

CONSTITUTION AND ETHICS COMMITTEE



Tuesday, 18 June 2024

Democratic and Members' Services
Emma Duncan
Service Director: Legal and Governance

14:00

New Shire Hall
Alconbury Weald
Huntingdon
PE28 4YE

Red Kite Room
New Shire Hall, Alconbury Weald, Huntingdon, PE28 4YE

AGENDA

Open to Public and Press

CONSTITUTIONAL MATTERS

- 1 Election of Vice-Chair**
- 2 Apologies for Absence and Declarations of Interest**
Guidance on declaring interests is available in [Chapter 6 of the Council's Constitution \(Members' Code of Conduct\)](#)
- 3 Minutes - 23 April 2024** **3 - 6**

DECISIONS

- 4 Local Government Association's (LGA) Model of Code of Conduct** **7 - 36**
- 5 Proposed Changes to the Constitution** **37 - 38**

6	A Review of the Complaints Received Under the Members' Code of Conduct	39 - 40
7	Constitution and Ethics Committee Agenda Plan	41 - 42

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The Constitution and Ethics Committee comprises the following members:

Councillor Douglas Dew (Chair) Councillor Sebastian Kindersley (Vice-Chair) Councillor David Ambrose Smith Councillor Lorna Dupre Councillor John Gowing Councillor Richard Howitt Councillor Edna Murphy Councillor Keith Prentice and Councillor Kevin Reynolds

Clerk Name:	Sophie Rankine
Clerk Telephone:	
Clerk Email:	sophie.rankine@cambridgeshire.gov.uk

Constitution and Ethics Committee Minutes

Date: 23 April 2024

Time: 2:00 p.m. – 2:49 p.m.

Venue: Red Kite Room, New Shire Hall

Present: Councillors Douglas Dew (Chair), Sebastian Kindersley (Vice-Chair), Lorna Dupré, John Gowing, Kevin Reynolds, and Tom Sanderson

55. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillors Ambrose Smith, Bulat and French.

There were no declarations of interest.

56. Minutes – 14 November 2023

The minutes of the meeting held on 14 November 2023 were agreed as a correct record and signed by the Chair.

57. Petitions and Public Questions

No petitions or public questions were received.

58. Monitoring Officer Report 2023-24

The Committee received a report on the work of the Monitoring Officer for 2023-24 in relation to her statutory duties and those identified under the Council's Constitution, which also detailed key issues to be addressed in 2024-25.

While discussing the report, individual Members:

- drew attention to the final two behaviours set out in section 2.7 of the report. The first of these was 'Quality of local (external) relationships' and it was suggested that this could be assessed by other committees and highlighted in the Monitoring Officer's Annual Report. Members were informed that it would be included and assessed as part of the Annual Governance Statement. The second was 'The state of member oversight through scrutiny and audit committees', where it was emphasised that there was a need for the clear inclusion of the role in each committee's terms of reference, as the Council did not have separate overview and scrutiny committees. Members were informed that this would also be included in the

Annual Governance Statement. It was noted that the Audit and Accounts Committee reviewed its effectiveness annually and was also assessed by statutory officers.

- requested that decisions made outside the normal delegation procedure, such as emergency decisions, be reported. The Monitoring Officer reported that emergency decisions were discouraged due to the impact on transparency. However, the few that were taken would be included in future iterations of her report.
- noted that the majority of complaints centred around children with Education Health Care (EHC) Plans and people who required adult social care, which were both areas under financial pressure. It was also queried how the Ombudsman adverse findings compared to previous periods and other authorities. Members were informed that the number and types of complaints were average and consistent compared to other authorities of a similar size. The Ombudsman had published new guidance which required complaint data to be reported to Members. Work was being undertaken to consider how these complaints and all types of complaints across services and corporately would be managed by the Council's committee system. It was emphasised that the new reporting procedure would enable Members to assess the overall trends of complaints. It was agreed to provide Members with the number of complaints for the current period compared to previous periods. **Action required.**

It was resolved unanimously to:

Note and comment upon the contents of the attached report.

