

# CONSTITUTION AND ETHICS COMMITTEE



**Tuesday, 30 June 2020**

**Democratic and Members' Services**

Fiona McMillan  
Monitoring Officer

**14:00**

Shire Hall  
Castle Hill  
Cambridge  
CB3 0AP

## **COVID-19**

During the Covid-19 pandemic Council and Committee meetings will be held virtually for Committee members and for members of the public who wish to participate. These meetings will be held via Zoom and Microsoft Teams (for confidential or exempt items). For more information please contact the clerk for the meeting (details provided below).

## **AGENDA**

**Open to Public and Press**

### **CONSTITUTIONAL MATTERS**

- 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 of the meeting held on 22nd April 2020**

Available at: [Minutes - 22nd April 2020](#)

### **DECISIONS**

- 4 Decision Review Process**

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<b>5</b>	<b>Consultation on Draft Model Code of Conduct</b>	<b>17 - 50</b>
<b>6</b>	<b>Constitution and Ethics Committee Agenda Plan</b>	<b>51 - 52</b>

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 David Jenkins Councillor Sebastian Kindersley and Councillor Jocelynne Scutt

*For more information about this meeting, including access arrangements please contact*

Clerk Name: Nick Mills

Clerk Telephone: 01223 699763

Clerk Email: [Nicholas.Mills@cambridgeshire.gov.uk](mailto:Nicholas.Mills@cambridgeshire.gov.uk)

**DECISION REVIEW PROCESS**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **30th June 2020**

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

*Electoral division(s):* **All**

*Purpose:* **The Committee is asked to consider changes to the  
Decision Review Procedure rules set out in the Council's  
Constitution.**

*Recommendation:* **The Committee is asked to:**

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

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

## 1.0 BACKGROUND

### *Environment and Sustainability Committee*

- 1.1 In May 2019, Councillor Steve Count proposed an Environment Motion to Full Council and as a result, the Council declared a Climate Emergency. The motion was passed unanimously, and committed the Council to the development of a Climate Change and Environment Strategy and Action Plan.
- 1.2 Full Council at its meeting on 19 May 2020 approved the Council's Climate Change and Environment Strategy and Action Plan, and the establishment of the Environment and Sustainability Policy and Service Committee in order to provide sufficient focus on actions to address climate change. The summary of functions for the new committee is set out below:

### Summary of Functions

Delegated authority to exercise all the County Council's functions, not otherwise reserved to Full Council, relating to energy and the environment within Cambridgeshire.

Delegated Authority	Delegation/Condition
Authority for exercising all powers and implementing all strategies associated with the Council's climate change, sustainable development, energy and environment functions which are not otherwise reserved for Full Council or any other body.	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Planning, Clean Growth, Energy and the Environment.	
<p>Authority for exercising the Council's functions in respect of all areas covering the following:</p> <ul style="list-style-type: none"><li>• To oversee the funding and implementation of the Climate Change and Environment Strategy, its targets and action plan including the development of new policies that may be required to support delivery including engaging and encouraging residents, businesses, community and voluntary groups and other authorities and all stakeholders to adopt environmentally sustainable measures</li><li>• County Planning - Minerals and Waste</li><li>• Historic environment</li><li>• Flood and water management</li><li>• Clean energy and green investments</li><li>• Growth and development policy and management</li><li>• Waste management including the Waste Contract</li><li>• RECAP (Recycling in Cambridgeshire and Peterborough partnership)</li><li>• Greening the Council's finances and investments and using this to support and develop green innovation</li><li>• Management of the capital projects within the service committee's portfolio as agreed within the Council's Business Plan</li></ul>	

Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none"> <li>• CIL/S106 funding / innovative approaches</li> <li>• Funding bids</li> <li>• Decarbonisation of transport, land and buildings</li> <li>• Identification and management of strategic and project based climate and environmental risks for Council's assets, its service delivery and the wider community</li> </ul>	
To recommend to Council and monitor the Council's Climate Change and Environment Strategy and Environment Fund.	
Authority to exercise the statutory functions in relation to the scrutiny of flood risk management under the provisions of the Flood and Water Management Act 2010.	
Authority to nominate representatives to Outside Bodies other than the Combined Authority, Greater Cambridge Partnership, Cambridgeshire and Peterborough Fire Authority, the County Councils Network Council and the Local Government Association.	

1.3 Article 6 – The Decision Review Process and Statutory Scrutiny Function, set out in the Council's Constitution, provides an explanation of the Decision Review process (**Appendix 1**).

1.4 The Decision Review Procedure Rules, as set out at Part 4.7 of the Council's Constitution (**Appendix 2**), sets out how the Review process will be managed.

### ***General Purposes Committee***

1.5 As set out in Part 3B – Responsibility for Functions, Committees of Council, General Purposes Committee, eight members of General Purposes Committee may initiate a review of a decision taken by a Policy and Service Committee by submitting a request for review to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.

## **2. MAIN ISSUES**

### ***Environment and Sustainability Committee***

2.1. The Constitution and Ethics Committee at its meeting on 22nd April 2020 considered and welcomed a proposal to establish an Environment and Sustainability Committee.

