

REPORT OF CONSTITUTION REVIEW WORKING PARTY

1. Introduction/Background

1.1 This report presents the recommendations of the Constitution Review Working Party (CRWP) to full Council for its consideration and approval.

1.2 The Working Party was established by full Council on 13 July 2023 with the following Objectives/Terms of Reference:

- review the East Cambridgeshire District Council Constitution to ensure it meets the objectives of efficiency, transparency and accountability;
- review the recommendations of any Independent Remuneration Panel (IRP) convened for consideration by February 2024 Council;
- make recommendations to February 2024 Full Council to amend the existing Constitution to meet the above objectives.

1.3 The CRWP comprised the following Members:

Cllr Mark Goldsack (Chairman)
Cllr Chika Akinwale
Cllr Lorna Dupré
Cllr James Lay
Cllr Kelli Pettitt
Cllr John Trapp

1.4 The Director Legal & Monitoring Officer and Democratic Services Manager & Deputy Monitoring Officer acted as Lead Officers for the CRWP. The Working Party met on 6 occasions from October 2023 to end of January 2024.

1.5 At its first meeting on 3 October 2023, the CRWP agreed a Work Programme focussing on the following key areas of the Constitution:

Part 4 – Rules of Procedure
Part 3 – Responsibility for Functions: Terms of Reference for Committees
Part 5 – Codes and Protocols: Members Code of Conduct
Consideration of IRP report on Members Allowances

1.6 The Members of the CRWP were provided with a full paper copy of the Council's Constitution and an 'Issues Paper' for each of the above areas selected for review. Working Party Members also were encouraged to submit proposals in advance of each CRWP meeting. At each meeting, the Working Party discussed in detail one of the key areas identified above and then at the next meeting agreed formal recommendations to full Council

arising from these discussions. A summary of all of the CRWP recommendations is contained in section 2 and a summary of the Working Party discussions/rationale for the recommendations is contained within section 3 of this report.

- 1.7 The recommendations in section 2.1 below are all of those where a consensus was reached by the Working Party. The recommendations in section 2.2 below are those where a consensus view could not be reached or where the Working Party considered it more appropriate for full Council to consider and make a decision on the issues.

2. Summary of Recommendations

2.1 The Constitution Review Working Party (CRWP) agreed TO RECOMMEND TO COUNCIL:

2.1.1 That the annotated version of Council Procedure Rules attached at Appendix 1 to this report containing the recommended changes in paragraphs 3.1 to 3.9 below be approved.

2.1.2 That non-gender specific language should be used throughout Constitution, whilst acknowledging that due to size and complexity of the document some changes may be missed. That the preferred title should be ‘Chair’ rather than ‘Chairman’ (*paragraph 3.10 below refers*).

2.1.3 With regard to the current convention on the advance submission of written questions by Members of Council/Committees, that the convention be amended to state that, where possible, written questions of clarification on the content of reports on an Agenda should be provided by Members in advance and within 2 working days of a meeting, although this does not prevent questions being asked by Members at a meeting. Members also should be reminded of the need to act in ‘good faith’ on this and other procedural matters (*paragraph 3.11 below refers*).

2.1.4 That the following revised wording to Financial Regulations be approved (*paragraph 3.12 below refers*):

Current wording:

6.2 Guidelines

Guidelines on budget preparation shall be issued to Members and officers by the Chief Finance Officer following agreement with the Finance & Assets Committee.

Proposed wording:

6.2 Scene Setting

The Finance and Assets Committee will receive a report to its September meeting, up-dating Committee with changes since the budget was approved in February and providing initial indications of how the future year's budget will be constructed in advance of this being formally considered by Committee the following January. The Director, Finance will further share this report with all Members of Council.'

