



MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code sets out the standard of service that is expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.

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.

This Code is adopted in accordance with Section 27(2) of the Localism Act 2011.

UNDERLYING PRINCIPLES

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.



PART 1

GENERAL PROVISIONS

1. Introduction and interpretation

1.1. This Code applies to **you** whenever you are acting in your capacity as a member of Cambridgeshire County Council ("CCC") including:

- (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.

1.2. The term "**the Authority**" used in this Code refers to Cambridgeshire County Council.

1.3. "**Member**" means any person being an elected or co-opted member of the Authority.

1.4. It is **your** responsibility to comply with the provisions of this Code.

1.5. In this code:

"**Meeting**" means any meeting of:

- a) The Authority;
- b) The Authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- c) Any of the Authority's advisory groups and boards, working parties and panels

1.6. In this Code "relevant authority" has the meaning given to it by section 27(6) of the Localism Act 2011.

2. General obligations

2.1. You must treat others with respect.

2.2. You must not:

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



- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

3. You must not:

- 3.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (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
 - (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or
- 3.2. prevent another person from gaining access to information to which that person is entitled by law.

4. You must not:

- 4.1. 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.

5. You must:

- 5.1. when using or authorising the use by others of the resources of your Authority:



- (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.



PART 2

INTERESTS

6. Disclosable Pecuniary Interests

- 6.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 6.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State, (attached at Appendix A), and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

7. Registration of Disclosable Pecuniary Interests

- 7.1. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

- 7.2. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change.

8. Disclosable Pecuniary Interests in Matters Considered at Meetings

- 8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting:
- (a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 9 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the



- interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority's Monitoring Officer:
- (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter.

9. Sensitive Interests

- 9.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

10. Non Statutory Disclosable Interests

- 10.1. You have a "non-statutory disclosable interest" in an item of business of your authority where:
- i) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the division or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - ii) it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

- 10.2. If you attend a meeting and are aware that you have a 'Non Statutory Disclosable Interest' in any matter to be considered, or being considered, at that meeting:
- (a) If the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 9 above, disclose to the meeting the fact that you have a Non-Statutory Disclosable Interest in that matter, and
 - (b) If the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to



prejudice your judgement of the public interest, you must not:

- (i) participate, or participate further, in any discussion of the matter at the meeting; or
- (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting;

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter.

11. Dispensations

- 11.1. Where a Member is prohibited from voting on or participating in discussions on matters in which they have a Disclosable Pecuniary Interest or a Non-statutory Disclosable Interest within the meaning of paragraph 10.1 of this Code ("**Relevant Non-Statutory Disclosable Interest**"), a Member may on written notice to the Monitoring Officer (by letter or email) request the grant of a dispensation to permit them to participate in the voting or discussions on such matters.
- 11.2. Any written notice given by a Member to the Monitoring Officer in accordance with paragraph 11.1 must:
 - (a) be given:-
 - (i) at least five working days before a meeting at which the relevant matter falls to be discussed; or
 - (ii) at least 24 hours before a meeting at which the relevant matter falls to be discussed, exceptionally, where circumstances require, and at the absolute discretion of the Monitoring Officer.
 - (b) provide details of the matter to be voted on or discussed at a meeting and the nature of the Member's interest in that matter;
 - (c) specify the grounds on which the dispensation is applied for in accordance with paragraph 11.3;
 - (d) specify whether a dispensation is requested for a single meeting or on an on-going basis (up to a maximum of four years).
- 11.3. A dispensation requested under paragraph 11.1 may be granted only if, after having regard to all relevant considerations, the Monitoring Officer is satisfied that one of the following grounds for the grant of dispensations applies:
 - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or



- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- (c) granting the dispensation is in the interests of persons living in the authority's area; or
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) of the Act from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

11.4. A dispensation granted in accordance with this paragraph 11 must:

- (a) specify the period for which it is granted which must not exceed four years.
- (b) specify whether the dispensation allows the Member to take part in discussions on and/or vote on the matter in which they have a Disclosable Pecuniary Interests or Relevant Non-Statutory Pecuniary Interest.

