

ETHICS AND ENGAGEMENT COMMITTEE

Monday 11 March 2013

6:00pm

**Committee Room 1, City
Hall**

Membership: Councillors Geoff Ellis (*Chairman*), David Jackson (*Vice Chairman*), Chris Burke, Brent Charlesworth, Ronald Hills, Rosanne Kirk, Hilton Spratt, Ralph Toofany

Independent Members: Russell Pond

Substitute Members: Councillors Edmund Strengiel

Officers attending: Democratic Services, Becky Guy

AGENDA

SECTION A	Page(s)
1. Confirmation of Minutes - 31 January 2013	1 - 5
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests Members must disclose the existence and nature of the interest, and whether it is a Disclosable Pecuniary Interest (DPI) or Personal and/or Pecuniary.	
3. The Promotion of Citizenship within Schools	6 - 8
Members will be able to discuss this item with representatives from Lincoln Christ's Hospital School.	
4. Code of Conduct: Cases Review	9 - 11
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6. Member Development Review	16 - 26
7. Member Code of Conduct & Terms of Reference Revision: The Principles of Public Life	27 - 33
8. Work Programme Update	34 - 40

NB There are no Section B Items

Present:	Councillor Geoff Ellis (<i>in the Chair</i>)
Councillors:	Chris Burke, Brent Charlesworth, Ronald Hills, David Jackson, Rosanne Kirk, Hilton Spratt and Ralph Toofany
Independent Person:	Russell Pond
Also in Attendance:	Rodney Booth (Reserve Independent Person) Chris Elkington (Reserve Independent Person)

11. Confirmation of Minutes - 12 December 2012

RESOLVED that the minutes of the meeting held on 12 December 2012 be confirmed.

12. Declarations of Interest

No declarations of interest were received.

13. Code of Conduct: Cases Review

The Assistant Director of Legal and Corporate Support Services:

- a. presented a report containing information on recent cases relating to other local authorities' codes of conduct.
- b. highlighted that members should identify any issues raised within the report as being relevant for further consideration with regard to their impact upon members of the Council.
- c. invited members' questions and comments.

Members:

- noted the case relating to the involvement of a council leader with freedom of information requests.
- discussed the scope available to members for political debate, noting the line between robust and offensive language. The need for effective chairing was noted, as was the potential for standards complaints to be politically motivated.

The Assistant Director of Legal and Corporate Support Services responded that:

- any interaction between elected members and officers dealing with freedom of information requests should not allow control over the response to be ceded to elected members.

- the provisions of the Localism Act 2011 gave the Monitoring Officer the power, in consultation with the Independent Person, to place limits upon vexatious complaints and to refer matters to the Committee wherever necessary.

RESOLVED that the report be noted.

14. **E-Democracy**

The Assistant Director of Legal and Corporate Support Services and the Democratic Services Officer:

- a. presented a report summarising the Council's current use of modern technology in democratic services.
- b. explained that the Council was procuring a replacement for its committee management IT system, as its current system had not been under active development for a number of years.
- c. noted that the replacement committee management system would allow, among other things, members to download and view their agenda papers on a tablet computer, and could potentially enable significant savings in printing and postage, as well as an environmental benefit.
- d. highlighted that councillors had access to an e-learning website, which was not widely used and was allocated a significant proportion of the member development budget; members' views on its continuation were therefore sought.
- e. invited members' questions and comments.

Members:

- noted their previous positive experiences with paperless agendas and the intuitive manner in which tablet computers could be operated, even by those with relatively limited experience of computers.
- discussed the Council's current provision of electronic agendas, noting the previous difficulty in navigating large agendas and questioning whether Microsoft tablet computers would be supported.
- raised concerns about the likely cost of providing tablet computers to members, including the potential risk and additional costs in the event of the computers being lost.
- considered the manner in which paperless agendas could be trialled, including the advisability of using the Committee as a starting point for any trial.
- discussed the potential complexity of paperless working for councillors who were not from a professional background; while the move towards electronic working was to be supported, the imposition of a potential barrier for ordinary people should be considered.
- advised that the e-learning package should be discontinued, with funds diverted towards development activities which would benefit a greater number of

councillors.