- 2.1.5 That the Working Party **NOT RECOMMEND TO COUNCIL** approval of the proposed change to the wording of Contract Procedure Rules to make Agency staff contracts exempt from Contract Procedure Rules, as officers would be effectively 'marking their own homework' and it would not be measurable whether value for money had been achieved (*paragraph 3.13 below refers*).
- 2.1.6 That a general grants determination delegation be added to the officer delegations list for Finance and Assets Committee with similar wording as that contained on page 3(12) of the Operational Services Committee officer delegations, with a threshold for grants of up to £50,000, as follows (*paragraph 3.16 below refers*):

Grants Determination of all grant requests under established grant schemes up to £50,000	Director Community
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- 2.1.7 That the proposed changes to ARP Write-Off thresholds in F&A Committee Officer Delegations detailed in paragraph 3.17 below be made in the interests of consistency across the authorities within the Partnership.
- 2.1.8 That the Council adopt the LGA Model Code of Conduct, together with a blanket policy to withhold the home addresses of Councillors, with Members having to "opt in" to publish (*paragraph 3.19 below refers*).
- 2.2 The Constitution Review Working Party (CRWP) **REFER TO COUNCIL FOR CONSIDERATION AND DECISION:**
 - 2.2.1 The issue of the establishment of an additional Policy Committee specifically to deal with Local Plan, Strategic Planning, Environment/Climate Change and Internal Drainage Boards matters as detailed in paragraph 3.15 below (and dependent upon this, the

moving of the ICT Service Area from Operational Services Committee to Finance & Assets (F&A) Committee, to reflect management arrangements - paragraph 3.14 below refers).

- 2.2.2 The comments/proposals from Councillor Dupré relating to the Terms of Reference for the Audit Committee in paragraph 3.18 below.
- 2.2.3 The recommendations of the Independent Remuneration Panel (IRP) in relation to the review Members Allowances (*paragraph 3.20 below refers*).

3. Constitution Review Working Party Views/Rationale for Recommendations

A. COUNCIL PROCEDURE RULES

3.1 PR 2. Election of Chairman and Vice-Chairman of the Council

At present, in the year of District Council Elections, nominations for Chairman and Vice-Chairman of the Council must be delivered not less than seven days before the meeting. As experienced in the current election year, with the change to despatch/publication of Council agendas to 7 working days, this means that the nominations now cannot be included on the Council agenda when it is published/despached.

Working Party's view:

Not considered a real issue from a Councillor perspective that nominations for Chairman and Vice-Chairman of the Council are not listed on Annual Council Agenda in an election year. Also, any change in timescale for delivery of nominations would restrict the flexibility of Political Groups in selecting their candidates for Chairman and Vice-Chairman of the Council, as there is a very short timescale from the elections to Council agenda despatch/publication in an election year. So, WP agreed wording should remain unchanged to maintain maximum flexibility.

3.2 PR 3. Quorum

Working Party's view:

Amend wording of second line to read:

'If there are fewer than 7 Members present.....'

3.3 PRs 10.6 & 11.9. '24 hour rule' for Motions

The Democratic Services Manager explained the background to the introduction of the '24 hour rule' for Motions with Notice under PR 10 and

for amendments on the Council's Budget only as an exception under PR 11.9.

Working Party's view:

WP agreed that wording of PR 11.9 should be amended for the sake of clarity to read:

'11.9 Amendments to Motions without notice.....'

Also the WP highlighted that the term 'Motion(s)' should be capitalised throughout the Constitution for the sake of consistency.

3.4 PR 10. Motions with Notice & PR 12.6 Alteration of Motion

An issue arose in October 2022 whereby under Council Procedure Rules (PRs) 10.6 and 12.6.1, the proposer of a Motion with Notice was able to alter their Motion prior to the Council meeting itself. However, due to the '24 hour rule', this did not give an opportunity for Members to have sight of this alteration before the deadline for submitting an amendment.

Working Party's view:

WP Members acknowledged that this could be an 'unintended consequence' of the '24 hour rule' and Councillor Dupré referred to how this was dealt with at the County Council through collaborative cross-party working. Members also acknowledged that this and other PRs could be subject to 'bad faith' usage. However, any change would again affect the flexibility of usage, which is never helpful. Therefore, it was considered better to maintain flexibility by keeping the existing wording and practice, but to include a footnote stating that Members are expected to act in good faith when applying this and other Procedure Rules.

3.5 PR 12.3. Amendments

The Democratic Services Manager explained what the term 'negating of a motion' meant in practical application.

Working Party's view:

WP agreed that wording of PR 12.3 should be amended for the sake of clarity to read:

'An Amendment that has the effect of negating the Motion.....'