11.5. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates.

11.6. A copy of the dispensation shall be kept with the Register of Members' Interests.

12. Gifts and Hospitality

12.1. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority.

12.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.



Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<i>Interest</i>	<i>Prescribed description</i>
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.



<i>Interest</i>	<i>Prescribed description</i>
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

- i) M's spouse or civil partner,
- ii) A person with whom M is living as husband and wife, or
- iii) A person with whom M is living as if they were civil partners.

“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.



MEMBERS' CODE OF CONDUCT - GUIDANCE ON CONFIDENTIALITY

Information about the following matters should be regarded as confidential except in the circumstances outlined in paragraphs (i) - (v):

1. Information which is marked as being confidential
2. Information where the recipient has been advised by a Council officer or member that the information is confidential
3. Information about individual service users or clients (past, present and prospective)
4. Information about individual employees or office holders (past, present and prospective)
5. Information relating to the names of tenderers, contractors, companies and the amounts and terms of contracts with the Council (past, present and prospective) prior to such information being released into the public domain when the tendering process has been completed
6. Information relating to potential or actual criminal proceedings
7. Information in documents which are circulated in draft
8. Personal information covered by the Data Protection Act 1998
9. Information relating to any court case or legal action which is not already in the public domain, unless there is specific legal advice to the contrary
10. Information supplied at lead member briefings, joint member meetings with the Strategic Management Team, and County Advisory Groups. Members will be advised whether the information may be made public.

Information is not confidential if it is already in the public domain. This will be:

- (i) Information contained in a published official document
- (ii) Information reported at a meeting which is open to the public
- (iii) Information on the Council's website (this does not include the Council's Intranet)
- (iv) Information where the member has been advised that it is in the public domain
- (v) Information to which the public have the right of access under the Local Government (Access to Information Act) 1985 which is not deemed to be exempt information.

Members must seek advice from the Monitoring Officer on the disclosure of confidential information in advance of the information being disclosed.





OFFICERS' CODE OF CONDUCT

1. The LGSS: Director of People, Performance and Transformation in consultation with the Monitoring Officer [LGSS: Director of Law, Property and Governance], shall prepare, maintain and review the Council's Code of Conduct for Officers and refer any proposed changes to the Constitution and Ethics Committee for consideration and recommendation to Full Council. The full Code is available for inspection on request.
2. It sets out the standards that the Council expects its employees to abide by. These are often more demanding than those expected by other employers because:
 - Council employees are paid from public funds;
 - The Council's work is open to public scrutiny and is often politically sensitive. The Council's reputation depends on confidence in Council employees. In practice, one act of corruption can undo years of good work;
 - The Council is often the only access point for services which can have a profound impact on the well-being of people who live in the County – there is often no one else that they can turn to.
3. The Code contains the basic rules and principles which govern the way Council employees work. Where necessary examples and explanations are given, but the Code is not an exhaustive list of the standards, and employees may still be disciplined for allegations of a similar nature. Breaking some rules is so serious that the Council may consider dismissing employees for a first offence without notice.
4. The Code applies to all Council employees and is recommended to schools. The Council undertakes to apply the Code's rules consistently and fairly and expects its managers to apply the Code with rigour to ensure that the integrity of employees is beyond reproach. For example, information given on application forms is checked and the Council works closely with the police, other local authorities and government departments to detect fraud.





PROTOCOL ON MEMBER/OFFICER RELATIONS

1. Introduction

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between members and officers.
- 1.2 This is the Cambridgeshire County Council protocol which takes into account the views and recommendations expressed by the Nolan Committee. Mutual trust and respect between Members and employees is at the heart of good governance for councils. They are essential elements of the partnership necessary for the effective running of a local authority.
- 1.3 The purpose of this protocol is to guide members and officers of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.
- 1.4 The protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.
- 1.5 Unless the context otherwise requires, reference to a Member will include reference to a co-opted member.

