interested in being an Independent Person please contact Michelle Rowe, Democratic Services Manager for an information pack and application form.

Telephone: 01223 699180 Email: michelle.rowe@cambridgeshire.gov.uk

Completed application forms must be received by **Friday 31 July 2019**. Interviews for short-listed candidates will take place on Monday 2 September 2019. Short-listed applicants will be advised of the time of interview in due course.

- 2.3 At part of the advertising process, it is also proposed to ask the Council's Corporate Communications Manager to issue a Press Release in early July, and to promote the position via social media.

Application Pack

- 2.4 A draft application pack has been prepared attached at **Appendix A**.

Interview Process

- 2.5 As Members are already aware, the Committee now has the authority to select and recommend to Council persons for appointment as an Independent Person. However, Members may wish to consider whether to proceed with an interview panel of eight members. They may instead wish to nominate four members (two Conservatives, one Liberal Democrat and one Labour) of the Committee to shortlist and interview applicants with the recommended person for appointment being considered by the Committee for final approval.

Timeline

2.6 The proposed timeline for the appointment process is set out below:

Process	Date
Report to Constitution and Ethics Committee	27 June 2019
Publication of Advert	1 July 2019
Deadline for Application Forms	31 July 2019
Shortlisting Process	Week beginning 19 August 2019
Interviews	2 September 2019
Report to Constitution and Ethics Committee	1 October 2019
Full Council to agree appointment Fire Authority to agree appointment	15 October 2019 7 November 2019

Source Documents	Location
Constitution and Ethics Committee – 4 April 2019	https://cambridgeshire.cmis.uk.com/cc_c_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/856/Committee/10/Default.aspx
Council – 14 May 2019	County Council meeting 14/05/2019
Chapter 7 of the Localism Act 2011	http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7
Local Government Ethical Standards – A Review by the Committee on Standards in Public Life	https://www.gov.uk/government/organizations/the-committee-on-standards-in-public-life



APPLICATION PACK

INDEPENDENT PERSON

**Cambridgeshire County Council and
Cambridgeshire and Peterborough Fire Authority**

APPOINTMENT OF INDEPENDENT PERSON BACKGROUND INFORMATION

Cambridgeshire County Council must promote and maintain high standards of conduct by members and co-opted members of the authority.

The Council has adopted a Member Code of Conduct and has arrangements in place under which allegations can be investigated and decisions on allegations made. The Council must appoint two independent persons to advise on breaches of the Code. When considering the dismissal of the Head of the Paid Service, Section 151 Officer or Monitoring Officer, full Council must consider the advice, view or recommendations of a panel, which must include at least two 'independent persons'.

The Council is now seeking to recruit and appoint one person to fill a current vacancy. Any offer of the position is subject to the approval of Full Council and by the Fire Authority.

The Independent Person may be consulted on a complaint by the Council to seek views as to whether to reject or undertake other action on the complaint. The Council must seek the views of the Independent Person and take these into account before it makes a decision on an investigated complaint. The Independent Person may be consulted on other ethical standards matters, including by the Councillor who is subject to an allegation.

The exact details of the complaints system and how it works are set out in the attached appendices which include a copy of the adopted code of conduct for Cambridgeshire County Council and the Fire Authority. Full training shall be provided to any successful applicant.

A fixed allowance of £500 per annum is payable to each Independent Person by the Council and £250 per annum by the Fire Authority together with reimbursement of travel and subsistence expenses. The appointment will be for a period of two years and renewable thereafter.

The key officer support for this work is provided by Fiona McMillan, Director of Governance and Legal Services and Monitoring Officer Tel: 01733 452361
e-mail: fiona.mcmillan@peterborough.gov.uk

INDEPENDENT PERSON SELECTION CRITERIA

Skills and Competencies

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills.
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge, past experience and understanding of judicial/quasi, judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attending hearings which may be held in the day time. You will normally be given at least 28 days notice of any hearings, but the notice period may be shorter in cases of urgency, if, for example, a hearing has been adjourned for any reason and your attendance is required.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- A Councillor, co-opted Councillor/Member or Officer of the County Council/Fire Authority,
- A relative or close friend of either of the above.

Given the nature of the role it is considered important that the persons appointed are not actively involved in any local party political activity. You should therefore not be a member of any political party, or have/had a public profile in relation to political activities.

You can check the lists of elected County Councillors on the Cambridgeshire County Council's website at:

<https://www.cambridgeshire.gov.uk/council/councillors-&-meetings/county-councillors/>

ROLE OF INDEPENDENT PERSON

Role Description

Responsible to: Cambridgeshire County Council and to
Cambridgeshire Fire Authority

Liaison with: Monitoring Officer, Members of the committees
administering the conduct complaints system, officers and
Councillors/Members of the County Council and Fire
Authority, key stakeholders within the community.