2.2 As part of its discussions, it was also considered whether the Environment and Sustainability Committee's proposed delegation "to recommend to Council and monitor the Council's Climate Change and Environment Strategy and Environment Fund", was strong enough to ensure that climate change issues were acted on. It was suggested that the Committee should be able to scrutinise decisions that were felt likely to cause any negative impacts on sustainability and/or climate change, with one Member proposing that the Committee would benefit from the ability to initiate reviews of decisions made

by policy and service committees – a power currently only held by the General Purposes Committee.

- 3.3 The report template for Policy and Service Committee includes a number of references to the environment including specific sign offs (highlighted in **Appendix 3**).
- 3.4 The following delegation would need to be added to the summary of functions for the Environment and Sustainability Committee, if the Constitution and Ethics Committee was minded to recommend to Council that the Committee should have powers to review the decisions of Policy and Service Committees, which it felt had made a decision which was likely to cause negative impacts on sustainability and/or climate change:

Authority for five members of Environment and Sustainability Committee to initiate a review of a decision taken by a Policy and Service Committee, if it is of the view that the decision is likely to cause negative impacts on sustainability and/or climate change, by submitting a request for review to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.

- 3.5 Article 6 – The Decision Review Process and Statutory Scrutiny Function of the Council's Constitution provides an explanation of the Decision Review process (**Appendix 1**) and will need to be amended if the Environment and Sustainability Committee is given decision review powers (*see additions in bold*). The same action will need to be taken in relation to the Decision Review Procedure Rules as set out at Part 4.7 of the Council's Constitution (**Appendix 2**) (*see additions in bold and deletions in strikethrough*).

### **General Purposes Committee**

- 3.6 The figure of eight members of General Purposes Committee initiating a review of a decision taken by a Policy and Service Committee was based on half the membership of the Committee – 15. Following the decision of full Council, on 19 May 2020, to increase the membership of General Purposes Committee to 17, it is proposed that the figure for initiating a review should be increased to nine.

Source Documents	Location
Constitution	<a href="https://cambridgeshire.cmis.uk.com/ccclive/Documents/PublicDocuments.aspx">https://cambridgeshire.cmis.uk.com/ccclive/Documents/PublicDocuments.aspx</a>

## ARTICLE 6 – THE DECISION REVIEW PROCESS AND STATUTORY SCRUTINY FUNCTION

### 6.01 Decision Review

The decision-making powers of each committee are specified in their terms of reference in Part 3B, Responsibility for Functions: Committees of Council.

In the case of decisions made by one of the seven Policy and Service Committees (Adults; Children and Young People; Commercial and Investment; Communities and Partnership; Environment and Sustainability; Health; and Highways and Transport) there is a process by which particularly controversial decisions may be reviewed by the General Purposes Committee which shall be known as Decision Review.

**In the case of decisions made by one of the seven Policy and Service Committees (Adults; Children and Young People; Commercial and Investment; Communities and Partnership; General Purposes Committee; Health; and Highways and Transport) there is a process by which decisions likely to cause negative impacts on sustainability and/or climate change may be reviewed by the Environment and Sustainability Committee which shall be known as a Sustainability Decision Review.**

The decision review procedure is set out in Part 4.7, Rules of Procedure: Decision Review Procedure Rules.

### 6.02 The Council's Statutory Scrutiny Function

There is a statutory requirement for Council to make arrangements for scrutiny of certain matters, as specified in the following legislation:

- Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012, and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218).

These powers shall be exercised by the Health Committee.

- The Flood and Water Management Act 2010.

These functions shall be exercised by the Economy and Environment Committee.

## **DECISION REVIEW PROCEDURE RULES**

### **1. Overview**

As set out in Part 3B – Responsibility for Functions, Committees of Council, General Purposes Committee, eight members of General Purposes Committee may initiate a review of a decision taken by a Policy and Service Committee by submitting a request for review to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.

**Five members of Environment and Sustainability Committee may initiate a review of a decision taken by a Policy and Service Committee, if it is of the view that the decision is likely to cause negative impacts on sustainability and/or climate change, by submitting a request for review to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.**

Due to the costs and delay caused by review, it is intended that it should only be used in exceptional circumstances as a last resort.

Where the review process is initiated the implementation of the decision subject to the review shall be suspended until the process is complete or the review withdrawn.

### **2. Decisions which may be subject to review**

As provided in Article 6 and subject to the exceptions set out below, the Decision Review procedure shall apply to any decisions made by Policy and Service Committees (Adults, Children and Young People, Commercial and Investment, Communities and Partnership, Environment and Sustainability, **General Purposes Committee**, Health and Highways and Infrastructure).

The General Purposes Committee **and the Environment and Sustainability Committee** may not review its own decisions.

### **3. Decisions which may not be reviewed**

The following categories of decision are exempt from the decision review process:

- i) A decision in respect of which no decision review request was received within the requisite timescales prescribed in these Rules and has therefore come into effect.
- ii) A decision which satisfies the criteria for urgent decisions as set out in the Council's Rules of Procedure.
- iii) A decision by Full Council or subject to Full Council approval.
- iv) ~~A decision by General Purposes Committee.~~



- v) Decisions made by regulatory committees and/or decisions of a quasi-judicial or regulatory nature.
- vi) A decision which has been rescinded by the relevant committee or decision maker prior to the determination of any request for a decision review in accordance with Rule 4.2.
- vii) A decision which has been made in accordance with Rule 17 of the Committee and Sub-Committee Procedure Rules, Previous Decisions and Motions.