2. Personal Relationships

- 2.1 Guidance on personal relationships is contained within the Codes of Conduct.
- 2.2 Provided these guidelines are observed there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.
- 2.3 It is clearly important that there should be a close working relationship between Committee Chairmen, lead members, and the relevant Executive or Corporate Director and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.

3. Members' Constituency Role and Individual Employees

- 3.1 A member may be asked for advice and support by an employee who is one of their constituents. Employees are entitled to seek such assistance in the same way as any other member of the public. However, members should be aware of the Officer Employment Procedure Rules in Part 4 of this Constitution and be careful not to prejudice the County Council's position in relation to disciplinary procedures or employment matters in respect of an employee. A member



approached for help in such circumstances should first seek advice from the Monitoring Officer.

4. Support Services to Members and Party Groups

- 4.1 Members are provided with access to ICT (information and communication technology) systems and to support services (e.g. diary management, correspondence handling, stationery provision, typing, printing, photocopying etc.) to enable them to better perform their policy and constituency role as County Councillors.
- 4.2 Members should not use – and officers should not provide – such access and support services in connection with party political or campaigning activity or for purposes not related to Council business, except that ICT access may be used for non-commercial purposes provided it does not cause a conflict with, or risk to, Council systems, or increase the support required from officers.

5. Officers and Whole Council

- 5.1 The relationship between employees and Members should be characterised by mutual respect and courtesy and recognition of each others roles and responsibilities.
- 5.2 Collaborative working between Members and employees is essential but close personal familiarity can lead to damaging assumptions by others. Councillors and employees should inform the Monitoring Officer of any relationship either personal or family, or business connection which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will consider what action, if any, should be taken.
- 5.3 With the exception of staff specially appointed to support political groups, employees work to the instructions of their managers not individual Members.
- 5.4 Members must not require employees to change their professional advice or take any action which the employee considers unlawful or illegal or which would amount to maladministration or breach of a statutory duty.
- 5.5 Members should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public or in the press. Any concerns should be raised using the procedure set out at paragraph 12.1 below.
- 5.6 The advice provided and actions taken by employees should be sensitive to the political nature of the organisation, but their advice should always be independent and unbiased.



- 5.7 Members must consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration and financial impropriety and if they have doubts as to whether a particular decision is or is likely to be contrary to the policy framework or budget.
- 5.8 The Council has a statutory duty to positively promote equality. Members and employees should not by their manner, speech, or in any written communication, be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 6. Officers and Political Party Groups**
- 6.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.
- 6.2 On the invitation of a Group Leader, an Executive or Corporate Director or his/her nominee may attend an approved political party group meeting to give factual information about an issue which is currently being or will shortly be debated by a Council body, provided that:
- the meeting is held on County Council premises;
 - notice of attendance is given to the proper officer and made available on request to the other Group Leaders.
- 6.3 Officer support in these circumstances must not extend beyond providing information in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present when matters of party business are discussed.
- 6.4 Political party group meetings, while they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings are not Council decisions and it is essential that they are not interpreted or acted upon as such.
- 6.5 Similarly where officers provide information and advice to a political party group meeting in relation to a matter of Council business, this cannot act as a substitute for the officer providing all necessary information and advice to the relevant Council body when the matter is considered.
- 6.6 Officers will not normally attend and provide information to any political party group meeting which includes non-County Council members (e.g. MPs). Exceptions to this may be approved by the Chief Executive who shall do so in writing and copy the correspondence to all the political Group Leaders.