59. Disciplinary Procedure for Statutory Officers

The Committee received a report detailing the outcome of a review of the disciplinary procedure for statutory officers including the Head of Paid Service, Chief Finance Officer and the Monitoring Officer. This was to ensure the Council complied with regulations which required the establishment of an Investigating and Disciplinary Committee (IDC) and an Independent Panel.

It was resolved unanimously to:

Recommend to Full Council revisions to the Constitution set out in Appendices A and B of the report.

60. A Review of the Complaints Received Under the Members' Code of Conduct

The Committee received a report which provided an overview of the complaints received under the Code of Conduct since the last update on 13 September 2023. Members were informed that there were three new complaints, one of which had been resolved and two of which had been referred for further investigation.

It was resolved unanimously to:

Note the contents of the report.

61. Arrangements for the Appointment of Independent Person(s)

The Committee received a report on the appointment of an Independent Person or Persons to Council prior to the expiration of the current appointments on 15 October 2024.

While discussing the report, Members suggested that appointments should be made for four years at the Annual General Meeting of the Council following the County Council elections to cover the lifespan of an administration rather than every two years.

The following amendments were proposed by Councillor Kindersley, seconded by Councillor Dew, and agreed unanimously (additions in bold and deletions in strikethrough):

- a) That the Committee recommends that Council authorise the reappointment of Gillian Holmes and Grant Osbourn for a period of two years until **20 May 15** ~~October 2025~~.
- b) **That Council at its Annual General Meeting in 2025, authorise the reappointment of Gillian Holmes and Grant Osbourn, as Independent Persons, until the Annual General Meeting in 2029.**

It was resolved unanimously to recommend that Council:

- a) authorise the reappointment of Gillian Holmes and Grant Osbourn until the Annual General Meeting on 20 May 2025.
- b) at its Annual General Meeting in 2025, authorise the reappointment of Gillian Holmes and Grant Osbourn, as Independent Persons, until the Annual General Meeting in 2029.

62. County Council – Proposed Changes to the Constitution

The Committee received a report with proposed changes to the Contract Procedure Rules in the Council's Constitution, and which presented the Scheme of Delegation for Council's approval. Members were also informed that the ongoing review of the constitution was focussing on reformatting the Constitution to make it more accessible.

While discussing the report, Members suggested that the amendments in the appendix could be expressed more clearly in the version presented to Council.

It was resolved unanimously to:

- a) Recommended changes to the Contract Procedure Rules set out in Appendix A; and

- b) 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 (as set out in Part 3 of the Constitution).

63. Constitution and Ethics Committee Agenda Plan

While discussing the Committee's agenda plan, it was noted that a report on a review of the Members' Code of Conduct would be presented at the Committee's meeting in June 2024.

It was resolved to note the agenda plan.

Chair

Local Government Association's (LGA) Model of Code of Conduct

To: Constitution and Ethics Committee

Meeting Date: 18 June 2024

From: Service Director: Legal and Governance

Outcome: To introduce the Local Government Association's (LGA) Model of Code of Conduct.

Recommendations: The Committee is asked to:

Recommend to Council the adoption of the Local Government Association's Model Code of Conduct, attached at Appendix 2 of this report, to replace the Council's current Members' Code of Conduct.

Officer contact:

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1. Background

- 1.1 In 2020, the Local Government Association (LGA) developed an updated model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector. As part of this process a formal response was sent from the Constitution and Ethics Committee, following a discussion at its meeting on 30th June 2020.
- 1.2 The stated purpose of the LGA's Model Code of Conduct is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The new LGA Model Code of Conduct is available [on its website](#). Guidance to accompany the code, offering advice on how it should be interpreted, was published in July 2021, and is also available on [the LGA's website](#). This resource also contains links to other LGA guidance, such as guidance for Councillors on the use of social media.
- 1.3 There is no legal requirement to adopt the new Model Code of Conduct, as under the Localism Act 2011 it is for each authority to adopt whatever code of conduct it thinks fit. However, the LGA expressly acknowledges that the model code is a "template", which it will review annually.
- 1.4 At its meeting on 29th September 2021, the Committee resolved unanimously to:
 - Review the new Local Government Association Model Code of Conduct against the Council's current Members' Code of Conduct;
 - Agree to retain the Council's current Members' Code of Conduct for the time being; and
 - Agree to keep the Council's Members' Code of Conduct under review, pending a response from the Government to the recommendations from the Committee on Standards in Public Life.
- 1.5 The Committee met to consider the government response to the Committee on Standards in Public Life report on 26th April 2022. At this meeting, the Chair proposed, with the agreement of the Committee, that the Council's Code of Conduct be reviewed against the Model Code of Conduct in September 2022. Following a review on 27th September 2022, Members agreed that the current Code of Conduct and Social Media Protocol should remain unchanged.