3.6 PR 12.5. Further Amendments

A Member referred to an issue that had arisen in July 2020 regarding attribution of a Motion when it has been amended and 'ownership' of the

Motion in those circumstances. The Member agreed to provide examples to the Democratic Services Manager and expressed the view that this situation could be avoided by not attributing Motions and Amendments in the Minutes of meetings.

3.7 PR 13. Questions By Members

Under the current wording of PR 13.1:

‘...questions may be rejected by the Chief Executive or Chairman, if they are matters for which the authority has no responsibility, or which does not affect the District; is substantially the same as a question which has been put to Council in the past 12 months; or requires the disclosure of confidential or exempt information.’

A Member queried the process for application of this Procedure Rule in the light of a Member question to them at the Annual Council meeting in May 2023. The Chief Executive acknowledged that this wording needed clarification as part of any Constitutional review. Enquiries to other Councils had indicated that the responsibility for acceptance/rejection of a question is usually given to a Statutory Officer, either the Chief Executive or Monitoring Officer.

Therefore, it was proposed that the wording of PR 13.1 be amended as follows:

‘...questions ~~may~~ shall be rejected by the Chief Executive and/or Monitoring Officer, if they are matters for which the authority has no responsibility, or which does not affect the District; is substantially the same as a question which has been put to Council in the past 12 months; or requires the disclosure of confidential or exempt information.’

Working Party’s view:

WP agreed with proposed revised wording above, as the Chairman of Council should not be expected to make such a ruling, and questions ‘should’ be rejected if they do not meet the criteria detailed.

In addition, under PR 13.1, ‘A Member may ask any Member of Council a question.....’

Would it be considered more appropriate for a Member to be able to ask a question of the Chairman or Vice-Chairman of the Council, Chairman or Vice-Chairman of a Committee, or Leader or Deputy Leader of a Political Group, since they have specific roles and responsibilities for policies/services relating to the Council?

This issue also applies for PR 8.1.4. Questions from the Public – should Public Questions be to any Member of the Council or only to the above-mentioned officeholders?

Working Party's view:

WP agreed that questions should be asked of particular 'officeholders' Chairman or Vice-Chairman of the Council, Chairman or Vice-Chairman of a Committee, or Leader of Council, who had responsibility for particular services and policies relating to that body (two Councillors referred to the fact that this would be Portfolio Holders in an Executive or Cabinet system). This should be the case for both PR 13.1 and PR 8.1.4 Member and Public Questions.

3.8 PR 17.1. Points of Order

In response to queries by WP Members, the Democratic Services Manager confirmed the ability of Members to raise Points of Order and Personal Explanation at meetings under PR 17.1.

Working Party's view:

WP agreed that wording of PR 17.1 should be amended for the sake of clarity to read:

'A point of clarification must be confined to some material part of a previous speech by him/her in the meeting taking place.....'

PR 19.5. Photography, Audio/Visual Recording of Meetings and Blogging/Tweeting

A Member commented that this PR also should refer to the fact that Council and Committee meetings now were livestreamed via YouTube. The Director Legal highlighted that this was usually the case but did not prevent a meeting taking place in the absence of the ability to livestream, or continuing in the event of the livestream being lost during a meeting due to technical difficulties.

Working Party's view:

WP agreed that appropriate wording should be included in PR 19.5 to reflect the above.

3.9 PR 24.2.4 Substitution

PR 24.2.4.4 needed amending to remove the reference, in the case of Planning and Licensing Committee, to a minimum of one clear days notice for substitutions, as this was regarded as too restrictive and does not tend to happen in reality.

Working Party's view:

WP agreed that this should be changed as detailed above as not practical and too restrictive.

OTHER ISSUES

3.10 **Non-Gender Specific Language throughout Constitution**

Working Party's view:

WP agreed that non-gender specific language should be used throughout Constitution, whilst acknowledging that due to size and complexity of the document some changes may be missed. WP agreed that preferred title should be 'Chair' rather than 'Chairman'.

3.11 **Written Questions by Members of Committees**

Whilst not currently part of Constitution, but an agreed convention, should a deadline be set for the submission of written Member Questions to Policy Committees/Audit Committee? As full Council extended Agenda despatch/publication deadline to 7 working days to allow Members a longer period to read Agenda and prepare questions in advance, would it be reasonable to a set deadline of say 48 hours before date of the meeting for written Member Questions to these Committees?