1. To assist the Council and Fire Authority in promoting high standards of conduct amongst elected and co-opted Councillors and Members and in particular to ensure that these Councillors/Members uphold the Code of Conduct adopted by the Council and the Authority and act in accordance with the seven principles of public office, namely, selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. Shall be consulted by the County Council through the Monitoring Officer or the Solicitor to the Fire Authority before she makes a decision on whether to reject a complaint or to refer the matter for investigation or other action.
3. To be consulted by the members of the committee administering conduct complaints before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel for this purpose.
4. To be available for consultation by any elected County Councillor or Fire Authority Member who is the subject of a conduct complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council and Fire Authority.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the county of Cambridgeshire.

7. To attend training events organised and promoted by the Council/Fire Authority.
8. To act as advocate and ambassador for the Council/Fire Authority in promoting ethical behaviour.

CAMBRIDGESHIRE COUNTY COUNCIL
APPLICATION FOR THE POSITION OF INDEPENDENT PERSON

Individuals who wish to be considered for appointment as Independent Person are requested to complete and submit the following application form. All information provided will be treated in the strictest confidence and will be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:	
Address:	
Postcode:	
National Insurance Number:	

2. CONTACT DETAILS

Daytime Telephone Number:	
Mobile Telephone Number:	
Email Address:	

3. QUALIFICATIONS

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

--

4. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

5. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description)

6. **Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?**

7. **Please provide any additional information you may wish to give in support of your application:**

References will be taken up for all applicants who are invited for interview:

Name:	Name:
Address:	Address:

Telephone	Telephone

DECLARATION

I wish to apply to be an Independent Person. In submitting this application I declare that:

EITHER

- I am not and have not **during the past five years** been a Councillor, Co-opted member, or Officer of the County Council or Fire Authority.
- I am not related to, or a close friend of, any Councillor or Officer of the Council or Fire Authority.
- I am not actively engaged in local party political activity.

Signed _____

Dated _____

Please return this application form by 31st July 2019 addressed to:

**Fiona McMillan, Director of Governance & Legal Services
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HF**

Or by email to: fiona.mcmillan@peterborough.gov.uk

SOCIAL MEDIA CODE FOR COUNCILLORS

To: **Constitution and Ethics Committee**

Meeting Date: **27 June 2019**

From: **Monitoring Officer**

Purpose: **Consider the introduction of a social media code for members and if agreed to consider cross-referencing it in the Members' Code of Conduct**

Recommendation:

- 1) To agree the Social Media Code with any appropriate amendments**
- 2) To issue it to all members of council with immediate effect**
- 3) To recommend to Full Council associated amendments to the Members' Code of Conduct**

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Fiona McMillan	Name:	Councillor Lis Every
Post:	Monitoring Officer	Chairman:	Constitution and Ethics Committee
Email:	fiona.mcmillan@peterborough.gov.uk	Email:	lis.every@cambridgeshire.gov.uk
Tel:	01733 452361 (office)	Tel:	01223 706398 (office)

1. BACKGROUND

- 1.1 This report is submitted to the Constitution and Ethics Committee for consideration as part of its role in overseeing compliance with the Members' Code of Conduct and in promoting high standards of conduct by Members.
- 1.2 The purpose of this report is to seek the approval of the Constitution and Ethics Committee for a formal Social Media Code for Members, subject to any amendments considered necessary, and to issue this Code to all members of Council.
- 1.3 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference: "Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution, including the codes and protocols" and "Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the County Council including:
 - approving and issuing guidance to Members
 - making recommendations to Full Council regarding the suggested amendment of the Members' Code of Conduct
 - approving training to be provided to members in the Code of Conduct
 - monitoring the operation of the Code of Conduct".
- 1.4 With the continuing rise in use of social media it is increasingly important that public sector organisations review existing policies and procedures to raise awareness of their expectations when social media is being used as an official and in some instances personal platform for public communications. The Committee has requested that it receives a draft social media code for members to consider. The recommendations within this report are intended to give effect to that requirement.

2. MAIN ISSUES

- 2.1 A draft Social Media Code is attached for the consideration of the Committee as Appendix 1. As a guidance document the Committee can issue this directly to members in accordance with its terms of reference in order to complement the Members' Code of Conduct and to set clear guidelines to members as to expected standards.
- 2.2 If members agree to the introduction of a social media code consideration should be given to cross referencing it in the council's code of conduct for members. This could be done by the introduction of a new Part 3 of the Code which would cross-reference the new social media code along with other relevant documents members should consider alongside the code of conduct (which are not currently cross-referenced). The proposed addition is detailed below:

"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 Social Media Code for members sets out appropriate behaviour when using social media and acting, or appearing to act, in your capacity as a councillor**
- 4. 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."**

- 2.3 If agreed a recommendation would need to be made to Full Council to change the Constitution as set out above.

Source Documents	Location
None	



Cambridgeshire County Council

Social Media Code for Councillors



Introduction

Social media is the term used for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests. This guidance covers social media on social networking sites, blogging, and tweeting. Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback which should ultimately help improve the services we provide.