#### **4. Decision Review Process**

##### **4.1 Publication of Decision Statement**

Where a decision has been made by a Policy and Service Committee, the decision shall be published in the form of a decision statement, within two working days of the decision being made, on the Council's public website. The decision statement shall also be sent to members of the relevant committee within the same timescale.

The decision statement will bear the date on which it is published and will specify that the decision will be effective on the expiry of three full working days after the publication of the decision statement and may then be implemented, unless the subject of a decision review request under this provision within that three full working day period. The deadline for a decision review request shall be specified in the decision statement.

##### **4.2 Review by General Purposes Committee**

Where at least **9** & *full* members of the General Purposes Committee wish to initiate a review of a decision which falls within the remit of the procedure, they may do so by submitting a written request for review to the Monitoring Officer or Chief Executive.

Such a request must be received by the Monitoring Officer or Chief Executive before the end of three full working days from the date on which the decision notice was published.

Where this criterion is met, the matter shall be referred to the General Purposes Committee for consideration as to whether the review request should be dismissed or upheld.

If the request is dismissed, those members requesting the review will be notified and the original decision shall take effect by 9.30am the next working day following the day of the General Purposes Committee meeting which reviewed the request.

If the review is upheld the matter shall be referred back to the relevant committee with a recommendation from the General Purposes Committee. The relevant committee shall reconsider the matter, taking into account any concerns and recommendations of the General Purposes Committee, and decide whether to amend the decision or not before reaching a final decision. The decision of the relevant committee will take effect at 9.30am on the fourth full working day from the date on which the decision notice

was published.

A decision may be subject of a decision review by the General Purposes Committee once only. Once the review has been considered by the General Purposes Committee, the decision may not be subject of a further decision review by that Committee.

#### **4.3 Review by Environment and Sustainability Committee**

**Where at least 5 full members of the Environment and Sustainability Committee wish to initiate a review of a decision which falls within the remit of the procedure, they may do so by submitting a written request for review to the Monitoring Officer or Chief Executive.**

**Such a request must be received by the Monitoring Officer or Chief Executive before the end of three full working days from the date on which the decision notice was published.**

**Where this criterion is met, the matter shall be referred to the Environment and Sustainability Committee for consideration as to whether the review request should be dismissed or upheld.**

**If the request is dismissed, those members requesting the review will be notified and the original decision shall take effect by 9.30am the next working day following the day of the Environment and Sustainability Committee meeting which reviewed the request.**

**If the review is upheld the matter shall be referred back to the relevant committee with a recommendation from the Environment and Sustainability Committee. The relevant committee shall reconsider the matter, taking into account any concerns and recommendations of the Environment and Sustainability Committee, and decide whether to amend the decision or not before reaching a final decision. The decision of the relevant committee will take effect at 9.30am on the fourth full working day from the date on which the decision notice was published.**

**A decision may be subject of a decision review by the Environment and Sustainability Committee once only. Once the review has been considered by the General Purposes Committee, the decision may not be subject of a further decision review by that Committee.**

#### **5. The Decision Review Procedure Timescales**

Where a valid review request is received, the Monitoring Officer shall convene a meeting of the General Purposes Committee **or Environment and Sustainability Committee** as appropriate, to take place within 10 working days or as soon as is practically possible thereafter.

In setting the date of the review hearing, all reasonable efforts will be made to enable attendance by Members, relevant Officers and other witnesses. Councillors who have requested the review shall have the right to address the Committee when it deals with the issue subject to the usual limits on speeches.

**ARIAL 12 IS THE FORMAT FOR ALL REPORTS TO COMMITTEES**

**REPORT TITLE HERE** (*upper case underlined*)

*To:* **Insert committee name here**

*Meeting Date:*

*From:* **Chief Executive or Executive Director etc.**

*Electoral division(s):* **Those divisions affected by the decision / proposal, or “all” if it is Countywide.**

*[The My Cambridgeshire representation map on the web may help:*

*<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>]*

*Forward Plan ref:* **For key decisions** *Key decision:* **Yes / No**  
**Democratic** **(See Appendix 1 for**  
**Services can** **Guidance)**  
**provide this**  
**reference**

*Outcome:* **What is the Committee being asked to consider?**  
**What are the potential and predicted outcomes?**

*Recommendation:* **What is the Committee being asked to agree?**

**Where there is more than one recommendation, please use lower case letters as set out below and not numbers or roman numerals:**

- a)**
- b)**
- c)**

**You should not repeat the recommendations at the end of the report.**

<b><i>Officer contact:</i></b>	<b><i>Member contacts:</i></b>
Name:	Names: Councillors
Post:	Post: Chair/Vice-Chair
Email:	Email:
Tel:	Tel: 01223 706398

## **1. BACKGROUND**

- 1.1 Essential background to explain the context of the current report and any previous decisions related to it / relevant legislation / issues that may have resulted in the report being required.
- 1.2 All reports must have a clear description of intended outcomes in this introductory section. This should cover financial and service outcomes as well as the impact on the public.