2. LGA Model Code of Conduct

- 2.1 The Model Code also includes (where applicable) the best practice recommendations made by the Committee for Standards in Public Life (where applicable). A side by side comparison of the LGA Model Code and the LGA Code with commentary is set out at Appendix 1.
- 2.2 The model Code of Conduct has the advantage of setting out a more complete set of behavioural principles as well as providing a comprehensive system of registering and declaring interests (beyond disclosable pecuniary interests). There is also extensive guidance published by the LGA which provides a number of helpful practical examples of how to apply the new Code to day-to-day scenarios.

- 2.3 The Council and the Constitution and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. An appropriate Members' Code of Conduct is an important part of complying with that duty.
- 2.4 One of the overriding reasons for a new Model Code of Conduct was for all local authorities to adopt it, ensuring consistency across the tiers of local government, especially for those Councillors who are elected at both County and District levels, represent the Council in the Combined Authority and at Town and Parish levels, where different codes of conduct often apply. This is currently a cause of confusion for those Members, as well as the public.

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

- 3.1 The key differences are as set out below. The new LGA Code Conduct:
1. Has comments and guidance built into every section, as well as a separate section on how to interpret it.
 2. Makes clear in the introduction that it applies to social media communications in specific circumstances and includes a rebuttable presumption that a Member is acting in their official capacity for all public interactions, including on social media.
 3. Adds in "harassment" as well as bullying. This is a best practice recommendation from the Committee on Standards in Public Life (CSPL), which also recommends that examples of such behaviour are given.
 4. Adds in a requirement to undertake Code of Conduct training, and to comply with any sanctions imposed on a Councillor following a finding that there has been a breach of the Code of Conduct.
 5. Sets gifts and hospitality declarations at £50 and over. The Council's current Members' Code of Conduct is set a higher level of £100.
 6. Has a section on "Other Registrable Interests". The Council's current Members' Code of Conduct calls these "non-statutory disclosable interests", which is very similar.
 7. The standards in the new LGA Code of Conduct are set out in the first person (e.g. "I ..."), so a Member reads the Code of Conduct as a personal commitment to behave in accordance with the standards.
 8. It also includes the Nolan Principles and CSPL Best Practice Recommendations as appendices.

4. Source Documents

- 4.1 [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)
- 4.2 [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)
- 4.3 [Local Government Ethical Standards Report \(Committee on Standards in Public Life – 30th January 2019\)](#)
- 4.3 Constitution and Ethics Committee Agenda and Minutes : 29th September 2021; 26th April 2022; and 27th September 2022 [Constitution and Ethics Committee](#)

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"> • I act with integrity and honesty • I act lawfully • I treat all persons fairly and with respect; and • I lead by example and act in a way that secures public confidence in the role of councillor. 	<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"> (a) Selflessness - Holders of public office should act solely in terms of the public interest. (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. (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.

<p>In undertaking my role:</p> <ul style="list-style-type: none"> • I impartially exercise my responsibilities in the interests of the local community • I do not improperly seek to confer an advantage, or disadvantage, on any person • I avoid conflicts of interest • I exercise reasonable care and diligence; and • I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest. 	<ul style="list-style-type: none"> (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. (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. (f) Honesty - Holders of public office should be truthful. (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.
<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"> • you misuse your position as a councillor • your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor. 	<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"> (a) When acting as a representative of the authority; (b) In taking any decision as a division councillor; (c) At briefing meetings with officers; (d) When corresponding with the authority other than in a private capacity. <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"> • at face-to-face meetings • at online or telephone meetings • in written communication • in verbal communication • in non-verbal communication • in electronic and social media communication, posts, statements and comments. <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"> (a) The authority; (b) The authority’s committees, sub-committees, joint committees, joint subcommittees, or area committees; (c) Any of the authority’s advisory groups and boards, working parties and panels. <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>Standards of councillor conduct</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>