Working Party's view:

WP Members had differing views on this as follows:

- ***Some Members referred to the fact that the majority of other Councils did not have such a convention and questions were simply asked and answered at a meeting. Generally, the majority of questions were able to be answered by officers in a meeting and, if officers were not able to do so, they could provide a written response after the meeting.***
- ***However, other Members believed that a deadline of 2 working days before the meeting for advance written Member questions was appropriate (this was particularly important for meetings taking place on a Monday, due to the weekend). This would allow sufficient time for officers to prepare responses and for the questions and responses to be circulated and read by Members of the Committee in advance of the meeting. This was important in the case of complex questions which may take time to obtain an answer for.***
- ***There also could be situations where an item may have to be deferred at a meeting, due to the inability to answer a Member question and further information needing to be sought, which could be avoided by the advance submission of written questions.***

- *However, other Members commented that deferral of items for this reason was rare.*
- *Some Members highlighted that, even if the convention was scrapped, Members still could submit written questions in advance to officers, to assist in obtaining a full response on complex or technical issues.*
- *Members agreed that Member Questions should be for clarification of the contents of a report on the Agenda and not on other matters and it was important for Members to act 'in good faith' when submitting/asking questions.*

However, having considered all of the above views, the WP agreed that with regard to the current convention on the advance submission of written questions by Members of Council/Committees, the convention be amended to state that, where possible, written questions of clarification on the content of reports on an Agenda should be provided by Members in advance and within 2 working days of a meeting, although this does not prevent questions being asked by Members at a meeting. Members also should be reminded of the need to act in 'good faith' on this and other procedural matters.

B. PROPOSED CHANGES FROM DIRECTOR FINANCE TO OTHER PROCEDURE RULES IN PART 4

The Working Party considered two proposed changes to Financial Regulations and Contract Procedure Rules that had resulted from recent Internal Audits:

3.12 Financial Regulations

The Council's Financial Regulations state that guidelines will be issued to Members and officers in relation to the budget preparation process. This has not happened in recent years, having been replaced by a report to Finance and Assets Committee at its September meeting. Internal Audit have highlighted that the current approach is not in line with that stated in the Financial Regulations but have raised no concerns regarding the current approach in practice. They have however requested that if this approach is to be continued moving forward, that it should be formally documented and approved as such in the Constitution.

Current wording:

6.2 Guidelines

Guidelines on budget preparation shall be issued to Members and officers by the Chief Finance Officer following agreement with the Finance & Assets Committee.

Proposed wording

6.2 Scene Setting

The Finance and Assets Committee will receive a report to its September meeting, up-dating members on changes to the financial outlook since the budget was approved (the previous February) and detailing any assumptions to be built into the formal budget to be considered by Committee the following January.

Working Party's view:

The Working Party requested that further clarity be sought from the Director of Finance on the proposed change to Financial Regulations. Additional explanation was provided by the Director of Finance as detailed below:

'The Council's Financial Regulations state that guidelines will be issued to Members and officers in relation to the budget preparation process.

This has not happened in recent years, having been replaced by an MTFS report to the September meeting of the Finance and Assets Committee. This report up-dating Committee with changes since the budget was approved in February and providing initial indications of how the future year's budget will be constructed. Internal Audit have highlighted that the current approach is not in line with that stated in the Financial Regulations but have raised no concerns regarding the current approach in practice. They have however requested that if this approach is to be continued moving forward, that it should be formally documented and approved as such in the Constitution.

The Director, Finance believes that the current approach provides better information to Members than was provided previously but acknowledges that it is only Members of Finance and Assets Committee getting this information. He is therefore happy to share the report with all Members of Council after the Committee meeting if that is the wish of Council.'

A Member commented that this still did not clarify the difference between 'Guidelines' and 'Scene Setting'. It was explained that the 'guidelines' were the assumptions made by the Director of Finance for the forthcoming Budget setting process detailed within the report submitted to the September F&A Committee. As these were of relevance to all Councillors, the Director Finance had suggested that the report to F&A Committee be shared with all Members.

The WP then were prepared to accept the amended wording together with the suggestion from the Director Finance that the report to F&A Committee be shared with all Members.