## **2. MAIN ISSUES**

- 2.1 Detail of the report.

## **3. ALIGNMENT WITH CORPORATE PRIORITIES**

Report authors should evaluate the proposal(s) in light of their alignment with the following four Corporate Priorities.

### **3.1 A good quality of life for everyone**

*There are no significant implications for this priority.*  
**or**

The following bullet points set out details of implications identified by officers:  
**or**

The report above sets out the implications for this priority in **[ref paragraph]**

### **3.2 Thriving places for people to live**

See wording under 3.1 above.

### **3.3 The best start for Cambridgeshire's children**

See wording under 3.1 above.

### **3.4 Net zero carbon emissions for Cambridgeshire by 2050**

See wording under 3.1 above.

## **4. SIGNIFICANT IMPLICATIONS**

Report authors should evaluate any further significant implications using the seven sub-headings below. These significant implications should also be evaluated using the questions detailed in the table below. Each specific implication must be signed off by the relevant Team within the Council before the report is submitted to Democratic Services.

Further guidance and a checklist containing prompt questions are included at Appendix 2.

#### 4.1 Resource Implications

*There are no significant implications within this category.*

**or**

*The following bullet points set out details of significant implications identified by officers:*

**or**

*The report above sets out details of significant implications in [ref paragraph]*

#### 4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

*See wording under 4.1 and guidance in Appendix 2.*

#### 4.3 Statutory, Legal and Risk Implications

*See wording under 4.1 and guidance in Appendix 2.*

#### 4.4 Equality and Diversity Implications

*See wording under 4.1 and guidance in Appendix 2.*

#### 4.5 Engagement and Communications Implications

*See wording under 4.1 and guidance in Appendix 2.*

#### 4.6 Localism and Local Member Involvement

*See wording under 4.1 and guidance in Appendix 2.*

#### 4.7 Public Health Implications

*See wording under 4.1 and guidance in Appendix 2.*

*The contacts for the sign off process are as follows:*

- Resource Implications – Finance (**Tom Kelly (GPC)/Ellie Tod (C&I)/Sarah Heywood (E&E & HC&I)/Martin Wade (C&YP, C&P, & Health)/ Stephen Howarth (Adults)**)
- Procurement/Contractual/Council Contract Procedure Rules Implications – Procurement (**Gus de Silva**)
- Statutory, Legal and Risk – Legal (**Fiona McMillan** [fiona.mcmillan@peterborough.gov.uk](mailto:fiona.mcmillan@peterborough.gov.uk))
- Equality and Diversity – Service Responsibility (**Service to nominate a contact**)
- Engagement and Communications – Communications (**Comms Service Lead**)
- Localism and Local Member Involvement – Service Responsibility (**Service to nominate a contact**)
- Public Health – Public Health (**Kate Parker. Reports should ideally be shared at drafting stage. If not a minimum of one week will be needed to provide clearance.**)

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes or No Name of Financial Officer:
Have the procurement/contractual/Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes or No Name of Officer:

<b>Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law?</b>	Yes or No Name of Legal Officer:
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	Yes or No Name of Officer:
<b>Have any engagement and communication implications been cleared by Communications?</b>	Yes or No Name of Officer:
<b>Have any localism and Local Member involvement issues been cleared by your Service Contact?</b>	Yes or No Name of Officer:
<b>Have any Public Health implications been cleared by Public Health</b>	Yes or No Name of Officer:

Please include the table at the end of your report so that the Chief Executive/Executive Directors/Directors clearing the reports and the public are aware that you have cleared each implication with the relevant Team.

### **SOURCE DOCUMENTS GUIDANCE**

*It is a legal requirement for the following box to be completed by the report author.*

<b>Source Documents</b>	<b>Location</b>
<p><i>List here details of any supporting or background documents which have been relied upon to a material extent when preparing the report which are not confidential. Democratic Services can help if you are unsure of what to include. Source documents are open for inspection by the public and must be retained for a period of 4 years (by the report author's records section) from the date of the meeting.</i></p> <p><i>If no supporting or background documents were used insert the word <b>None</b> and delete any text in the location column.</i></p>	<p>This should identify where these documents are held should anyone want to look at them. This will usually be the report author's location – e.g.</p> <p>Room XXX, Shire Hall, Cambridge</p> <p>Where the document is held electronically, please provide a web link(s) if appropriate.</p>

## **APPENDIX 2 – GUIDANCE AND CHECKLIST FOR IMPLICATIONS**

Report authors should decide whether in each category there are no, some or significant implications, considering each of the prompt questions. A commentary need only be included within the report where there are significant implications. Report authors will need to clear each implication category with the relevant Team. They may wish to this before the drafting a report particularly if the issue is contentious.

**A working definition of “significant”** is where the broader implications of a proposal are so evident /substantial that they need to be taken into consideration when Members are making a decision on the proposal.

All headings (in bold below) should be included. However, if the implications have been referenced earlier in the report, the detail does not need to be repeated – just a reference made to the relevant text.