Cambridgeshire County Council ("the council") recognises that social media provides an effective platform for understanding, engaging and communicating with residents on issues of general importance to the community. Nevertheless, the council also recognises that the use of social media can pose risks to its reputation and that of members. It considers that clear guidelines are needed for the use of social media sites to ensure that their use does not expose the council to security risks, reputational damage or breach the Data Protection Act.

It is not a requirement for Members to use social media to fulfil their roles however, where it is used this Code will be relevant. Any communication is capable of being misinterpreted or misrepresented and whilst the use of social media should not be more susceptible to this problem than any other form of communication, the immediacy and often rapid and wide broadcasting can magnify the problem and create controversy where it wasn't expected. This doesn't mean that Members cannot, in the appropriate context, communicate politically but care should be taken to ensure that the tone and content is no different to that expected of a verbal communication.

The purpose of this Code is to support the use of social media through the provision of guidance and clarity as to what constitutes acceptable usage in ensuring compliance with the Council's legal obligations and the general standards of conduct expected of members.

Purpose

This guidance applies to councillors in respect of their use of social media as part of their public role as well as offering advice on social media issues they may face in their personal life. It sets out how to use social media, how to effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated.

Social media is a term used to describe websites and online tools which allow people to interact with each other by creating their own content examples of which include but are not limited to:

- Social Networking sites (e.g. Facebook)
- Micro-blogging services (e.g. Twitter)
- Video sharing services (e.g. YouTube)
- Photo sharing services (e.g. Instagram)
- Online gaming and virtual reality (e.g. World of Warcraft)

- Messaging services (e.g. Whatsapp)
- Business Networking sites (e.g. LinkedIn)

This Code applies to the use of social media when members are acting, or perceived to be acting, in their official capacity and/or as a representative of the authority and whether or not it is accessed using the Council's ICT facilities and equipment.

Councillors must ensure that they use social media sensibly and responsibly and that their use will not adversely affect the council or its business, nor be damaging to the council's reputation and credibility. Non-compliance with this Code may result in a breach of the Members' Code of Conduct and a request to remove any postings which are deemed inappropriate.

The following sections of the policy provide users with common-sense guidelines and recommendations for using social media responsibly and safely.

KEY PRINCIPLES

Practices to Avoid

- Do not do anything to jeopardise the council's obligations under the Freedom of Information Act and Data Protection Act such as citing or referencing residents, partners or suppliers without their written approval. Be aware that content on such social media websites may be subject to Freedom of Information requests.
- Do not misappropriate or infringe the intellectual property of other organisations and individuals which could create liability for the council as well as themselves.
- Do not say anything through social media that suggests you have made your mind up on an issue that is due to be formally decided (particularly important on planning issues). While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely open to a different view, in order to avoid allegations of predetermination or bias.
- Do not write or report on conversations, meetings or matters that are meant to be confidential or internal to the council such as those held in exempt session or prior to the publication of reports.
- Do not provide references for individuals on social or professional networking sites as this creates a legal liability.
- Do not blog or tweet in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.
- Do not represent your personal views, or those of any political party or interest group you belong to, as being those of the Council on any social medium.
- Do not browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- Do not, in your role as a Councillor, use social media to promote personal financial interests. This includes the promotion of particular commercial activities that Council representatives may have an interest in.

Examples of Good Practice

- The Members' Code of Conduct will only apply to you when you are, or appear to be acting in your official capacity, so it must be clear that expressions of personal opinion are appropriately distinguished. For the avoidance of doubt, do consider keeping your personal and political accounts separate or where this is inconvenient use clear expressions of intent such as 'speaking entirely personally' or 'the views expressed here are my personal opinion'. Consider also installing appropriate privacy settings for your personal accounts.
- Do ensure your official use of social media is compliant with the Members' Code by ensuring that your profile and any content is consistent with the council's professional image and obligations for instance:
 - ***Treat others with respect*** - do not use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about residents, council staff and services, other Members and/or organisations or leave on your web or social media pages comments made by others which may be equally damaging/defamatory.
 - ***Comply with equality laws*** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith. Never bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
 - ***Do not bring the council into disrepute*** – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of yourself or the Council.
 - ***Do not disclose confidential information*** - you must not, in your use of social media, just as in any other circumstances, 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.
- Do be mindful that what you publish will be in the public domain for a long time and can't be easily retracted once published.
- Do be aware that the higher your profile as an elected member the more likely it is you will be seen as acting in your official capacity. Equally, be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- Do use social media to add value to the environment in which you are participating and to provide worthwhile information and perspective to residents.
- Do tolerate disagreement - some comments may not accord with your views and deleting the comments of people who disagree with you can backfire. The same comments can appear elsewhere from with the possibility of linking them back to your site with accusations of gagging.
- Do avoid the difficult users, don't get bogged down, you don't have to respond to everything. Ignore if necessary.
- Do exercise caution in requesting or accepting a Council employee or contractor providing services to the Council as a "friend" on a social networking site where this can suggest close personal association.