3.13 Contract Procedure Rules

Procurement of Agency Staff

Following a recent Internal Audit review on the use of agency staff and consultants, it was recommended that consideration should be given to how the hiring of agency staff should be treated when considered against the Council's Contract Procedure Rules.

Within the current Contract Procedure Rules, section 3.1.6, "Exceptions to the Rules" already includes contracts for employment. Agency staff contracts are not however specifically mentioned and therefore by-default, are subject to procurement rules.

It is recognised that recruiting managers are often seeking either local workers, from a local agency, or somebody with specialist skills for a specific role, such as in Planning or Environmental Health. It is therefore believed that Agency staff contracts should be exempt from Contract Procedure Rules in the same way as permanent staff are.

It is therefore proposed to change the wording of section 3.1.6 from:

contracts for employment;

to

contracts for employment and agency staff, the latter, as long as the officer is satisfied that the engagement offers the Council Value for Money;

Working Party's view:

WP did not agree to the proposed change in wording detailed above, as officers would be effectively 'marking their own homework' and it would not be measurable whether value for money had been achieved.

C. POLICY COMMITTEE TERMS OF REFERENCE

3.14 ICT

It was proposed that the ICT service area be moved from Operational Services Committee to Finance & Assets (F&A) Committee, to reflect management arrangements.

3.15 Environment Plan/Natural Environment Matters

It was proposed that the Environment Plan and all climate change/natural environment matters are dealt with by Finance and Assets Committee rather than Operational Services Committee.

Originally, the Environment Plan was within the Terms of Reference for Operational Services Committee because many of the targets related to Waste, recycling and Environmental Services issues. However, the Strategic Planning function is within the remit of F&A Committee and now it makes more sense for these functions to come within the responsibility of the same Committee, in the light of the emphasis now being towards the whole Environment Act 2021, Biodiversity Net Gain and Local Nature Recovery Strategies.

Working Party's view:

WP was concerned that suggestion at 3.15 above may overload work programme of F&A Committee and mean that suitable time and focus might not be given by that Committee to such a critical issue for this Council. Also, exclusion of Audit Committee Members serving on F&A Committee would mean that a significant number of Members would not be able to be involved in the decisions on this important area.

For these reasons, a Member proposed that another Policy Committee be established specifically to deal with Local Plan, Strategic Planning and Environment/Climate Change issues. This Committee also could deal with Internal Drainage Boards matters.

The WP agreed that this proposal should be taken away to be discussed within the two Political Groups and responses brought back to the WP.

WP Members believed that 3.14 above was impacted upon by the decision on 3.15, so agreed that this also should be considered by the WP in the light of the outcome on that issue.

Subsequently, the Liberal Democrat Group Leader reported that Members of their Group were supportive of the proposal for an additional Policy Committee specifically to deal with Local Plan, Strategic Planning and Environment/Climate Change issues.

However, it was reported that the general view of the Conservative Group was not in favour of the principle of the creation of an extra Policy Committee, with a number of Members of that Group expressing strong concerns about the resource implications and other Members requesting further information.

Therefore, the WP agreed that the issue of the establishment of an additional Policy Committee specifically to deal with Local Plan, Strategic Planning, Environment/Climate Change and Internal Drainage Boards matters should go forward to full Council for consideration and decision.

3.16 Finance and Assets Committee – Grants Determination Delegation

It was proposed that a general grants determination delegation be added to the officer delegations list for Finance and Assets Committee with similar wording as that contained on page 3(12) of the Operational Services Committee officer delegations.

This would enable the Director Community to make awards for grant schemes for which the criteria had been approved by F&A Committee.

Working Party's view:

The WP was concerned at blanket nature of delegation as proposed by Director Community with no threshold at which grants would need F&A Committee approval. Members who did/had served on other authorities stated that they thought a threshold for grants over £50,000 coming to Committee for approval seemed appropriate for a District Council of this size. However, the WP agreed that the views of the Director Community should be sought on the appropriate level of such a threshold and suggested that some research be done by the Director on the level of delegation/threshold in comparator Councils.

The Director Community confirmed that she was happy with the up to £50,000 limit suggested by the Working Party as this aligned with Operational Services Committee and any larger amounts via CIL (the only regular grant we issue) were signed off by F&A Committee.

