

Local Government Association (LGA) Model Code	Cambridgeshire County Council (CCC) Code equivalent position
<p>Monitoring Officer (MO) Commentary: General observations; The Model Code is slightly longer than the CCC Code, however, the commentary that accompanies each section is helpful to Members, the Monitoring Officer and others in that it gives useful examples of what a breach of the Code might be and how the Code should be interpreted. The Model Code also includes the best practice recommendations from the Committee in Standards in Public Life 2019, which the CCC Code does not currently comply with.</p>	
Principles	
<p>General principles of councillor conduct</p> <p>Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.</p> <p>In accordance with the public trust placed in me, on all occasions:</p> <ul style="list-style-type: none"> <li>• I act with integrity and honesty</li> <li>• I act lawfully</li> <li>• I treat all persons fairly and with respect; and</li> <li>• I lead by example and act in a way that secures public confidence in the role of councillor.</li> </ul>	<p>Underlying Principles</p> <p>The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:</p> <ul style="list-style-type: none"> <li>(a) Selflessness - Holders of public office should act solely in terms of the public interest.</li> <li>(b) Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits.</li> <li>(c) Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</li> </ul>

<p>In undertaking my role:</p> <ul style="list-style-type: none"> <li>• I impartially exercise my responsibilities in the interests of the local community</li> <li>• I do not improperly seek to confer an advantage, or disadvantage, on any person</li> <li>• I avoid conflicts of interest</li> <li>• I exercise reasonable care and diligence; and</li> <li>• I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.</li> </ul>	<ul style="list-style-type: none"> <li>(d) Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</li> <li>(e) Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</li> <li>(f) Honesty - Holders of public office should be truthful.</li> <li>(g) Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</li> </ul>
<p>MO Commentary: The general principles in the Model Code are helpful because they directly relate to the role of a councillor rather than being more general. The full text of the Nolan Principles are contained as an appendix to the Model Code to provide context.</p>	
<h3>Application of the Code</h3>	
<p>This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.</p> <p>This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:</p> <ul style="list-style-type: none"> <li>• you misuse your position as a councillor</li> <li>• your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.</li> </ul>	<p>This Code applies to you whenever you are acting in your capacity as a member of Cambridgeshire County Council ("CCC") including:</p> <ul style="list-style-type: none"> <li>(a) When acting as a representative of the authority;</li> <li>(b) In taking any decision as a division councillor;</li> <li>(c) At briefing meetings with officers;</li> <li>(d) When corresponding with the authority other than in a private capacity.</li> </ul> <p>1.2 The term "the authority" used in this Code refers to Cambridgeshire County Council.</p> <p>1.3 "Member" means any person being an elected or co-opted member of the Authority.</p>

<p>The Code applies to all forms of communication and interaction, including:</p> <ul style="list-style-type: none"> <li>• at face-to-face meetings</li> <li>• at online or telephone meetings</li> <li>• in written communication</li> <li>• in verbal communication</li> <li>• in non-verbal communication</li> <li>• in electronic and social media communication, posts, statements and comments.</li> </ul> <p>You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.</p> <p>Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.</p>	<p>1.4 It is your responsibility to comply with the provisions of this Code.</p> <p>1.5 In this code, “Meeting” means any meeting of:</p> <ul style="list-style-type: none"> <li>(a) The authority;</li> <li>(b) The authority’s committees, sub-committees, joint committees, joint subcommittees, or area committees;</li> <li>(c) Any of the authority’s advisory groups and boards, working parties and panels.</li> </ul> <p>1.6 In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.</p>
<p>MO Commentary: The Model Code is written in plain English and clearly states when the Code applies, including social media posting explicitly. The LGA Model Code represent the best practice recommendations from the Committee on Standards in Public Life, whereas the CCC Code does not. This is a frequent area of dispute and clarification would be helpful.</p>	
<p><b>Standards of councillor conduct</b></p> <p>This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.</p>	<p>It is important councillors and co-opted members undertake their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a councillor or co-opted member has breached the Code.</p>

## Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word.

Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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

You must treat others with respect.

MO Commentary: The Model Code includes helpful guidance as to what “respect” means and also importantly includes a commentary as to when Members are able to withdraw from interaction.

### Bullying, harassment and discrimination

As a councillor:

- 2.1 I do not bully any person.
- 2.2 I do not harass any person.
- 2.3 I promote equalities and do not discriminate unlawfully against any person.