<b>Resource Implications</b>	<ul style="list-style-type: none"><li>• What are the capital and revenue costs?</li><li>• What is the availability of current and future budget provision?</li><li>• Is the organisation delivering value for money?</li><li>• Is the best placed organisation delivering this service?</li><li>• What are the implications for our property assets?</li><li>• What are the implications for Information and Communications Technologies (ICT) and data ownership?</li><li>• What are the impacts on human resources – employees’ Terms &amp; Conditions, work location, staffing levels, industrial relations, Human Resources (HR) policies and if so has advice on the report been sought?</li><li>• Are resources being used in a sustainable way, with regard to carbon dioxide (CO<sub>2</sub>) emissions, climate change adaptation/mitigation, and long-term impact on environment?</li><li>• Have we considered and are we in line with best practice?</li><li>• Is our performance as an authority or partnership impacted?</li></ul>
<b>Procurement/ Contractual/ Council Contract Procedure Rules Implications</b>	<ul style="list-style-type: none"><li>• Have you evidenced compliance with the Council’s Contract Procedures Rules?</li><li>• Have you identified where you are seeking Committee to approve an exemption from the Contract Procedure Rules and detailed the risks and mitigations?</li><li>• Have you identified any EU or UK legislative risks associated with the exemption process such as non-compliance with the Public Contract Regulations Act 2015, transparency and open competition?</li><li>• Have you identified the procurement or contractual risks associated with a contract?</li><li>• Has the contract/procurement been subjected to the Council’s Commercial Board?</li><li>• This includes re-procurement</li></ul>
<b>Statutory, Legal and Risk Implications</b>	<ul style="list-style-type: none"><li>• Did the proposal originate as a result of statute?</li><li>• What is the relevant statutory guidance?</li><li>• Are there any legal implications?</li><li>• Are there any reputational implications?</li><li>• What are the key risks and how might they be managed?</li><li>• Are there any community safety implications?</li><li>• Are there any health and safety implications?</li><li>• Are there any human rights implications? Please consult with the Legal Team for advice on completing this section?</li></ul>

<b>Equality and Diversity Implications</b>	<p>The completion of this paragraph should include the need to have due regard to the Council's equalities duties under the Equality Act 2010. Where you are recommending changes that impact on a community, a community impact assessment needs to be carried out).</p> <ul style="list-style-type: none"> <li>• How would the proposal affect access to services by the full range of communities in Cambridgeshire?</li> <li>• What are the implications for fairness, equality and diversity, within the workforce as well as for customers?</li> <li>• Have you had due regard to the Council's Equalities duties under the Equality Act 2010?</li> <li>• Have you carried out a Community (Equality) Impact Assessment? If so, this should be attached as an Appendix to this report and reference made to it in the report and recommendations. If not, the report should explain why this is not necessary.</li> <li>• Guidance on carrying out a Community Impact Assessment is available on Camweb</li> </ul>
<b>Engagement and Consultation</b>	<ul style="list-style-type: none"> <li>• Has there been community engagement / public consultation and if so, what were the results?</li> <li>• Has discussion on the proposals taken place across directorates and with other relevant councils / agencies?</li> <li>• What are the implications for engagement with voluntary/community sector?</li> <li>• Have affected employees been consulted?</li> <li>• Have local Members been consulted and their views taken into consideration?</li> <li>• Where you are recommending changes that impact on a community, has a Community Impact Assessment (incorporating requirements under the Equality Act) been carried out incorporating feedback from community engagement where appropriate? (see link above)</li> </ul>
<b>Localism and Local Member Involvement</b>	<ul style="list-style-type: none"> <li>• Does the proposal empower communities to do more for themselves?</li> <li>• How will the proposal harness the energy of local communities to work with the County Council?</li> <li>• Does the proposal involve devolving decision-making and delivery to a more local level?</li> <li>• Have you fully informed Local Members about matters affecting their divisions during the formative stages of policy development and discussion at informal meetings, as required by Part 5.3 – Member/Officer Relations of the Council's Constitution?</li> </ul>
<b>Public Health</b>	<ul style="list-style-type: none"> <li>• Will the proposal have an impact on the health of Cambridgeshire residents?</li> <li>• Will the proposal support improving the health of the worst off fastest?</li> <li>• Will the proposal impact on a key health and wellbeing need identified in the Cambridgeshire Joint Strategic Needs Assessment (JSNA)</li> <li>• How does the proposal ensure that public health preventative measures for COVID-19 are being adhered to.</li> <li>• What national guidance on COVID-19 is relevant to this proposal. All national guidance can be reviewed at the following link: <a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></li> </ul> <p>The suite of Cambridgeshire JSNA documents are available on the Council website at the following link: <a href="http://www.cambridgeshireinsight.org.uk/jsna">http://www.cambridgeshireinsight.org.uk/jsna</a> Please consult with the Public Health Team for advice on completing this section. Contact number: 01223 699689.</p>



**CONSULTATION ON DRAFT MODEL CODE OF CONDUCT**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **30th June 2020**

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

*Electoral division(s):* **All**

*Purpose:* **The Committee is asked to consider whether it wishes to submit a response to the consultation on the draft model code of conduct on behalf of the Council.**