<p>Respect</p> <p>As a councillor:</p> <p>1.1 I treat other councillors and members of the public with respect.</p> <p>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.</p> <p>Respect means politeness and courtesy in behaviour, speech, and in the written word.</p> <p>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.</p> <p>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.</p>	<p>You must treat others with respect.</p>
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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>Impartiality of officers of the council</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>Confidentiality and access to information</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"> 1. reasonable and in the public interest; and 2. made in good faith and in compliance with the reasonable requirements of the local authority; and 3. I have consulted the Monitoring Officer prior to its release. <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"> (i) Reasonable and in the public interest; and (ii) Made in good faith and in compliance with the reasonable requirements of the authority. <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>Disrepute</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>Use of position</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>	
<p>MO Commentary: The Model Code provides a useful expansion of the provision.</p>	
<p>Use of local authority resources and facilities</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"> a. act in accordance with the local authority's requirements; and b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed. <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"> • office support • stationery • equipment such as phones, and computers • transport 	<p>When using or authorising the use by others of the resources of your authority:</p> <ol style="list-style-type: none"> (a) Act in accordance with your authority's reasonable requirements; (b) Ensure that such resources are not used improperly for political purposes (including party political purposes; and (c) Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

<ul style="list-style-type: none"> • access and use of local authority buildings and rooms. <p>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.</p>	
<p>MO Commentary: The Model Code includes a number of good practical examples of what this provision applies to.</p>	
<p>Complying with the Code of Conduct</p> <p>As a Councillor:</p> <p>8.1 I undertake Code of Conduct training provided by my local authority.</p> <p>8.2 I cooperate with any Code of Conduct investigation and/or determination.</p> <p>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.</p> <p>8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.</p> <p>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.</p>	<p>You must not;</p> <p>(c) Intimidate or attempt to intimidate any person who is or is likely to be:</p> <ul style="list-style-type: none"> (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.
<p>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.</p>	

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.

Members' Code of Conduct

Purpose

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

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

Definitions

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

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

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

General principles of councillor conduct

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

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

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

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

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person

- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

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

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

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

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

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

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

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

Standards of councillor conduct

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

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

General Conduct

1. Respect

As a councillor:

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

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

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

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

2. Bullying, harassment and discrimination

As a councillor:

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social

media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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

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

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

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

As a councillor:

- 4.1 I do not disclose information:

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

3. I have consulted the Monitoring Officer prior to its release.

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

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

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

5. Disrepute

As a councillor:

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

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

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

a. act in accordance with the local authority's requirements; and

- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

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

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

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

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct. It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

- 9.1 I register and disclose my interests.

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

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before)

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

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

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

10. Gifts and hospitality

As a councillor:

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

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B

Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

8. Where a matter (referred to in paragraph 7 above) affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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

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

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

Subject	Description
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	<p>Any beneficial interest in securities* of a body where—</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which you are a member or in a position of general control or management

Proposed Changes to the Constitution

To: Constitution and Ethics Committee

Meeting Date: 18 June 2024

From: Service Director: Legal and Governance

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

Recommendation: The Constitution and Ethics Committee is asked to:

Recommend the following changes to the Constitution, as set out in Section 2 of the report, to Full Council:

- (i) Authority for the Adults and Health Committee to establish Task and Finish groups; and
- (ii) Removal of the requirement for the Council to agree the Scheme of Delegation at its annual meeting.

Officer contact:

Name: Michelle Rowe
Post: Democratic Services Manager
Email: michelle.rowe@cambridgeshire.gov.uk

1. Background

- 1.1 The Local Government Act 2000 requires all local authorities to have a constitution that contains the standing orders and the code of conduct, as well as any other information that the authority considers appropriate. Changes to the Council's Constitution are considered by the Constitution and Ethics Committee before being recommended to Full Council for approval.