- Do use secure passwords and never share your password with anyone. If you are using shared IT equipment don't store your password on the computer.
- Do be aware of your own safety and ensure that anything you publish does not leave you vulnerable. Any Councillor receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Members' services and /or the Police.
- Do be aware that what you say on social media will likely attract interest from the media and may well result in a news story, in the same way comments you make in the council chamber would do. For example, a throw away comment about a fellow member could result in a big news story that you had not intended which could damage your own reputation and that of the council.
- Do double-check that information you post on social media is accurate before you publish it and if in any doubt, don't publish.
- Do try to avoid engaging the council's social media accounts in political conversations, as these accounts are managed by council officers for the benefit of residents to inform them of services and news. They should not be used for political purposes.

Responsibilities of councillors

- You are personally responsible for the content you publish on any form of social media, in the same way that you are responsible for letters or emails you send.
- Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action.
- Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
- Make use of stringent privacy settings if you don't want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.
- Do not disclose personal details such as home addresses and telephone numbers.
- Ensure that you handle any personal or sensitive information in line with the council's Data Protection Policy.
- Do not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or are Part 2 reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).
- Copyright laws still apply online. Placing images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.

- Don't send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside the work environment
- Elections - the council will not promote councillors' social media accounts during the pre-election period and councillors should take extra care with what they post at this time.
- In any biography, the account should state the views are those of the councillor in question and may not represent the views of the council.
- Do not use the council's logo, or any other council related material on a personal account or website.
- Social media must not be used for actions that would put councillors in breach of the council's Code of Conduct. For example, don't publish on social media something you wouldn't want to say face to face, or at a public meeting.
- Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.
- Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Democratic Services and/or the police.
- It is recommended that in the case of Facebook, councillors wishing to keep their personal life and role as a councillor separate create a Facebook page which members of the public can like rather than using their personal profiles.

This guidance is not exhaustive and if you have any queries you should contact the council's Monitoring Officer.

GIFTS AND HOSPITALITY

To: Constitution and Ethics Committee

Meeting Date: 27 June 2019

From: Director of Governance and Legal Services and
Monitoring Officer

Electoral division(s): All

Purpose: To consider whether the financial level for declaring gifts and hospitality should be increased, and if more detailed guidance on making declarations should be included in the Constitution.

Recommendation: The Constitution and Ethics Committee is asked to:

- (i) review and comment on the guidance set out in Appendix C for inclusion in the Council's Constitution and to recommend it to full Council for approval;
- (ii) review and recommend the financial level for declaring gifts and hospitality to full Council for approval; and
- (iii) approve the introduction of a new Gifts and Hospitality Declaration Form set out in Appendix D.

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Michelle Rowe	Name:	Councillor Lis Every
Post:	Democratic Services Manager	Chairman:	Constitution and Ethics Committee
Email:	michelle.rowe@cambridgeshire.gov.uk	Email:	lis.every@cambridgeshire.gov.uk
Tel:	01223 699180	Tel:	01223 706398 (office)

1. BACKGROUND

- 1.1 The Constitution and Ethics Committee at its meeting on 4 April 2019 noted that there was a lack of clarity over rules regarding gifts and hospitality. An example was given of whether Members were required to include the value of an accompanying partner when declaring an invitation to an event, as this often affected whether the value was over or above the £25 level adopted by the Council. It was suggested that £25 was a low requirement for declarations of gifts and hospitality, considering that some neighbouring local councils set the requirement as high as £100.
- 1.2 It was agreed for the Monitoring Officer to present a report at the next meeting concerning the requirement for making a declaration, which would include a proposal to raise the financial level, as well as providing more detailed guidance than was currently provided.
- 1.3 An extract from the Constitution relating to Gifts and Hospitality is attached at **Appendix A** and the Council's current declaration form is attached as **Appendix B**.

2. MAIN ISSUES

Members' Code of Conduct

- 2.1 The Council like a number of authorities has limited information on declaring "Gifts and Hospitality". Norfolk and Oxfordshire County Councils have very detailed information on the subject. The Committee may wish to consider whether something similar should be included as an annex in Cambridgeshire's Constitution - see **Appendix C**.

Financial Limit

- 2.2 Following research, the financial limits for gifts and hospitality have been identified for other County Councils as set out below:

Cumbria	£100
Surrey	£100
Derbyshire	£50
Dorset	£50
Durham	£50
East Sussex	£50
Northamptonshire	£50
Oxfordshire	£50
Buckinghamshire	£25
Essex	£25
Herefordshire	£25
Lancashire	£25
Lincolnshire	£25
Norfolk	£25
Shropshire	£25
Suffolk	£25

Peterborough City Council sets a financial limit of £100 for Gifts and Hospitality. The Committee may therefore wish to consider whether the Council should increase its limit.