*Recommendation:* **The Committee is asked to:**

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

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

## 1.0 BACKGROUND

- 1.1 At its meeting on 1st October 2019, the Committee considered amendments to the Social Media Code as requested by Full Council. At that meeting, Members were informed that the Local Government Association (LGA) was in the process of developing a national guidance for social media and that the Committee might therefore wish to consider deferring a decision to change the Social Media Code until such guidance had been published. It was agreed unanimously to:
- a) Withdraw the County Council's Social Media Code;
  - b) Consult with a Member representative from each district council, along with their Monitoring Officers, to develop a countywide approach to social media guidance;
  - c) Request an update on the process from the Monitoring Officer at the Committee meeting on 21st November 2019; and
  - d) Request the Monitoring Officer to present a new County Council social media guidance at a future Committee meeting.
- 1.2 On 14th January 2020, the Committee received a report on the work the LGA was undertaking regarding civility in public life and its model code of conduct. At the meeting, the Monitoring Officer informed Members that, as requested by the Committee at its meeting on 1st October 2019, she had consulted Monitoring Officers across the County regarding the development of a County-wide approach to social media guidance. Due to the ongoing review of the national model code of conduct, it had been decided to await guidance from the publication of the new model code of conduct at the LGA annual conference in July 2020 before establishing a local approach.
- 1.3 The LGA wrote to all Councils on 18th February 2020 to provide an update on progress with updating the Model Code of Conduct commencing with the background to the review. The Committee on Standards in Public Life had published a report on 30 January 2019 recommending that *"The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government in consultation with representatives following the recommendations of the Committee of Standards in Public Life report published on 30 January 2019"*.
- 1.4 It was reported that the Board of the LGA, at its meeting on 11 September 2019, had considered and agreed to commence a review of the Code ahead of central government's response to the recommendations of the report. This work was part of a wider programme of work on civility in public life and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement. If the code was completed before any government response Local Authorities would be able to adopt the Code. Some of the recommendations in the report, for example the power to suspend councillors (recommendation 16), required legislation which meant that provisions could not be included in the Code.

- 1.5 The first stage of the review was the gathering of views and good practice examples. A series of workshops with national representative bodies (Monitoring and Democratic Services officers and elected members from the main parties), to review what worked and develop some broad principles was held on 17; 20 and 21 January 2020. At the workshops there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application, lack of guidance and sanctions. The LGA set out the next stages of the review process, and confirmed that the draft consultation code would be sent to local authorities following the LGA board meeting for comment.
- 1.7 The LGA then wrote to Councils again on 20th March 2020 to confirm that the LGA Board had considered the draft consultation Model Code on 12th March 2020 and had authorised officers to commence a nine week consultation process commencing 19th March 2020. Consultation questions prepared with the assistance of its consultants Hoey' Ainscough were published on its website. It had planned to have regional workshops as part of the consultation exercise. However due to current government advice on gatherings it had asked its consultants to help it develop discussion of the Code via webinars.
- 1.8 In response to this, the Monitoring Officer asked Democratic Services to consult Members on the draft consultation Model Code. The responses are attached at **Appendix 1**.

## 2. MAIN ISSUES

- 2.1. On 9th June 2020, the LGA wrote to the Council to confirm that it had launched the consultation on the Code on its website <https://www.local.gov.uk/code-conduct-consultation-2020> on 8th June 2020. The draft Code is attached at **Appendix 2**, the Consultation at **Appendix 3**.
- 2.2 The consultation on the draft member code of conduct will run for 10 weeks from Monday 8th June until Monday 17th August. It is hoped this will provide officers and members with enough time to reflect on the draft model member code of conduct and provide the LGA with feedback whilst they continue to respond to the COVID-19 crisis. To facilitate the consultation an online consultation questionnaire has been produced for both members and officers. The LGA is happy to receive narrative responses from councils or stakeholder groups via email [ModelCode@local.gov.uk](mailto:ModelCode@local.gov.uk)
- 2.3 The Committee is asked to consider whether it wishes to send a collective response on behalf of the Council. This does not prevent both members and officers responding individually.

Source Documents	Location
Local Government Ethical Standards Report	<a href="https://www.gov.uk/government/publications/local-government-ethical-standards-report">https://www.gov.uk/government/publications/local-government-ethical-standards-report</a>
LGA Board Meeting – 11 September 2019	<a href="https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=548&amp;MId=4344">https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=548&amp;MId=4344</a>
LGA Board – 12 March 2020	<a href="https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=153&amp;MId=4197">https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=153&amp;MId=4197</a>



**Responses from Members to the following circulated message:**

*The LGA is in the processing of developing a new Model Member Code of Conduct, which in turn is feeding into a review of the Council's own Member Code of Conduct. Due to disruptions caused by Covid-19, the LGA's processes have been pushed back and the revised Model Member Code of Conduct will not be published until later this year. Part of their process involves a consultation phase, which has also been delayed and extended. To this purpose, Members are asked to consider the draft consultation documents and submit comments to me, whereupon the Monitoring Officer will compile a report based on the responses. This will be then be presented to the Constitution and Ethics Committee for discussion at its subsequent meeting [30th June], with the intention to submit it to the LGA as a contribution to the consultation.*

**Cllr Hoy**

I like the definition on "bringing office into disrepute" and "bullying ", as I have seen both these terms misused and abused in other councils and so it is good that there is now clarity as to what this actually means to allow it to not be abused.