3.17 Finance and Assets Committee – Proposed changes to ARP Write-Off thresholds as highlighted, to accord with new ARP working practices

Page Reference 3(20)

- (a) To write-off NNDR debt not exceeding £10,000

Previous wording:

Head of ARP, Head of NNDR, Recovery and Enforcement or Head of Benefits and Council Tax Billing

Within ARP, Operations Managers Revenue to write-off debts below £1,500 and Recovery Managers Revenues and NNDR Team Leaders to write-off debts below £100.

Proposed wording:

Head of ARP or Head of NNDR, Recovery and Enforcement
Within ARP, NNDR Managers to write-off debts below £1,500 and NNDR
Team Managers to write-off debts below £150.

(b) To write-off Council Tax and Housing Benefit Overpayment debt not
exceeding £5,000

Previous wording:

Head of ARP, Head of NNDR, Recovery and Enforcement or Head of
Benefits and Council Tax Billing
Within ARP, Operations Managers Revenue to write-off debts below £1,500
and Recovery Managers Revenues and NNDR Team Leaders to write-off
debts below £100.

Proposed wording:

Head of ARP or Head of NNDR, Recovery and Enforcement
Within ARP, Recovery Managers to write-off debts below £1,500 and Team
Managers Revenues or Senior Recovery Officers to write-off debts below
£150.

To increase the level of debt to be written off by the Finance Director, to
bring it more in line with the write-off value for NNDR and Council Tax.
Currently NNDR debt can be written-off up to £20,000 before coming to
Committee and Council Tax debt £10,000. The same limit for general debt
is £1,000, so it is proposed to increase to £3,000.

Page Reference 3(22)

Current wording:

To write off any individual debt which does not exceed £1,000, after
consultation with the Director Legal, after ensuring that all action for
recovery has been taken. – Finance Director

Proposed wording:

To write off any individual debt which does not exceed £3,000, after
consultation with the Director Legal, after ensuring that all action for
recovery has been taken. – Finance Director

Working Party's view:

***WP agreed that above changes to ARP Write-Off thresholds should be
made in the interests of consistency across the authorities within the
Partnership.***

3.18 AUDIT COMMITTEE TERMS OF REFERENCE

The Working Party considered an annotated version of the Terms of Reference for Audit Committee from Councillor Dupré containing her comments/proposals (attached at Appendix 2 to this report). Councillor Dupré explained that the comments/proposals she had put forward, as detailed below, accorded with CIPFA Guidance for Audit Committees. In that connection, the Democratic Services Manager highlighted to WP Members the table circulated by the Chief Executive to all Councillors, detailing where the Council did and did not comply with the CIPFA Guidance and his comments in the case of non-compliance.

The Working Party responded as follows on Councillor Dupré's comments/proposals:

Paragraph 1.1 of TOR:

Typographical change– 'comprise' not 'comprise of'

Working Party's view:
WP agreed to change.

Paragraph 1.1 of TOR:

'CIPFA recommends independent members; and I would propose that the committee have an independent chair. CIPFA also recommends "that a period of two years should elapse before a councillor who previously held a senior policy role joins the audit committee."

Paragraph 1.1 of TOR – exclusion of Members of F&A Committee serving on audit Committee:

'Yet members of the Operational Services Committee can serve on the Audit Committee when they are responsible for the service which has been most under the spotlight for budgetary and governance issues.'

Paragraph 2.1 of TOR – approval of Statement of Accounts:

'This is against CIPFA guidance, because approval of those statements is a matter for all those charged with governance.'

Paragraph 3 of TOR:

'The Committee needs formal rights to require the attendance at meetings to answer questions of senior officers, and of members of the Risk Management Group (RMG), in a way that cannot be countermanded by officers. The Audit Committee needs formal rights to attend meetings or question the

administration, officers or Directors of the subsidiary companies, and access to minutes of RMG meetings or the right to attend them. It also needs rights of access to and constructive engagement with other committees and functions, for example scrutiny and service committees, corporate risk management boards and other strategic groups.'

Working Party's view:

WP Members expressed differing views on issue of independent Members/Chair. Some commented that there were no independent members on CCC Audit Committee, whilst others referred to effectiveness of Independent Chair role on CA Audit Committee. Some Members highlighted the financial expertise of a number of the Members of the DC Audit Committee and were unsure of the benefit to be obtained by having Independent Lay Members on the Committee. Other Members highlighted the benefits of having impartial, balanced, non-political views from a Lay Member/Chair with a financial background.