- 6.7 In all dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality and must not suppress their professional advice in the face of political views.
- 6.8 Officers must respect the confidentiality of any political party group meeting at which they are present. They must not relay the content of any such discussion to another party group.
- 6.9 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).
- 7. Officers and Individual Members**
- 7.1 Any Group Leader, lead member or Committee Chairman may request a private and confidential briefing from an Executive or Corporate Director on matters of policy which have already been or may be discussed by the Council or within its decision-making or advisory process. All requests should be made to the appropriate Executive or Corporate Director, who should invite an officer from the Council's Democratic Services Division to attend if this is thought appropriate. Briefings shall remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member.
- 7.2 Except for the confidential policy advice referred to above, where possible information will be shared among political group representatives.
- 7.3 Individual members may request any Executive or Corporate Director (or another senior officer of the Service or Directorate concerned) to provide them with factual information. Such requests must be reasonable. The relevant Committee Chairman and the lead members will, unless it is of a minor nature, be advised that the information has been given and, on request, will be supplied with a copy.
- 7.4 If an Executive or Corporate Director considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she shall seek guidance from the Chief Executive as to whether the information should be provided. Where necessary, the Chief Executive will discuss requests with the relevant Group Leader.
- 7.5 Confidential information relating, for instance, to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the Executive or Corporate Director and follow appropriate guidance.
- 7.6 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided (i.e. in connection with the proper performance of the member's duties as a member of the Council). The point is emphasised in the Code of Conduct.



8. Officers and Non-County Council Elected Representatives

- 8.1 Officers may be requested to meet with Councillors or elected representatives from other Councils or organisations to provide briefings and/or policy advice.
- 8.2 Any officer requested to attend a meeting of this nature which is not held on a cross-political party basis must obtain the prior authorisation of the Chief Executive who shall inform all Group Leaders of the arrangements.

9. Media Relations

- 9.1 All relations with the media must be conducted in accordance with the Council's agreed procedures and the law on Local Authority publicity.
- 9.2 Employees will make every effort to keep Councillors informed of media interest in Council activities relevant to their responsibilities and the electoral divisions they represent, especially regarding strategic or contentious matters.
- 9.3 Any officer assisting a member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

10. Local Members

- 10.1 It is essential for the proper running of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.
- 10.2 It is the duty of each Executive, Corporate and Service Director to ensure that all relevant staff are aware of the requirement to keep local members informed and that the timing of such information allows members to contribute to those decisions. Local members shall also be kept informed about matters affecting their divisions during the formative stages of policy development and discussion at informal meetings.
- 10.3 Issues may affect a single electoral division but others may have a wider – even sub-regional – impact, in which case numerous members will need to be kept informed.
- 10.4 Local members have an important role to play in representing the County Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.
- 10.5 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the electoral division(s) affected should as a matter of course be invited to attend the meeting.



- 10.6 Similarly, whenever the Council undertakes any form of consultative exercise, the local member(s) should be notified immediately prior to the outset of the exercise.

11. Member Training

- 11.1 Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes the necessary skills to take advantage of the ICT facilities made available to them.
- 11.2 Officers will work with Group Leaders and/or individual members to produce a personal development plan for each member, seek to ensure resources are available to fulfil the actions agreed in the plan and provide appropriate training to ensure that all members have the skills needed to fulfil their duties.

12. Complaints/Concerns

Procedure for Members

- 12.1 If a Member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Executive or Corporate Director. If their concerns relate to an Executive or Corporate Director the concern should be raised with the Chief Executive. If the concerns relates to the Chief Executive then the concern should be raised with the Monitoring Officer.

Procedure for Employees

- 12.2 If an employee is unhappy with the conduct or behaviour of a Councillor they should seek to resolve the matter by appropriate discussion and involvement of their Executive or Corporate Director.
- 12.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.

13. Arbitration

- 13.1 When necessary, the Chief Executive will arbitrate on the interpretation of this Protocol following consultation with the Monitoring Officer.



ELECTIONS AND REFERENDUMS: CODE OF PRACTICE FOR MEMBERS, CANDIDATES AND STAFF

1. INTRODUCTION

- 1.1 This Code applies to all Council Members, candidates, political agents and staff and relates to the roles and rights of candidates at Parliamentary, European, County and District elections and conduct during referendums.
- 1.2 The Code reflects the Government's Code of Recommended Practice on Local Authority Publicity 2011. It refers primarily to the County Council's conduct in the run up to elections and referendums. Election candidates will need also to have regard to national regulations relating to conduct at elections, as well as the requirements of other public bodies such as the NHS.
- 1.3 Any comments or questions arising should be addressed initially to the relevant Executive or Corporate Director, or to the County Returning Officer.