The Democratic Services Officer responded that:

- using the new system, committee papers could be accessed directly through Android and iPad tablet computers, which accounted for approximately 95% of those sold in the UK; Microsoft tablets were not currently supported. The Council currently only provided iPads, but the provision of Android tablets would be discussed with IT officers.
- even incorporating the cost of providing tablet computers to members and any mitigation of the risk of loss through insurance, the Council could expect to make significant savings through paperless agendas over the course of a councillor's four-year term.

The Assistant Director of Legal and Corporate Support Services noted that for the purposes of the trial, it would be possible to provide tablet computers to committee members to enable them to offer feedback on the use of the new committee management system.

RESOLVED that:

1. members' interest in taking part in a trial for paperless agendas be noted.
2. officers be requested to cancel the Council's e-learning service for councillors.

15. **Councillors' Use of Social Media**

The Assistant Director of Legal and Corporate Support Services:

- a. presented a proposed protocol covering the use of social media by councillors.
- b. noted that the protocol was provided in response to requests by councillors who required additional guidance on the use of online social media, including services such as Facebook and Twitter.
- c. explained that a consultation had been undertaken with members in advance of the Committee's consideration of the protocol, and that responses had emphasised the new opportunities for public engagement offered by social media as well as the need for clear guidelines.
- d. emphasised the need, in addition to any guidance, for members to exercise common sense in engaging with social media.
- e. invited members' questions and comments.

Members:

- noted the varying perceptions associated with different kinds of electronic devices

in meetings, with smaller devices, including mobile phones, more likely to be viewed by members of the public as being used improperly.

- highlighted that the use of pseudonyms would often allow councillors to avoid effective oversight.
- discussed the particular legal and political risks associated with social media, and requested guidance on the extent to which councillors' statements were protected by qualified privilege.
- considered the benefits that social media could bring, particularly through encouraging interaction with different sections of the community.
- debated the extent to which social media was used in community groups across the city, noting that social media could not replace face-to-face contact with residents.
- discussed broader topics relating to the perceived professionalisation of councillors, with a particular emphasis on the increased focus upon member development in recent years.

The Assistant Director of Legal and Corporate Support Services responded that a report was scheduled to be considered at the next meeting of the Committee which would address the Council's approach to member development.

RESOLVED that:

1. a briefing note on qualified privilege be requested.
2. the social media protocol be circulated for members' attention pending the approval of guidance regarding qualified privilege.

16. **Independent Person Protocol**

The Assistant Director of Legal and Corporate Support Services:

- a. presented a report proposing the adoption of a protocol governing the role of the Council's Independent Person.
- b. noted that the protocol had been developed in accordance with the Council's particularly inclusive approach to involving the Independent Person in its operations wherever appropriate.
- c. invited members' questions and comments.

The Independent Person:

- requested that the attendance of the Independent Person at meetings of the Council be incorporated within the protocol, including with reference to their receipt of agendas, incorporation in minutes, and seating arrangements at the Guildhall.
- advised that the position of the Independent Person with relation to exempt information should be clarified.
- suggested that the Independent Person's access to Council buildings should be

altered to ensure prior permission was not required.

The Assistant Director of Legal and Corporate Support Services responded that the Independent Person's views would be incorporated into the final protocol.

RESOLVED that the Independent Person Protocol be approved subject to the incorporation of the points highlighted above.

17. **Work Programme Update**

The Democratic Services Officer:

- a. presented the current Ethics and Engagement Committee work programme for consideration by members.
- b. noted the addition of an item relating to the provision of citizenship lessons within local schools, which was scheduled for consideration at the next meeting, and requested members' input on the manner in which the item would be considered.
- c. invited members' questions and comments.

Members:

- noted the value of effective engagement with local schools and the value in understanding the current position of citizenship lessons.
- discussed the conducting of school councils at the Guildhall and the positive contribution these could make to young people's understanding of local democracy.
- considered whether the inclusion of a work programme item relating to increasing the diversity of electoral candidates encroached upon the exclusive realm of political parties or was a necessary step in ensuring, among other things, that local residents were aware of how to become a councillor.

The Assistant Director of Legal and Corporate Support Services responded that:

- school councils were still conducted in the Guildhall, although one had yet to take place in the current year.
- the work programme item relating to the diversity of electoral candidates was in no way meant to dictate the policies of political parties and would be re-worded to ensure this was clear. The topic had been included as support for the relevant strand of the Council's Strategic Plan.