Declaration Form

- 2.3 The Council's declaration form has not been updated. It is proposed that it should be replaced with the form set out in Appendix D, which provides more information.

Source Documents	Location
Constitution and Ethics Committee –4 April 2019	https://cambridgeshire.cmis.uk.com/cc_c_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/856/Committee/10/Default.aspx
Constitution	https://www.cambridgeshire.gov.uk/council/council-structure/council-constitution/

EXTRACT FROM MEMBERS' CODE OF CONDUCT

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 £25 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.

Gifts and Hospitality

Have you received a gift or hospitality with an estimated value of £25 or more, from any person who has a current matter pending before, or any interest in, any function of CCC?
If so please give details – from whom, what it is and estimated value.

Notification of gifts and hospitality of an estimated value of £25 and above must be given within 28 days of receipt.

A record of gifts and hospitality will be retained for a period of 5 years.

Signed Date

Gifts and Hospitality - Guidance for Members

Background

1. Members may well be offered gifts or hospitality during the course of conducting Council business. This raises an initial question of deciding whether or not to accept. The acceptance of a gift or hospitality potentially creates a risk to the integrity and reputation of the Member as well as the Council itself. Members are strongly advised to be cautious and should consult the Monitoring Officer if they are in any doubt in a particular case.

Legal Position

2. While there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

Members' Code of Conduct and Constitution

3. The Council's Members' Code of Conduct (Part 5.1 of the Constitution) provides that you must serve the public interest, rather than acting in the interests of any particular individual or section of the community, and it is a breach of the Code to improperly confer any advantage or disadvantage on any person, including yourself.

Registering gifts and hospitality

4. In order to protect the integrity of the Council, and yourself, members'/co-opted members are strongly advised to register any gift or hospitality worth £XX or over that you receive in connection with your official duties as a Member, together with the source of the gift or hospitality. You should also register an accumulation of small gifts you receive from the same source over a period of time that add up to £XX or more.
5. Any registrations can be made and recorded on the attached form. This will then be published on the Council's website. See paragraphs 17-25 below for how to register a gift or hospitality.

General Principles

6. In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if it would normally be appropriate to accept a small gift or hospitality, you should not do so if it would be in breach of one or more of these principles:

(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Member

You must not be influenced in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the Council

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council that would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority through a working lunch. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Council is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the Council and to you as a Member as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. You must consider whether acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company, organisation or section of the community or as placing you under any improper obligation to any person or organisation. If so, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) competitive procurement processes;
- (ii) determinations of planning applications or planning policy;
- (iii) funding decisions.

(d) Never accept a gift or hospitality that puts you under an improper obligation

Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, they may seek to use this fact to persuade you to determine an issue in their favour. If others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

(e) Never solicit a gift or hospitality

Never solicit or invite an offer of a gift or hospitality in connection with your position as a Member and you should also take care to avoid giving any indication that you might be open to any such improper offer.

Gifts

7. As a general rule gifts should be refused tactfully, this includes all such offers from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council. These rules also apply to discounts offered to an individual Member going beyond those offered to the general public (other than those available to all Members and Officers).
8. As general guidance, the following small gifts worth under £XX may occasionally be accepted (provided that they do not conflict with the General Principles):

- (a) office equipment or stationery given by way of trade advertisements or for use in the office. Nothing more elaborate than calendars, pens or diaries would fall within this exception.

(NB: You should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise.)

- (b) gifts of only token value given on the conclusion of an official courtesy visit, for example, a visiting delegation.

Gifts e.g. a box of chocolates or flowers of a value less than £XX provided they are given as a genuine show of appreciation of work undertaken but should never be accepted if it may give rise to an appearance of influence or reward.

Hospitality

9. Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.
10. Hospitality should only be accepted with the utmost caution, and on a scale appropriate, to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it, and might later be thought to have affected a Member's impartiality in dealing with official matters.
11. Some offers of hospitality are always unacceptable for example, offers of holiday accommodation. Others will need to be considered on their facts, for example, invitations to sporting fixtures, evenings at the theatre or similar entertainment should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council not the individual Member. Hospitality on a lower scale than this may also be unacceptable. No absolute dividing-line can be laid down.
12. There is an important difference between, for example, attendance in an official capacity at a function organised by a public authority and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the Council.
13. However, it will not always be possible or even desirable to reject offers of hospitality on a modest scale. Acceptable hospitality is that not exceeding £XX in value such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions. The decision whether to accept or not must depend on the

circumstances in each case but hospitality should never be accepted if it may give rise to an appearance of influence or reward.