2. PARLIAMENTARY ELECTIONS

- 2.1 County Council Members and staff should be even-handed and as helpful as possible to all candidates.
- 2.2 Except for the use of public premises in the pre-election period, Parliamentary candidates, including serving MPs, have the same rights as any other member of the public. In law, only facilities and information available to the general public should be made available to them.

3. ALL OTHER ELECTIONS

- 3.1 County Council Members and staff should be even-handed and as helpful as possible to all candidates.
- 3.2 Except for the use of public premises in the pre-election period, candidates have the same rights as any other member of the public. In law, only facilities and information available to the general public should be made available to candidates.

4. REFERENDUMS

- 4.1 There are statutory restrictions that prohibit the publication of certain material prior to certain types of referendum. Essentially the Council should not publish material that expresses support for or opposition to a referendum question, or which appears designed to encourage someone to sign a petition relating to the constitutional affairs of the authority.



5. GUIDELINES TO COUNCILLORS

5.1 Serving Councillors should not seek to use their position as Members to obtain privileges from the County Council for any candidates in relation to:

- the issue and use of confidential information
- the use of County Council premises
- the use of staff time
- visiting County Council establishments.

6. GUIDELINES TO STAFF

6.1 Staff should always act fairly and impartially towards all candidates. In their professional capacity, they must not take part in any publicity which could link them with any candidate or political party.

6.2 Political posters or similar election material should NOT be displayed in any County Council office or establishment, or on cars used by staff for official business or which are parked in Council car parks, or on County Council owned lampposts or highway verges.

6.3 Similarly, political/election material should NOT be displayed by any contractor working on behalf of the County Council. Staff should make this clear in any relevant contracts with the Council.

6.4 Council premises should not be used in any way to promote or signify any favour or support for an individual candidate or political party. General photographs of the exterior of Council premises from outside the site are permissible providing they are not used to exploit or indicate the views of the County Council or any of the pupils, residents or staff working in those premises. Photographs of staff, pupils or other Council clients will only be permitted if appropriate prior consent has been obtained from the head of the establishment or the headteacher of the school.

7. STAFF IN POLITICALLY RESTRICTED POSTS

7.1 Those staff whose posts have been identified as “politically restricted” are subject to legal constraints. These include NOT:

- holding office in a political party, acting as an election agent or canvassing on behalf of a political party or a candidate for election
- speaking in public, giving interviews or publishing any written work with the intention of influencing public support for a political party.

7.2 These restrictions do not prevent any post holders or their families from displaying an election poster in a window of their home if they so wish.



8. USE OF COUNCIL FACILITIES

- 8.1 Any facilities provided by the Council (eg e-mail and IT, secretarial services, stationery and transport) for Members to carry out their duties as Councillors are to be used for those duties only. They may continue to be used for those duties during the period prior to an election. However, they **MUST NOT** be used for electioneering or canvassing.

9. USE OF PREMISES

- 9.1 Once an election is called, candidates are legally entitled to use publicly funded schools and other public meeting rooms for election meetings free of hire charge. However, they can be asked to meet the cost of caretaking etc. A fair and consistent approach must be taken.
- 9.2 Returning Officers have the right to use any school or other public meeting room provided or maintained at public expense for election purposes. Heads of Establishment are advised to discuss the Returning Officer's requirements with the Returning Officer to minimise any disruption to the normal working of the establishment. Wherever possible Returning Officers will do all they can to achieve this but, ultimately, if there is no alternative, Returning Officers have the legal right to use such publicly funded accommodation as they consider most appropriate.
- 9.3 Supplementary guidelines on these rights are attached.