RESOLVED that:

1. members' comments regarding the work programme be noted.
2. appropriate teacher and pupil representatives from a local school be invited to the next meeting to discuss the provision of citizenship lessons and activities.

SUBJECT:	THE PROMOTION OF CITIZENSHIP WITHIN SCHOOLS
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 Following members' requests at the meeting of 12 December 2012, this report is provided to offer background information on citizenship education in Lincoln and to consider the possibility of providing support for increasing awareness of local democracy among young people.

2. Background to Citizenship Lessons

- 2.1 Citizenship forms part of the national curriculum in English schools and was introduced in order to equip 'young people with the knowledge, skills and understanding to play an effective role in public life'.
- 2.2 Local government does not form a core part of the provisions within the national curriculum at either key stage 3 (years 7-9) or 4 (years 10-11), although the broader emphasis on playing 'an active role in the life of... neighbourhoods, communities, and wider society' provides a clear link with the role of councillors and other neighbourhood activists.
- 2.3 In comparison with more traditional school subjects, citizenship is a relatively new feature in schools, having been introduced as a compulsory subject in 2002. The subject has been a source of some discussion in recent years with suggestions that citizenship could be removed as part of future changes to the national curriculum.
- 2.4 In addition to citizenship provision in the lower years of schools, topics of relevance to citizenship are most commonly addressed in sixth forms through general studies or government and politics A-Levels. These, however, are not universally studied.

3. Opportunities for Local Engagement with Citizenship

- 3.1 Following the resolution of the Committee at its last meeting, teacher and pupil representatives from a local school have been invited to attend the meeting of 11 March 2013.
- 3.2 Members will therefore have the opportunity to gain an insight into current local

practice in schools and to ask for teacher and pupil views on both their experience of citizenship lessons and, at a broader level, the ways in which councillors might be better able to engage with young people.

- 3.3 Citizenship fits clearly into the Committee's broader objectives as part of its responsibility to develop innovative and effective proposals to improve democratic engagement. Members may therefore wish to extend the discussion of this topic beyond the confines of citizenship towards democratic engagement with young people more generally.
- 3.4 In particular there is potential for councillors to engage with young people possessing a latent interest in local democracy. This would apply, for example, to those undertaking qualifications directly relevant to democracy, including subjects such as government and politics. While it is apparent that those already undertaking these qualifications are likely to be pupils who appear already to be the most engaged within their age group, there are specific advantages to this approach.
- 3.5 Specifically, targeting those who already have an interest in politics ensures a receptive audience for improving the quality and extent of democratic engagement. There is also the potential to give young people the encouragement and the information they may require to become actively involved in local democracy.
- 3.6 Some potential ideas that could be pursued in this direction include:
- Seeking to engage with schools either to carry out mock school elections or to add councillors' input to existing schemes.
 - Taking more active involvement in the school councils project.
 - Councillors and officers visiting local schools, potentially in concert with other local elected politicians, to explain their roles and the structures which underpin them.
 - Inviting groups of young people to attend meetings of the Full Council.
 - Investigating the possibility of providing work experience opportunities, involving shadowing councillors carrying out their duties.
- 3.7 It is suggested that members may particularly wish to investigate:
- How useful pupils and teachers have found citizenship lessons in the past, with particular regard to improving awareness and knowledge of democracy in general and local democracy in particular.
 - Whether school representatives have any specific ideas for how councillors could improve the level of engagement with young people.
 - What level of awareness young people possess regarding the role of a councillor and the responsibilities of local councils as a whole.
 - The practical steps councillors and officers can take to increase democratic engagement among young people.
 - Whether young people are aware of their opportunities to stand for election and what barriers, if any, might stand in their way.
 - How some of the contents of citizenship lessons might be continued within schools if citizenship were removed from the national curriculum.

4. Strategic Priorities

- 4.1 The Council's commitment to democratic engagement and the Committee's remit in this regard gives members a clear direction to investigate ways to improve the public's involvement in the Council's democratic process.

5. Finance Implications

- 5.1 There are no financial implications to this report. Any future commitments to additional engagement with local schools or young people would be the subject of further and more detailed reports, and are likely to be containable within existing budgets.

6. Legal Implications

- 6.1 There are no legal implications to this report.