Wills and Bequests

14. If there is any connection between your work as a Member and being a beneficiary under a will, then you need to be cautious as the offer of any benefit will need to be considered carefully in accordance with the General Principles and if accepted, may need to be registered. You should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

Sponsorship

15. Offers of sponsorship need to be treated carefully. If the offer is to sponsor the Council it should be referred to the Monitoring Officer who will consider the offer in accordance with the Council's usual processes.
16. If the offer is to sponsor you as an individual, it should be dealt with in the same way as an offer of a gift or hospitality. In some cases such offers may be acceptable for example, where colleagues or others are sponsoring you for a charitable purpose. In other cases they may not be acceptable for example, where they are related in some way to the work of the Council or your role as a Member; involve significant sums; or seek specific outcomes for the person or organisation making the offer. If in doubt you should consult the Monitoring Officer.

Registering Gifts, Hospitality and Sponsorship

17. If you are offered gifts, hospitality or sponsorship worth £XX or over, you need to decide, taking into consideration the general principles, whether to accept or decline any such offer.
18. If you are in any doubt as to whether to accept or decline any gift, hospitality or sponsorship then you are advised to seek the Monitoring Officer's advice before doing so. In order to do this you will need to advise the Monitoring Officer of the following:
 - (i) The nature and your estimate of the market value of the gift or hospitality;
 - (ii) The name of the person or company offering the gift or hospitality;
 - (iii) The connection which you have with the person or organisation making the offer or invitation such as any work which you have undertaken for the Council in which they have been involved;
 - (iv) Any work, permission, concession or facility that you are aware that the person or organisation making the offer or invitation may seek from the Council;
 - (v) Any special circumstances that lead you to believe that acceptance would not be improper.
19. The Monitoring Officer will give you advice wherever possible but it will be a matter for you to make the decision as to whether to accept or decline. Your decision and the reasons for it should then be entered into the Register of Members' Interests.
20. Where you do accept any gift or hospitality of £XX or over you should register this within 28 days of receiving the gift or hospitality.

Voluntary Declarations

21. You can always make a voluntary declaration to be entered on the Register of Gifts and Hospitality, even if you have declined the gift or hospitality or the value of the gift or hospitality is less than £XX. If you are concerned that an offer or its acceptance might be misinterpreted you may make such a voluntary declaration to ensure that there is nothing secret or underhand about the gift or hospitality or your actions.

Gifts to the Council

22. You may at some time be offered a gift for the Council as opposed to a gift to you in your individual capacity as a Member. Such gifts could take several forms, for example: land, buildings, goods, services, either for the Council to retain or test with a view to future acquisition; offers to carry out works, or provide services; or sponsorship of a Council-supported or organised function or activity. In such cases you should report the offer on receipt to the Monitoring Officer who will consider and determine in accordance with normal Council processes whether the Council should or should not accept the gift.
23. The Monitoring Officer will notify the person or the organisation offering the gift, whether it is accepted or not and will:
- Record the acceptance or non-acceptance;
 - Record the outcome for audit purposes;
 - Ensure the gift, if accepted, is properly applied for the benefit of the Council.

Gifts to the Chairman/woman

24. Gifts received by the Chairman/woman in his or her official capacity are deemed to be gifts of the Council. The Chairman/woman should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they may be used for the benefit of the Council.

What do I need to declare at a meeting?

25. If a matter under consideration at a meeting is likely to affect a person who gave you a gift or hospitality then you must declare the existence and nature of the gift or hospitality, the source who gave it to you and how the business under consideration relates to that source.

Appendix D

Declarations of Gifts and Hospitality for inclusion within the Gifts and Hospitality Register and Members' Interests Form

To: The Monitoring Officer (Fiona McMillan)

Gift Declaration(s):

I wish to declare that I have received the following gifts with an estimated value in excess of £XX each or frequent received gifts valued in excess of £XX from the same donor:

Date of Receipt of Gift	Nature of Gift (Description)	Estimated Value (No need to declare unless over £xx in value)	Donor (Name and Address)	Nature of Relationship (Between You and Donor) Is the Donor dealing with you or the Council in relation to any legal, statutory or enforcement offers, such as planning applications? If so please give details:	If the gift has already been donated, please provide date and details of recipient:

Hospitality Declaration(s):

I have received the following hospitality with an estimated value in excess of £XX per event:

Date of Receipt of Gift	Nature of Gift (Description)	Estimated Value (No need to declare unless over £xx in value)	Donor (Name and Address)	Nature of Relationship (Between You and Donor) Is the Donor dealing with you or the Council in relation to any legal, statutory or enforcement offers, such as planning applications? If so please give details:	If the gift has already been donated, please provide date and details of recipient:

Name of Councillor:

Signature: **Date of Declaration:**

Please return this form to:

Democratic Services, Cambridgeshire County Council, Shire Hall, Castle Hill, Cambridge, CB3 0AP
Democratic Services: democraticservices@cambridgeshire.gov.uk, 01223 699180