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

You must not:

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

<p>2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.</p>	
<p>MO Commentary: The Model Code explicitly sets out a definition of bullying which is not included in the CCC code which is helpful and clear and complies with the best practice recommendations from the CSPL.</p>	
<p><b>Impartiality of officers of the council</b></p> <p>As a councillor:</p> <p>3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.</p> <p>Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.</p>	<p>You must not;</p> <p>Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.</p>
<p>MO Commentary: The Model Code helpfully sets out the position on how “compromising” impartiality would look in practice.</p>	
<p><b>Confidentiality and access to information</b></p> <p>As a councillor:</p> <p>4.1 I do not disclose information:</p>	<p>You must not:</p> <p>Disclose information given to you in confidence by anyone, or information</p>

<p>a. given to me in confidence by anyone</p> <p>b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless</p> <p>i. I have received the consent of a person authorised to give it;</p> <p>ii. I am required by law to do so;</p> <p>iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or</p> <p>iv. the disclosure is:</p> <ol style="list-style-type: none"> <li>1. reasonable and in the public interest; and</li> <li>2. made in good faith and in compliance with the reasonable requirements of the local authority; and</li> <li>3. I have consulted the Monitoring Officer prior to its release.</li> </ol> <p>4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.</p> <p>4.3 I do not prevent anyone from getting information that they are entitled to by law.</p> <p>Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner.</p>	<p>acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:</p> <p>(a) You have the consent of a person authorised to give it;</p> <p>(b) You are required by law to do so;</p> <p>(c) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or</p> <p>(d) The disclosure is:</p> <ol style="list-style-type: none"> <li>(i) Reasonable and in the public interest; and</li> <li>(ii) Made in good faith and in compliance with the reasonable requirements of the authority.</li> </ol> <p>3.2 Prevent another person from gaining access to information to which that person is entitled by law.</p>
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<p>Examples include personal data relating to individuals or information relating to ongoing negotiations.</p>	
<p>MO Commentary: Again, the Model Code puts the provision into plain (er) English as to how information needs to be handled.</p>	
<p><b>Disrepute</b></p> <p>As a councillor: 5.1 I do not bring my role or local authority into disrepute.</p> <p>As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.</p>	<p>You must not;</p> <p>Conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>
<p>MO Commentary: Again the Model Code is helpful here as it provides useful guidance as to what is permissible in terms of debate and constructive criticism.</p>	
<p><b>Use of position</b></p> <p>As a councillor:</p>	<p>You must not:</p> <p>Use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.</p>



<p>6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.</p> <p>Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.</p>	
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MO Commentary: The Model Code provides a useful expansion of the provision.

<p><b>Use of local authority resources and facilities</b></p> <p>As a councillor:</p> <p>7.1 I do not misuse council resources.</p> <p>7.2 I will, when using the resources of the local authority or authorising their use by others:</p> <ol style="list-style-type: none"> <li>a. act in accordance with the local authority's requirements; and</li> <li>b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.</li> </ol> <p>You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:</p> <ul style="list-style-type: none"> <li>• office support</li> <li>• stationery</li> <li>• equipment such as phones, and computers</li> <li>• transport</li> </ul>	<p>When using or authorising the use by others of the resources of your authority:</p> <ol style="list-style-type: none"> <li>(a) Act in accordance with your authority's reasonable requirements;</li> <li>(b) Ensure that such resources are not used improperly for political purposes (including party political purposes; and</li> <li>(c) Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.</li> </ol>
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- access and use of local authority buildings and rooms.

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

MO Commentary: The Model Code includes a number of good practical examples of what this provision applies to.

### Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

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

You must not;

- (c) Intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) A complainant;
  - (ii) A witness; or
  - (iii) Involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with their authority's code of conduct.

MO Commentary: The Model Code is different from the CCC Code in relation to the requirement to co-operate with an investigation and also undertake training. This is a best practice recommendation from the CSPL that the CCC code currently doesn't comply with.

## Gifts and hospitality

As a councillor:

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

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

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

- 12.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 12.3 Guidance for Members relating to Gifts and Hospitality is set out in Part 5.1(b) – Members' Code of Conduct Guidance on Confidentiality.

MO Commentary: The Model Code is clearer on this issue and gives helpful practical guidance. The CCC code includes a lower limit.

Disclosable Interests are proscribed by regulation so are quite technical in nature. There is no substantial difference in the content.