7. Recommendations

- 7.1 That the Committee, having regard to how citizenship is currently addressed within the national curriculum, consider the manner in which the Council can seek to improve democratic engagement with young people.

SUBJECT:	CODE OF CONDUCT: CASES REVIEW
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To provide information on recent cases relating to other local authorities' codes of conduct and consider their potential relevance to the Council.

2. National Cases Relating to Councillor Conduct

- 2.1 Since the removal of the Standards for England Board as part of the changes brought through the Localism Act 2011, the Council no longer receives a summary of cases reported from across the country. As a result, the cases chosen for consideration are drawn primarily from local government networks and media reports, and are summarised below.

- 2.2 The reports highlighted are gathered solely from information made available by the relevant local authorities. As cases are often considered to contain exempt information, there are potentially elements of the case which may not be publicly available. As such, members should be aware that the cases below are provided for the purpose of discussion and may not give the full picture in every regard.

2.3 Spelthorne Borough Council

A councillor at Spelthorne Borough Council was censured by its standards committee for having breached the council's member code of conduct six times. Of the six breaches, two were of not treating officers with respect, two of bringing his office into disrepute, one of compromising the impartiality of an officer, and another for generally conducting himself in a way unbefitting for a councillor. The councillor noted that he had been unwell during the meeting and his conduct was a result of his diabetes. In addition to the censure, the committee recommended the councillor receive training for managing his medical condition and his general behaviour in meetings.

2.4 East Herts District Council

The council's executive member for finance spoke in support of a planning application made by a third party in relation to land which the council intended to sell. The councillor did not represent the affected ward and there was no provision within the council's constitution for other councillors to address the committee. Having regard to the particular sensitivities around the council's involvement with the application, the council's standards sub-committee agreed with the

recommendation of the externally-produced report that the councillor had breached the member code of conduct by bringing his office or authority into disrepute. The committee resolved that the authority's planning guidance documents should be updated and that a letter should be sent to the councillor in question regarding the breach.

2.5 Norfolk County Council

The former leader of Norfolk County Council was alleged to have encouraged a political assistant to supply information regarding a district council leader to the BBC and then to claim that another person was responsible for this. As a result of the timing of the events, the case was considered with reference to the council's previous member code of conduct, which had been in place at the relevant time.

The standards committee found that the councillor had brought his office into disrepute and thereby breached the relevant member code of conduct, but disagreed with the finding that he had failed to treat the political assistant with respect by asking him to lie (the affected person had given evidence suggesting that he did not consider he had been treated with a lack of respect). It was therefore determined that a report regarding this would be provided to full council, a letter of censure would be sent to the councillor, and the councillor should undergo ethical training.

3. Potential Learning Points

- 3.1 Having regard to these complaints which have been investigated by other local authorities, members should consider whether any appropriate actions can be identified to ensure that the likelihood of any future breaches of the Member Code of Conduct by members representing the City of Lincoln Council is limited.
- 3.2 The Ethics and Engagement Committee may wish to consider the following actions if any learning points are identified:
 - Issuing guidance to members and any other relevant parties on a general topic which presents a cause for concern with a view to potential future breaches of the Member Code of Conduct.
 - Requesting specific training for all members or members whose individual status would be relevant to the particular training.
 - Proposing amendments to the Member Code of Conduct and the procedure for considering complaints, if improvements can be identified.
 - Any other actions falling within the remit of the Committee which might aid the improvement of councillors' conduct.
- 3.3 If members are aware of further cases of broad interest from other local authorities in relation to ethical behaviour by councillors, details can be submitted via Democratic Services or raised at the meeting of the Committee for potential inclusion in a future report.

4. Strategic Priorities

- 4.1 The development of a fit-for-purpose council relies upon the proper conduct of officers and members. By considering the lessons learned from other local authorities the Council is better positioned to take preventative action to resolve any

potential issues before they arise.

5. Finance Implications

- 5.1 There are no direct financial implications arising from this report.

6. Legal Implications

- 6.1 The Ethics and Engagement Committee's role includes the promotion and maintenance of high standards of conduct by councillors and co-opted members; this report forms a part of the work of the Committee in proactively addressing any matter that could detract from the reputation and behaviour of the Council or its councillors.

7. Recommendations

- 7.1 That the Ethics and Engagement Committee note the contents of the report and recommend any suitable action arising from it.