I do have a concern with the part about "civility" and "politeness" though, as I feel that this can be very subjective and what one thinks is impolite, another may not.

**Cllr Cuffley**

I would agree with Cllr Hoy on the "Civility" and "Politeness". Good, honest and open debate is healthy, but what are these lines?

I would be interested in a clearer clarification on "Non-Pecuniary Interest". If you are the editor of a local village magazine, as an example.

My other concern, in these modern times, is the issue of members not being DBS checked before they become a member, also that all members should have safeguarding training.

On the bullying aspect, there is no mention of Gender Neutral.  
Like I said, we are in modern times now and need to address what is happening in this world today.

There is also the issue of abuse, as I know that there has been abuse in other authorities. Remember abuse comes in many forms and can be very subtle.

**Cllr Count**

I don't understand why harassment is only defined in reference to protected characteristics.

The Equality Act 2010 defines harassment as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Is harassment not possible towards a non-protected individual or characteristic? Do the Police or law courts have a definition outside of, or in addition to, the equality act?

Under resolution procedure, I believe some indication of what is meant by “serious nature” would be useful:

7. Where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. Where of a serious nature, a bar on attending committees for up to two months

### **Cllr Tierney**

I do not believe the LGA have the authority, knowledge or right to introduce any sort of “Members Code of Conduct”.

I’m amazed that we’ve even given them the time of day on this particular issue. Completely beyond their remit, in my opinion.

- (1) I do not accept the LGAs authority to produce any sort of Code of Conduct.
- (2) I do not believe the LGA is well placed to produce any sort of Code of Conduct.
- (3) I do not agree to sign, acknowledge or be bound by an LGA Code of Conduct.

I do not believe we should accept LGA models on much of anything, but particularly not Codes of Conduct.

### **Cllr King**

It would be helpful to understand how this is an improvement on our current provision.

### **Liberal Democrat Group**

1. We believe that there is no reason in principle why the LGA should not produce a model code to assist local authorities, and that in principle it is helpful to have one, though it is also entirely right and proper that individual local authorities such as CCC may wish to amend it for their own practical use.
2. However, we have serious concerns about the draft currently in circulation. It is far too lengthy, with excessive detail, an introduction to the introduction (!), and it is not even clear which parts of the first page or two are even meant to be in the code. It is far too anxious to provide detailed reasoning for its contents, which means it is hard to find the nub of the code amidst all the explanation. Much of this material could usefully be removed into a separate booklet or even a training session, but is distracting in the model code itself.
3. Some of the document is badly written. It veers in the first two pages between the first and second person singular, and there is a section on the second page written in the first person singular which sounds like some sort of pledge, and it is not clear whether this is the intention. That said, there is some wording around some of the seven principles which is an improvement on the wording in the current CCC code.

4. The LGA model includes a section on resolution processes which is not in the council's existing code and which (or some local variant of which) would in our view be helpful. We also note that the LGA's section on gifts and hospitality is stronger than the council's existing code: it warns against accepting gifts at all from people wanting things from the council, and the de minimis is £25 not £100 as in ours.





# Local Government Association Model Member Code of Conduct

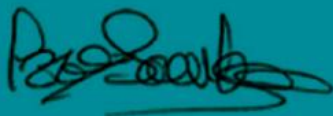
# Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



**Councillor Izzi Seccombe OBE**  
Leader, LGA Conservative Group



**Councillor Nick Forbes CBE**  
Leader, LGA Labour Group



**Councillor Howard Sykes MBE**  
Leader, LGA Liberal Democrats Group



**Councillor Marianne Overton MBE**  
Leader, LGA independent Group

## Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is 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. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

## Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]<sup>1</sup> in [public or in]<sup>2</sup> your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

## The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

## Model member conduct

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

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

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

## Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

## Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility 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 civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

## Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The 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 not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

## Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council 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. Although 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, 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.

## Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone 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 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 council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## Disrepute

### **7. Not bringing my role or council into disrepute.**

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted 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 other councillors and/or your council.

## Your position

### **8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

## Use of council resources and facilities

### **9. Not misusing council resources.**

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

## Interests

### **10. Registering and declaring my interests.**

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare 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 declared by you or other members, 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. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

## Gifts and hospitality

### **11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.**

### **12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

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 member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

## Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an ‘independent person’ to advise on and investigate alleged breaches, and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

# Example

## LGA guidance and recommendations

### Internal resolution procedure

Councils should have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.



## Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details [www.gov.uk/government/news/the-principles-of-public-life-25-years](http://www.gov.uk/government/news/the-principles-of-public-life-25-years)
5. ACAS’s definition of bullying



# Appendices

## Code Appendix A

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 declare 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.

## Code Appendix B

### **Registering interests**

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

### **Declaring interests**

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare 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 declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare 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 declare the nature of the interest.
6. 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 friend, relative, close associate; or
  - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare 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 declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <b>Trade Union and Labour Relations (Consolidation) Act 1992</b> .
<b>Contracts</b>	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 — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	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.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor’s knowledge)— (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.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (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 has 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 Registerable Interests**

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) 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.	





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please contact us on 020 7664 3000.  
We consider requests on an individual basis.

## **LGA Consultation on Draft Model Member Code of Conduct**

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

### **Instructions and privacy notice**

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF [here](#).