SCHEME OF DELEGATION TO OFFICERS

To: **Constitution and Ethics Committee**

Meeting Date: **27 June 2019**

From: **Director of Governance and Legal Services and
Monitoring Officer**

Electoral division(s): **All**

Purpose: **To propose the inclusion of the Director: Business
Improvement and Development in the Scheme of
Delegation to Officers.**

Recommendation: **The Constitution and Ethics Committee is asked to
consider amendments to the Constitution and recommend
any changes to full Council, if appropriate:**

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Michelle Rowe	Name:	Councillor Lis Every
Post:	Democratic Services Manager	Chairman:	Constitution and Ethics Committee
Email:	michelle.rowe@cambridgeshire.gov.uk	Email:	lis.every@cambridgeshire.gov.uk
Tel:	01223 699180	Tel:	01223 706398 (office)

1. BACKGROUND

- 1.1 The Director: Business Improvement and Development is a relatively new post. It was established to provide:
- leadership in the review, challenge and development of new and innovative approaches to service delivery
 - leadership and development of the transformation and business teams to provide the skills, knowledge and capacity to enable change and support service managers
 - leadership of the council's business development, project delivery, and business strategy and planning
 - a new change management strategy and support framework to achieve the change and innovation the council identifies
 - a change in culture to focus on innovation and commercial to deliver new ways of working and identify significant investment and trading opportunities to secure new sources of funding
 - a network of partners to work collaboratively with businesses, partner organisations, national policy influencers, and senior leaders across Cambridgeshire and Peterborough.

2. MAIN ISSUES

- 2.1 It is proposed that the role of Director: Business Improvement and Development should be included in the Scheme of Delegation to Officers in the Constitution (see **Appendix A** – see bold for additions).

Source Documents	Location
Constitution	https://cambridgeshire.cmis.uk.com/cc_c_live/Documents/PublicDocuments.aspx

Extract of Constitution

DIRECTOR: BUSINESS IMPROVEMENT AND DEVELOPMENT

The exercise of the responsibilities set out below is delegated by the County Council:

(a) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

- Business Improvement and Development, including strategy and policy development and oversight of all strategic change programmes
- Transformation and Business Change, including Transformation Team, Programme Management Office, Service Design, Innovation Unit, and Transformation Fund and monitoring and reporting.
- Shared Services, including Shared Services Governance and Programme Delivery Team.
- Commercial Services, including Acquisitions and Investment, Contract Management, Fees, Charges and Trading policy and Asset Strategy.
- Business Intelligence, including Information Governance, Information Management, Records Management, Research, and Management & Performance Information

(b) Holding officers to account for the performance of their service areas

DIRECTOR: CORPORATE AND CUSTOMER SERVICES

The exercise of the responsibilities set out below is delegated by the County Council:

(a) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

- Chief Executive's Support team, including support for Lord Lieutenant, Chairman/woman and Director
- Communications and Information, including press and media, council-wide campaigns, council brand and website
- Customer Services, including the Contact Centre and corporate reception sites
- IT and Digital Service, including council-wide strategy and support for all business systems
- Emergency and Business Continuity Planning
- Business Intelligence, including Information Governance, Information Management, Records Management, Research, and Management & Performance Information

(b) Holding officers to account for the performance of their service areas

**PENSION FUND COMMITTEE INVESTMENT SUB-COMMITTEE –
SUBSTITUTION ARRANGEMENTS**

To: **Constitution and Ethics Committee**

Meeting Date: **27 June 2019**

From: **Director of Governance and Legal Services and
Monitoring Officer**

Electoral division(s): **All**

Purpose: **To consider the substitution arrangements for the Pension
Fund Committee Investment Sub-Committee.**

Recommendation: **The Constitution and Ethics Committee is asked to
consider amendments to the Constitution and recommend
any changes to full Council, if appropriate:**

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Michelle Rowe	Name:	Councillor Lis Every
Post:	Democratic Services Manager	Chairman:	Constitution and Ethics Committee
Email:	michelle.rowe@cambridgeshire.gov.uk	Email:	lis.every@cambridgeshire.gov.uk
Tel:	01223 699180	Tel:	01223 706398 (office)

1. BACKGROUND

1.1 The Council's Constitution states the following:

"Membership

All Investment Sub-Committee Members shall be drawn from Committee (*note – Pension Fund Committee*) membership.

Substitutes: the Pension Fund Committee may appoint substitute members to the Investment Sub-Committee in accordance with the scheme of substitution."

- 1.2 At the moment, only full members of the Pension Fund Committee and not substitutes can be members or substitutes on the Pension Fund Investment Sub-Committee. The intended purpose of this is to ensure that anyone on the Investment Sub-Committee has had sufficient training and is in turn sufficiently competent to be able to contribute to the debate and decision making.

2. PROPOSED CHANGE TO THE CONSTITUTION

- 2.1 The current provision in the Constitution is quite restrictive as it impedes the ability of the parties on the Investment Sub-Committee to fill all of their allocated substitution places (*the Constitution provides that the Council will allocate seats in the same manner to ensure that the number of substitute members is equal to the number of members on a committee/sub-committee with a minimum of three substitute members per political group*), and does not provide any flexibility if some substitute members do not have the capacity at a particular point to attend both meetings.