SUBJECT:	QUALIFIED PRIVILEGE
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 During the consideration of a proposed protocol on the use of social media by councillors, members requested supplementary guidance in relation to qualified privilege; this report is intended to provide that guidance.

2. Background to Defamation

- 2.1 Defamation is primarily a civil, rather than a criminal, wrong. This means that a legal individual, such as a company or a person, has the right to bring a case for defamation before a court. The law surrounding defamation is the target for frequent criticism regarding both its complexity and the expense in bringing or defending a claim.
- 2.2 Members should note the Defamation Bill is currently proceeding through Parliament and is likely to bring a number of significant changes, including to some of the situations covered by qualified privilege. Based on the current bill, one significant proposed change is the introduction of a defence of 'publication on matters of public interest', which will supplement the common law regarding qualified privilege, except with regard to the test normally applied in cases defended by the press.

3. Briefing on Qualified Privilege

- 3.1 In response to the request made by members at the previous meeting of the Committee, a briefing note on qualified privilege is attached as **Appendix A**. This is intended to supplement the protocol previously provided regarding social media.
- 3.2 Given the large measure of individual freedom and the broadness of the potential audience, there is clearly significant scope for defamation to arise from councillors' use of social media. However, a defence of qualified privilege arising from a duty or reciprocal interest would be considerably more difficult to establish if using social media than if making a statement in a local authority meeting.
- 3.3 It remains key for councillors to consider carefully the statements which they make both in public and private. While there is a clear value in councillors being

able to uphold the public interest through their freedom of expression, consideration must also be given to the impact upon third parties' reputations. While qualified privilege can be a valuable defence, ensuring the accuracy and truth of a statement is similarly important.

- 3.4 Members should also note the personal responsibility which they undertake when acting as a councillor. While this briefing is provided to offer councillors guidance on some of the general principles underpinning qualified privilege and defamation, councillors remain personally liable for any defamatory statements they make and should make decisions as to how they communicate accordingly.

4. Strategic Priorities

- 4.1 In order for councillors to undertake their role effectively, it is in the Council's and the public's interest that members should be able freely to express their views to the full extent of the law.

5. Finance Implications

- 5.1 There are no financial implications arising directly from this report.

6. Legal Implications

- 6.1 There are no legal implications arising directly from this report.

7. Recommendations

- 7.1 That members offer comments on the briefing note provided.
- 7.2 That the briefing notes provided on the use of social media and defamation be circulated to all councillors.

Qualified Privilege

This briefing note is intended to offer a brief overview of the use of qualified privilege by councillors as a defence to claims for defamation. In order to assess this topic, the foundations of defamation and the general defences to it must first be established. Members should note that law surrounding defamation is often complicated and can carry very serious implications for individuals. As such, this guidance is provided as a brief overview of the topic, but members are strongly advised to seek specific legal advice in advance if a relevant matter arises.

Defamation

The law surrounding defamation is intended to protect the reputation of individuals and has been broadly defined as relating to statements which 'tend to lower the plaintiff in the estimation of right-thinking members of society generally'. Defamation covers both libel and slander. The offence of slander can include defamatory speech and gestures, while libel requires publication of the defamation, which can include television and radio broadcasts in addition to written material.

There are four main questions which must be asked in bringing a successful claim for defamation:

- Is the statement defamatory?
- Does the statement refer to the claimant?
- Has the statement been published?
- Are there any relevant defences?

Defences

At present, i.e. prior to any enactment of the Defamation Bill, the main defences to defamation are as follows:

- Justification: that the statement can be proved to be true.
- Honest comment: that the person who made the statement had the right to make the comment, meaning that it was an honest comment made in the sphere of public interest.
- Privilege: that the statement was made on a 'privileged' occasion and so is not subject to defamation proceedings.

Qualified Privilege

Qualified privilege is to be distinguished from absolute privilege. Absolute privilege is a complete defence to any accusation of defamation and covers situations including trials and Parliamentary debates. Qualified privilege is a weaker variant, and applies only to statements made in accordance with a specified list of situations laid out in statute or in accordance with the common law test laid out below. Qualified privilege is also lost if it can be shown that the statement was made with malice, i.e. that malice was the 'dominant and improper motive'. Establishing malice would normally require a demonstration either of recklessness or dishonesty on the part of the person making the statement.