10. VISITS

- 10.1 As part of an election campaign, political parties may wish to visit a selection of residential and other establishments in their area. The premises selected may not be the same for each party. It is important to take a fair and consistent approach by seeing such visits on a countywide or area basis. It is important that any visit is not used to signify favour or support for any party or candidate. [See also paragraph 6.4.]
- 10.2 It is suggested that heads of establishments should allow one visit by each local candidate during the period up to the election, provided that it is pre-planned to ensure the minimum of disruption to the normal running of the establishment.

11. PUBLICITY

- 11.1 Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.



- 11.2 During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual Members or groups of Members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by, or under statute. It is permissible for local authorities to publish factual information which identifies the names, electoral divisions and parties of candidates at elections.
- 11.3 In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.
- 11.4 In addition to attracting personal votes, election candidates will be seeking maximum publicity for their activities. Executive and Corporate Directors will wish to give guidance to their Heads of Establishment as to what is acceptable, bearing in mind that a local campaign in a Parliamentary election is likely to be high profile and the activities of press and camera crews can be very intrusive. Such advice might include:
- clear guidance about authorisation for taking photographs inside and outside County Council premises [see also paragraph 6.4]
 - limits on numbers attending at any one time
 - restrictions on interviews with staff and residents
 - tours to be escorted by a responsible officer.
- 11.5 The Council's Communications Team can assist in all dealings with the media and will on request give advice on briefing journalists, arranging interviews and escorting press and camera crews on tours of buildings.
- 11.6 A supplementary media protocol is attached.

[Contact the Communications Team for advice on media relations.]

12. GUEST SPEAKERS

- 12.1 Individual candidates should not be invited as speakers or guests at any school or other function which may be organised for or on behalf of the Council unless all other relevant candidates have been offered a similar opportunity.
- 12.2 Any public or private debate/talk organised through a school or other Council premises as part of the curriculum should only be held if all political parties fielding candidates in the relevant area are given the opportunity to take part.



Such events should be structured on an all-party basis.

13. MEMBERS OF PARLIAMENT

- 13.1 As duly elected representatives County Members of Parliament have the right to seek information and assistance from the Council in handling their constituency work and in dealing with local government issues in Parliament. In exchange, the Council seeks their support in representing the County Council's views in Parliament and to Government Ministers.
- 13.2 However, Members of Parliament should not use their position to obtain privileges from the Council in campaigning for themselves, for other candidates or for their political party. Once a General Election has been called, staff must ensure that any general information made available to any MP is also provided to all the Parliamentary candidates for that constituency. All Parliamentary candidates (including MPs) should be treated even-handedly and given an equal platform.

14. GOVERNMENT MINISTERS AND SPOKESMEN

- 14.1 When representing their national political party, Members of Parliament holding Government office or designated as Shadow/Opposition Spokesmen may visit any County Council establishment provided prior approval is given by the Chief Executive or the relevant Executive Director. Prior notification of any such visit must be given to the Council's political Group Leaders through the Chief Executive's office. This applies equally outside an election period.

[Contact for the County Council's Returning Officer for additional guidance or advice.]