With regard to this and the other comments/proposals from Councillor Dupré, the WP stated that they were unlikely to reach a consensus view. Therefore, the WP agreed that these proposals would all need to go forward to full Council for consideration and decision.

D. CONSTITUTION PART 5 – MEMBERS CODE OF CONDUCT

- 3.19 The WP considered a Briefing Paper by the Director Legal and Monitoring Officer giving a comparative analysis of the current ECDC Members' Code of Conduct and the LGA Model Code of Conduct for Members to enable the WP to make an informed decision as to whether the ECDC Members' Code of Conduct remained "fit for purpose" or whether it should be amended or replaced in its entirety with the LGA Model Code of Conduct.

A number of issues regarding public intimidation and abuse of Councillors also were discussed and it was reported that the County Council currently was highlighting personal safety training and guidance for Councillors.

In the light of the above, Members commented on the apparent contradiction of proposed Government changes requiring digital imprints to be provided on social media/leaflets/posters, which meant home addresses being published if the party/individual did not have a party office. The Director Legal explained that Councillors' addresses could be treated as 'sensitive information' if a request was made to the MO.

The WP expressed the general view that the LGA Code of Conduct had many good aspects and it might be better to adopt the Code, as it was now the national model.

However, it was agreed that the overall issue regarding the preferred Code of Conduct should be deferred to allow the Director Legal to investigate further the digital imprint issue and to speak to Emma Duncan, MO at Cambridgeshire County Council, as to how the County were proposing to deal with the issue of the publishing of Councillors' addresses.

It also was requested that the Director Legal liaise with other Cambridgeshire Councils to enquire if they were intending to adopt the LGA model Code and, if not, the reasons why and to bring those findings back to the WP in January.

Therefore, a further Briefing Paper was submitted by the Director Legal and Monitoring Officer to the subsequent WP meeting giving an update on the digital imprint issue and whether other Cambridgeshire Councils were intending to adopt the LGA model Code, to enable WP Members to make a recommendation regarding the preferred future option for the Council's Code of Conduct.

The Director Legal and Monitoring Officer reported that in relation to withholding Members' home addresses from their Register of Interest forms, Cambridgeshire County Council had similar arrangements in relation to sensitive interests and the CCCMO was of the same view as the ECDC Director Legal & Monitoring Officer that the bar should be kept low, providing some rationale is given.

On the intention to adopt the LGA Code of Conduct, there had been a mixed response from the other Authorities within the County, with two Councils having adopted the Code; three Authorities reviewing or considering reviewing the position in the future; one Council preferring to retain its own individual Code; and one Council not responding. One Council also had indicated that, when the review was carried out, the option of withholding Councillors' home addresses by providing a blanket policy and Members having to "opt in" to publish would be proposed.

The Director Legal and Monitoring Officer reported that she would be Chairing a meeting of the County MOs Group in February and would be recommending all Councils should have the same Code of Conduct for the sake of consistency, as had been the case under the old regime.

Working Party's view:

The WP discussed the issue and Members agreed that all Councils within the County should be strongly encouraged to adopt the same Code of Conduct for the sake of consistency. Members stated that this should be the LGA Code, as it had been produced by recognised national experts.

Members also agreed that a blanket policy to withhold the home addresses of Councillors, with Members having to “opt in” to publish, should be adopted at ECDC.

E. INDEPENDENT REMUNERATION PANEL (IRP) REPORT ON MEMBERS ALLOWANCES

- 3.20 The WP considered the report of the IRP on the review Members Allowances.

In response to a question by a Member, it was confirmed that a financial appraisal of the costs of the IRP recommendations would be submitted to full Council with the report.

Working Party’s view:

WP Members expressed the view that, as the recommendations had been made by a Panel of independent Lay Members, these should be considered and decided upon by full Council as a whole.

4. Appendices

Appendix 1 – annotated version of Council Procedure Rules containing CRWP recommended changes detailed in paragraphs 3.1 to 3.9 of report

Appendix 2 - annotated version of the Terms of Reference for Audit Committee from Councillor Dupré