Councillors as a group are not automatically protected either by absolute or qualified privilege. Instead they must usually rely on the relevant defence established at common law for qualified privilege, namely that the councillor has a legal, social, or

moral duty to impart the information and the recipient, normally the public or fellow councillors/officers, has an interest in or duty to receive the information.

A key legal case covering qualified privilege in relation to councillors was *Horrocks v Lowe* [1975] in which Lord Denning found that:

‘It is of the first importance that the members of a local authority should be able to speak their minds freely on a matter of interest in the locality. So long as they honestly believe what they say to be true, they are not to be made liable for defamation. They may be prejudiced and unreasonable. They may not get their facts right. They may give much offence to others. But so long as they are honest, they go clear. No councillor should be hampered in his criticisms by fear of an action for slander. He is not to be forever looking over his shoulder to see if what he says is defamatory. He must be allowed to give his point of view, even if it is hotly disputed by others. This is essential to free discussion.’

However, it is important to note that the above will certainly not apply to all statements made by councillors. It is likely that qualified privilege would be found to apply to statements made in full council or committee meetings, and might also extend to some internal working groups. The privilege would be more difficult to extend to general interactions with the public or third parties outside meetings.

Members may also be interested to note that the Defamation Act 1996 applied qualified privilege, subject to affected parties being able to supply an explanation or correction where necessary, to the following situations:

- A fair and accurate report of proceedings at any public meeting or sitting in the United Kingdom of a local authority or local authority committee, the executive of that authority or a committee of that executive.
- A fair and accurate record of any decision made by any member of the executive where that record is required to be made and available for public inspection by virtue of section 22 of the Local Government Act 2000 or of any provision in regulations made under that section.

In the UK, unlike some other common law jurisdictions, the media has no special status for qualified privilege, and, while their special role is recognised to an extent, must rely on the same defences as councillors or members of the public in establishing qualified privilege.

Carolyn Wheeler, 21 February 2013

SUBJECT:	MEMBER DEVELOPMENT REVIEW
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 The Council is committed to developing its councillors to ensure they have the skills and knowledge to carry out their roles in the most effective manner. The member development programme is a key part of this process, and this report provides a summary of the current approach for members' consideration.

2. Current Member Development Overview

- 2.1 A Member Development Strategy was adopted in 2011 and the Council also has a discrete member development budget in place. In liaison with members and fellow officers, responsibility for the Council's member development is held by Democratic Services. Previously Democratic Services has primarily received strategic direction from the Constitutional Review Group, which includes senior representatives from each of the Council's political groups. However, the changes made to the terms of reference of the Ethics and Engagement Committee give this committee a new responsibility for monitoring and providing input to councillor development.
- 2.2 Following previous agreement by the Constitutional Review Group, officers developed Personal Development Plan (PDP) templates (attached as **Appendix A**) specifically intended for the Council's elected members. PDPs provide an opportunity to review a councillor's skills and knowledge within their current role, and to provide a plan for future development based upon the councillor's individual needs and aims. These templates were passed to political group representatives for the PDPs to be completed by councillors with group leaders or another appropriate person. For any independent members, there is also scope for a PDP to be completed with officers if requested.
- 2.3 In common with prior attempts to introduce member PDPs, as previously trialled by Human Resources, there has been a somewhat muted response to completing and following-up on the plans. However, those undertaken by Democratic Services with new members proved useful in targeting resources towards areas of particular interest to these members over the past and coming year. The Committee may therefore wish to consider whether further work on PDPs is worth pursuing and if the current format is appropriate for member usage. In particular, consideration could be given to whether it is most appropriate for members

undertaking PDPs to do so within their political group structure, where available, or with officers from Democratic Services.

- 2.4 With regard to member development as a whole, during 2012/13 the focus has primarily been upon the integration of newly-elected members and improving the effectiveness of the Council's scrutiny function. As well as day-to-day support and training provided by officers, this has included providing relevant all-day training sessions for elected members. Feedback from the members who attended these events has been positive and will feed into future training provision. Other training sessions, in addition to workshops and consultations on areas of Council policy, have included:
- Council procedure rules for new members
 - The new standards regime
 - Equality and diversity
 - Community Engagement
 - Partnership Working
 - Licensing
 - Planning

3. Future Member Development Possibilities

- 3.1 The Council faces significant budget pressures in the coming years and it is more vital than ever that all expenditure is properly targeted and provides significant value for money. In particular, the following areas present choices and opportunities to change the operation and direction of member development, and members' views are therefore invited.