APPENDIX A

GUIDELINES ON THE USE OF ROOMS FOR ELECTION MEETINGS

1. Returning Officers and candidates have special rights under the Representation of the People Act 1983 to the use of public rooms for the purpose of conducting elections and holding election meetings.
2. During the period between the calling of an election and the day preceding the date of poll, a candidate is entitled to hold a public meeting in furtherance of his candidature, at any reasonable time, free of charge, in any suitable room in any public school premises or meeting room. The school premises referred to are County schools, voluntary and foundation schools situated in the constituency or an adjoining ward or constituency. The candidates may not, however, use premises in the adjoining wards or constituencies if there is a suitable room in the premises of a school within their own ward or constituency which is reasonably accessible.
3. A candidate can also use any room, hall, gallery or gymnasium which is let for public meetings and which is maintained wholly or mainly out of public funds. The cost of preparing, warming, lighting and cleaning the rooms, in preparation for the meeting and for restoring the room to its usual condition after the meeting can be charged to the candidate or the person taking the room on his/her behalf. Any “caretaking” charge must exclude a hiring fee. In addition, the candidate can be required to defray the cost of any damage done to the room or the premises during the period of occupation.
4. A candidate’s rights do not authorise any interference in the hours during which the room in a school is used for educational purposes or any interference with the use of a meeting room being used by the occupier or under prior agreement for a letting for any other purpose. A local authority cannot refuse to allow a particular candidate to use a room on the grounds of its disapproval of the candidate’s views.
5. No person other than the candidate, his election agent or person authorised in writing by that agent, can incur expenses in holding public meetings with a view to promoting the election candidate.
6. A public meeting is a meeting which is open to the general public and not restricted to ticket holders only.
7. Every local authority is required to have available lists of rooms in school premises and elsewhere which candidates are entitled to use. This list should be kept by the (District) Electoral Registration Officer for inspection by a candidate or his election agent at all reasonable hours.
8. Candidates are not permitted to use school premises as committee rooms to promote or procure the election of a candidate. The use of school premises is limited to use for public meetings only.



Control at Public Meetings

9. The ultimate means of keeping order at meetings is through common law - to exclude any person or persons causing a disturbance from that meeting by using reasonable force to eject them, if necessary. A person causing a disturbance or inciting others to act in a disorderly manner could be liable to a fine under Section 169 of the Representation of the People Act 1983.
10. The Police have power to control public assemblies and restrictions do exist on the right to assemble peaceably to hold meetings to protect the rest of the public from undue disturbance. A public assembly means a collection of 20 or more persons in a place to which the public have a right of access.
11. The local Police should be advised at the earliest opportunity of any public meeting which is likely to attract a substantial number of people. Their advice should be taken on any organisational considerations which ought to be taken into account.

[Contact the County Returning Officer for additional guidance or advice.]



APPENDIX B

MEDIA PROTOCOL

1. Background

1.1 This Protocol sets out how we manage our media relations during the period immediately before elections are held or a referendum takes place. It reflects the requirements of the Government's Code of Recommended Practice on Local Authority Publicity 2011. The underlying principle is that publicity by local authorities should be:

- lawful
- cost effective
- objective
- even-handed
- appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity.

1.2 It is issued for the guidance of both Members and officers. The protocol is to be applied starting on the 25th working day (i.e. excluding weekends and bank holidays) before the day of election and concludes at the end of the day of election, or 28 days before a referendum is held.

2. County Council Elections and By-Elections

2.1 During the period starting 25 working days before a County Council election, news releases and statements to the media will only be issued by the Council in the following circumstances:

- where the issue is supported by a clear Council policy and is not viewed as a controversial matter. Controversial matters in the context of this Protocol are matters defined as such by the Chief Executive, in consultation with the Head of Communications and Community Engagement.
- where there is a need to issue urgent information or to publicly clarify or explain a specific point.

2.2 During the period starting 25 working days before a County Council election, the Council will not provide quotes from Members to the news media or other organisations, nor arrange publicity events/photo calls that involve Members.

2.3 During the period starting 25 working days before a County Council by-election, no news releases and statements will be issued to the media that actively promote an election candidate or refer to policy or controversial matters directly affecting the electoral division with the vacancy.



3. District Council Elections

- 3.1 During the period starting 25 working days before an election to any or all of the District Councils in Cambridgeshire, no news releases and statements will be issued to the media that actively promote an election candidate.

4. General Elections

- 4.1 During the period starting 25 days before a General Election, news releases and statements to the media will only be issued by the Council in the following circumstances:
- where the issue is supported by a clear Council policy and is not viewed as a controversial matter
 - a need to issue urgent information or to publicly clarify or explain a specific point.
- 4.2 During the period of a General Election the Council will not provide quotes from Members to the news media or other organisations, nor arrange publicity events/photo calls that involve Members.

5. Referendums

- 5.1 Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act during the period 28 days immediately before the referendum is held.
- 5.2 Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.
- 5.3 Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

[Enquiries should be addressed to the Head of Communications and Community Engagement.]