PENSION FUND COMMITTEE (6)

			Substitutes	
CLLR	A HAY	C	D AMBROSE SMITH	C
CLLR	I GARDENER	C	C BODEN	C
CLLR	T ROGERS	C	R HICKFORD	C
CLLR	J SCHUMANN	C	P TOPPING	C
CLLR	P DOWNES	LD	VACANCY	LD
CLLR	M SHELLENS	LD	L NETHSINGHA	LD
			G WILSON	LD

PENSION FUND COMMITTEE INVESTMENT SUB-COMMITTEE (4)

			Substitutes	
CLLR	I GARDENER	C	A HAY	C
CLLR	T ROGERS	C	J SCHUMANN	C
			-	C
CLLR	P DOWNES	LD	-	LD
CLLR	M SHELLENS	LD	-	LD
			-	LD

[Note: Membership drawn from Pension Fund Committee membership]

- 2.2 There is no legal restriction to prevent a substitute member on the Pension Fund Committee from being a substitute on the Pension Fund Investment Sub-Committee. Given the nature of the meeting and the significant financial decisions taken, and the fact that financial advisers come from a significant distance, it is often very important that the meeting is quorate.

- 2.3 Constitution and Ethics Committee may therefore wish to consider amending the wording of the Constitution to enable substitute members on the Pension Fund Committee to be substitute members on the Pension Fund Investment Sub-Committee. It may also wish to consider maintaining the existing restriction but build in an exemption for anyone who has completed the induction training and any subsequent update training as required.

Source Documents	Location
Constitution	https://cambridgeshire.cmis.uk.com/cc_live/Documents/PublicDocuments.aspx

A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO END OF JUNE 2019

To: **Constitution and Ethics Committee**

Meeting Date: **27 June 2019**

From: **Monitoring Officer**

Electoral division(s): **All**

Purpose: **To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 27 March 2019 to 27 June 2019 along with details of other complaints which have been concluded.**

Recommendation: **It is recommended that the Constitution and Ethics Committee note the contents of this report.**

<i>Officer contact:</i>	
Name:	Fiona McMillan
Post:	Monitoring Officer
Email:	fiona.mcmillan@peterborough.gov.uk
Tel:	01733 452361 (office)

1. INTRODUCTION

- 1.1. The Localism Act ("the Act") places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County 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 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 from 27 March 2019 when it last met to 27 June 2019.

2. OVERVIEW OF COMPLAINTS

- 2.1. Since 27 March 2019 one new complaint has been received in relation to the conduct of a county councillor at a parish/town council meeting. Following discussion with the complainant they have decided not to progress this complaint and therefore no further action will be taken.
- 2.2. No other complaints are currently in progress.
- 2.3. The publication of details of complaints only takes place after conclusion of the complaint to reduce speculation on limited information, ensure there is no compromise of any assessment or investigation, and that the Data Protection Act 1998 is complied with.

Source Documents	Location
Decision Notices	Published on the Council's website at https://www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member/

CONSTITUTION AND ETHICS COMMITTEE

AGENDA PLAN

Updated 12/06/19

27.06.19	AGENDA ITEMS		
		Election of Vice-Chairman/woman	
		Apologies and Declarations of Interest	
		Minutes of Previous Meeting	
		Proposal to Update the Terms of Reference for the Cambridgeshire Health and Wellbeing Board and to Create a Further Joint Sub-Committee with Peterborough Board	M Rowe
		Review of Complaints Procedure for Conduct Complaints	F McMillan
		Selection and Appointment of Independent Person(s)	M Rowe
		Social Media Code for Councillors	F McMillan
		Gifts and Hospitality	M Rowe
		Scheme of Delegation to Officers	M Rowe
		Pension Fund Committee Investment Sub-Committee – Substitution Arrangements	M Rowe
		A review of the complaints received under the Members' Code of Conduct to end of June 2019	F McMillan
		Agenda Plan	

01.10.19	AGENDA ITEMS		
		Apologies and Declarations of Interest	
		Minutes of Previous Meeting	
		Quarterly report on investigation of complaints	F McMillan
		Agenda Plan	

21.11.19	AGENDA ITEMS		
		Apologies and Declarations of Interest	
		Minutes of Previous Meeting	
		Agenda Plan	

30.01.20	AGENDA ITEMS		
		Apologies and Declarations of Interest	
		Minutes of Previous Meeting	
		Quarterly report on investigation of complaints	F McMillan
		Agenda Plan	

07.04.20	AGENDA ITEMS		
		Apologies and Declarations of Interest	
		Minutes of Previous Meeting	
		Quarterly report on investigation of complaints	F McMillan
		Agenda Plan	