3.2 E-Learning Update

At the previous meeting of the Ethics and Engagement Committee, members noted that they were minded to redirect funding from online e-learning to forms of training which would benefit a greater number of councillors. Having regard to this, any funds saved from future subscriptions to the Learning Pool are currently intended for use in the delivery of in-person training events. This is likely to provide additional flexibility in years when the training budget is placed under particular pressure, as happened during 2012/13. Having regard to the committee's recommendation, the member development budget will no longer be used to fund e-learning. However, the e-learning service is now likely to be retained for councillors' use following a renegotiation of the broader service contract.

3.3 2013/14 Training

Building upon feedback from members and officers, the training areas likely to form a focus for 2013/14 include chairing skills and improving the quality of members' participation in meetings. This will be in addition to the annual training provided for members taking part in regulatory committees. There is also relative freedom in the coming year, partly as no councillor terms of office are scheduled to end in May 2013, for members to offer views on any other areas perceived to be a priority for training or development. As referenced in para 3.10, members may wish to offer feedback at the meeting of the Committee as well as offering views on the future mechanisms for guiding the member development programme.

3.4 Member Inductions

The member induction programme has been continually developed in recent years to improve the information and guidance provided to new members. The elections of May 2012 returned eight new councillors, the majority of whom did not have previous direct experience of local government. While feedback received from members has been positive, it is clear that this represented a particular challenge to the current system for providing inductions and established a number of points which will be addressed in future.

- 3.5 It is probably inevitable when electing by thirds that it is more difficult to focus resources on providing effective member inductions, as the inductions of new councillors take place three times as often as in other local authorities, with considerable variation in the number elected each year. However, a number of ideas are under consideration to improve provision in this area, including a particular focus on improving the quality and quantity of information regarding the role of a councillor as well as a plan for the induction process to all prospective electoral candidates. There also remains scope for political groups to provide a formal councillor 'buddying' system whereby councillors are assigned a contact within their political group as a point of contact for advice and assistance.

3.6 Public Attendance Records

In order for training to be fully effective, it should reach as high a proportion of its target audience as possible. While it is recognised that councillors have significant demands upon their time, both in an official and personal capacity, attendance at training forms an important part of member development.

- 3.7 Democratic Services currently maintain an informal attendance record for training events which is provided to political groups' training representatives at regular intervals. Making use of the Council's online committee system, it will be possible to make training attendance information public. This would give members of the public the opportunity to see some of the particular skills and qualities their elected representatives have been developing as part of their role. In order to emphasise the positive aspects of member development, members may consider it more appropriate to provide details of the training and development which has been undertaken, rather than a list also including any missed events or opportunities.

3.8 Changing the Form of Training

At the last meeting of the Committee, members expressed views regarding the perceived professionalisation of the role of the councillor and the increased emphasis placed on training and development. Members are understandably keen to ensure that training remains appropriate both to the needs and capacities of councillors. In some areas, such as training relating to regulatory training for the Licensing and Planning Committees, the Council has a clear obligation to ensure members are made aware of the grounds on which their decision must be based. A failure to ensure decisions are being taken within the legal framework is likely to lead to poor decision making as well as a significant risk of challenge entailing both reputational and financial damage to the Council. As a result of the special nature of these particular areas, training for members continues to be provided on an annual basis.

- 3.9 However, there remains scope both to affect the manner in which this training is delivered, as well as the broader and more discretionary member development opportunities provided for councillors. Members are therefore invited to provide views on the relative merits of current forms of training. In particular, members may wish to consider the current focus on providing regular short evening training sessions, as against the possibility of less regular and more diverse all-day development sessions.

3.10 Shaping Future Member Development

There is a danger with an overly officer-led programme that member development becomes something that councillors primarily regard as being done to them rather than a plan to be actively contributed to and benefitted from. Successful member development has to be based around both the Council's priorities as a whole and the individual characteristics of our members. With this in mind, there is value in considering the manner in which councillors are able to contribute towards forming the member development programme. If widely utilised PDPs form one clear channel for gathering members' views on future training. Further possible ideas the Committee may wish to consider include:

- Receiving more regular updates on member development and offering feedback during future meetings of the Committee.
- Forming a regular working group to discuss member development with the appropriate officers.
- Opening the choice of some training topics each year to a general all-member vote in order to select matters of the greatest interest to councillors.