## About you

Your name \_\_\_\_\_

### Are you...

- ☐ A councillor
- ☐ An officer
- ☐ Answering on behalf of a whole council (Please provide council name below)
- \_\_\_\_\_
- ☐ Other (please specify below)
- \_\_\_\_\_

### Please indicate your council type

- ☐ Community/Neighbourhood/Parish/Town
- ☐ District/Borough
- ☐ County
- ☐ Metropolitan/Unitary/London Borough
- ☐ Other (please specify below)
- \_\_\_\_\_

### Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.



**Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?**

- ☐ To a great extent
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

**Q1a. If you would like to elaborate on your answer please do so here:**

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**Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**

- ☐ Yes
- ☐ No
- ☐ Don't know

**Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**

- ☐ Personal tense ("I will")
- ☐ Passive tense ("Councillors should")
- ☐ No preference

### **Specific obligations**

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

**Q4. To what extent to you support the 12 specific obligations?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.					
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.					
6. Not preventing anyone getting information that they are entitled to by law.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

9. Not misusing council resources.					
10. Registering and declaring my interests.					
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.					
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.					

**Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:**

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**Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?**

- ☐ As a list
- ☐ Each specific obligation followed by its relevant guidance
- ☐ No preference

**Q7. To what extent to you think the concept of 'acting with civility' is sufficiently clear?**

- ☐ To a great extent
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

**Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

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**Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?**

- ☐ To a great extent
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

**Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

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**Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?**

- ☐ To a great extent
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

**Q9a. If there are other definitions you would like to recommend, please provide them here.**

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**Q10. Is there sufficient reference to the use of social media?**

- ☐ Yes
- ☐ No
- ☐ Don't know/prefer not to say

**Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?**

- ☐ Separate code
- ☐ Integrated into the code
- ☐ Don't know/prefer not to say

**Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:**

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## Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

**Q11. To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?**

- ☐ To a great extent
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

**Q11a. If you would like to elaborate on your answer please do so here:**

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**Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?**

- ☐ In the main body of the code
- ☐ In the appendix
- ☐ Other (please specify below)
- ☐ Don't know/prefer not to say

**Q12a.** If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

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It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

**Q13. To what extent do you support the inclusion of these additional categories for registration?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council					
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management					
Any organisation, association, society or party directed to charitable purposes					
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)					

**Q13a.** If you would like to propose additional or alternative **categories** for registration, please provide them here:

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**Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**

- ☐ To a great extent
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q14a. If you would like to elaborate on your answer please do so here:

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**Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?**

- ☐ Yes
- ☐ Yes, but the amount should be reviewed annually with the code's review
- ☐ No, it should be lower (please specify amount) \_\_\_\_\_
- ☐ No, it should be higher (please specify amount) \_\_\_\_\_
- ☐ Don't know/prefer not to say

**Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.**

- \_\_\_\_\_ Regularly updated examples of case law
- \_\_\_\_\_ Explanatory guidance on the code
- \_\_\_\_\_ Case studies and examples of good practice
- \_\_\_\_\_ Supplementary guidance that focuses on specific areas, e.g., social media
- \_\_\_\_\_ Improvement support materials, such as training and e-learning packages



**Q16a. If you would like to suggest any other accompanying guidance please do so here:**

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**Q17. If you would like to make any further comments about the code please do so here:**

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Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

For information only - Do not complete



**CONSTITUTION AND ETHICS COMMITTEE AGENDA PLAN**

<b>30.06.20</b>	<b>AGENDA ITEMS</b>		
	1.	Apologies and Declarations of Interest	
	2.	Minutes of Previous Meeting	
	3.	Decision Review Process	M Rowe
	4.	Consultation on Draft Model Code of Conduct	F McMillan
	5.	A Review of the Complaints Received under the Members' Code of Conduct to End of June 2020	F McMillan
	6.	Agenda Plan	

<b>29.09.20</b>	<b>AGENDA ITEMS</b>		
	1.	Apologies and Declarations of Interest	
	2.	Minutes of Previous Meeting	
	3.	Review of Social Media Guidance	F McMillan
	4.	A Review of the Complaints Received under the Members' Code of Conduct to End of September 2020	F McMillan
	5.	Agenda Plan	

<b>17.11.20</b>	<b>AGENDA ITEMS</b>		
	1.	Apologies and Declarations of Interest	
	2.	Minutes of Previous Meeting	
	3.	Agenda Plan	

<b>28.01.21</b>	<b>AGENDA ITEMS</b>		
	1.	Apologies and Declarations of Interest	
	2.	Minutes of Previous Meeting	

	3.	A Review of the Complaints Received under the Members' Code of Conduct to End of January 2021	F McMillan
	4.	Agenda Plan	

<b>04.03.21</b>	<b>AGENDA ITEMS</b>		
	1.	Apologies and Declarations of Interest	
	2.	Minutes of Previous Meeting	
	3.	Agenda Plan	

<b>06.04.21</b>	<b>AGENDA ITEMS</b>		
	1.	Apologies and Declarations of Interest	
	2.	Minutes of Previous Meeting	
	3.	A Review of the Complaints Received under the Members' Code of Conduct to End of March 2021	F McMillan
	4.	Agenda Plan	