2. Main Issues

Task and Finish Groups

- 2.1 Task and Finish groups are an established method of conducting health scrutiny outside of formal committee meetings, but the Adults and Health Committee does not currently have the authority to establish them. Instead, there is a reliance on the Executive Director of Adults, Health and Commissioning to establish informal working groups.
- 2.2 The Pension Fund Committee is currently the only committee with the authority to set up task and finish groups.
- 2.3 It is therefore proposed to include the following delegation in the Adults and Health Committee's terms of reference:

Authority to set up task and finish groups in support of the committee's statutory health scrutiny function.

Scheme of Delegation

- 2.4 The Scheme of Delegation to Officers (Part 3D of the Council's Constitution) describes the extent and nature of the authority delegated to officers to undertake functions on behalf of the Council.
- 2.5 Section 1.2 (f) of the Council Procedure Rules (Part 4.1 of the Council's Constitution) states that the annual meeting will agree the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree (as set out in Part 3 of the Constitution).
- 2.6 This requirement was originally included in the constitution as part of the wider adoption of the Modular Constitution that was published alongside the Local Government Act 2000.
- 2.7 While it may be practical for authorities that would not otherwise provide regular oversight of the most significant delegations to officers, the Council's Scheme of Delegation is regularly updated and reviewed by the Constitution and Ethics Committee and Full Council.
- 2.8 It is therefore proposed to remove Section 1.2 (f) of the Council Procedure Rules.

3. Source Documents

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

A Review of the Complaints Received Under the Members' Code of Conduct

To: Constitution and Ethics Committee

Meeting Date: 18 June 2024

From: Service Director: Law and Governance

Outcome: To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 23 April 2024 to date, along with details of other complaints which are in process or have been concluded.

Recommendation: The Constitution and Ethics Committee is recommended to note the contents of the report.

Officer Contact;

Name: Emma Duncan
Post: Director of Law and Governance and Monitoring Officer
Email: Emma.Duncan@cambridgeshire.gov.uk

1. Background

- 1.1 The Localism Act (“the Act”) places a statutory duty on the Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2 The requirements of the Act are supported by Article 2 (Members of the Council) in the Council’s Constitution, and by Part 5.1 (Members’ Code of Conduct). The Constitution and Ethics Committee’s terms of reference give it authority to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3 This report serves to provide the Constitution and Ethics Committee with an overview of the complaints received under the Code of Conduct since the last update on 23 April 2024.

2. Overview of Complaints

2.1 Ongoing Complaints

- 2.1.1 There are two ongoing complaints which are currently being investigated. The publication of details of complaints only takes place after conclusion of the complaint and only if a breach of the code has been established. The purpose of this restriction is to reduce speculation on limited information, to ensure there is no compromise of any assessment or investigation, and to uphold the requirements of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR).
- 2.1.2 Since the time of last reporting, there have been two new complaints, which are currently at assessment stage (CoCo/2024/20a and b) .

2.2 Concluded Complaints

- 2.2.1 No complaints have been concluded since the time of last reporting

3. Source documents

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

[Complain about a councillor or co-opted member - Cambridgeshire County Council](#)

Constitution and Ethics Committee Agenda Plan

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

- Apologies for Absence and Declarations of Interest
- Minutes of previous meeting and Minutes Action Log
- Committee Agenda Plan

Committee date	Agenda item	Lead officer	Deadline for draft reports	Agenda despatch date
05/09/24	Annual Review of the Constitution	E Duncan	20/08/24	28/08/24
	A Review of the Complaints Received Under the Members' Code of Conduct - End August 2024	E Duncan		
12/11/24	No reports currently scheduled		28/10/24	04/11/24
28/01/25	A Review of the Complaints Received Under the Members' Code of Conduct - End December 2024	E Duncan	13/01/25	20/01/25
20/03/25	Monitoring Officer Annual Report	E Duncan	05/03/25	12/03/25
	A Review of the Complaints Received Under the Members' Code of Conduct - End February 2025	E Duncan		
10/06/25	A Review of the Complaints Received Under the Members' Code of Conduct - End May 2025	E Duncan	23/05/25	02/06/25

Please contact Democratic Services (democraticservices@cambridgeshire.gov.uk) if you require this information in a more accessible format.