4. Strategic Priorities

- 4.1 Councillors have a critical role to play in ensuring a fit for purpose council, and their performance is affected by the skills and knowledge which they are able to apply in forming policy and making decisions. Member development acts as adjunct to supplement and hone the qualities which members bring from their everyday lives by providing opportunities to develop skills and knowledge relevant to local government.

5. Finance Implications

- 5.1 Any suggested changes to the delivery of or support for member development must be funded from within its existing budget.

6. Legal Implications

- 6.1 There are no legal implications arising from this report.

7. Recommendations

- 7.1 That members consider and offer comments on the current provision of member development and plans for its future delivery, particularly including the following topics:

- The position of personal development plans
- The publication of training attendance records
- The future contribution of the committee and members towards member development planning
- Feedback on the priorities for specific training in the new municipal year.



Councillor Personal Development Plan

Councillor [Name]

Completion date:

Completed with:

Councillors should complete this form with the member of their political group who has responsibility for member development. When completed, the form should be returned either to your group's leader or, if you are not a member of a group with a leader, to the Principal Democratic Officer. Group leaders will then be responsible for collating responses and informing the Principal Democratic Officer (on an anonymous basis) the training requirements of the group.

Thank you for your assistance.

Background Information

How long have you served as a councillor in this or other areas?

What training have you already received that supports you in your current role?

Do you currently hold positions of responsibility as part of your role as a councillor, e.g. chairmanships, representations on external bodies, portfolios/shadow portfolios?

Current Requirements

Below is a list of development areas which may be of relevance to you. Please tick the relevant box if you feel development relating to this topic would be useful or essential to you. You can also add any further areas or additional information in the notes section below. Appendix 1 gives suggestions for development areas which may complement a particular role which you fulfil.

Constitutionally Compulsory

The following training areas are compulsory for all affected members:

- Code of Conduct
- Council Procedure Rules
- Equality and Diversity
- Financial Procedure Rules
- Licensing
- Planning
- Scrutiny

Committee Areas

Title	Useful	Essential
Chairing Meetings	<input type="checkbox"/>	<input type="checkbox"/>
Effective Scrutiny	<input type="checkbox"/>	<input type="checkbox"/>
Personnel Appeals	<input type="checkbox"/>	<input type="checkbox"/>

Corporate/Personal Development

Title	Useful	Essential
Community Engagement	<input type="checkbox"/>	<input type="checkbox"/>
General IT	<input type="checkbox"/>	<input type="checkbox"/>
Managing Casework	<input type="checkbox"/>	<input type="checkbox"/>
Microsoft Word	<input type="checkbox"/>	<input type="checkbox"/>
Microsoft Excel	<input type="checkbox"/>	<input type="checkbox"/>
Microsoft Outlook	<input type="checkbox"/>	<input type="checkbox"/>
Partnership Working	<input type="checkbox"/>	<input type="checkbox"/>
Public Speaking	<input type="checkbox"/>	<input type="checkbox"/>
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>
Using the Internet	<input type="checkbox"/>	<input type="checkbox"/>

Notes

Preferred Development Style

How do you prefer to learn?

Mentoring with another councillor ☐

Working with another council ☐

Online learning ☐

One-to-one training ☐

Group training ☐

Correspondence course ☐

What Happens Next?

Action Plan

Using the information completed above please highlight your development priorities for the following year in order of precedence in the area below. These will be reviewed throughout the year, with a reappraisal in a year's time. It is not necessary to include compulsory areas of training as priorities.

Objective	Target Completion Date

Group Leader or Principal Democratic Officer's signature

APPENDIX 1: TEMPLATE ROLE SUGGESTIONS

What roles do I fulfil now or might wish to take on in the future?	What are the skills and knowledge needed for this role?	Which of these do I already have?	What skills and knowledge do I need to develop?	What training might help?
Mayor/Chair of the Council	<ul style="list-style-type: none"> - Ambassadorial skills - Speechmaking skills - Speaking to the media - Chairing skills - Knowledge of Council Procedure Rules 			<ul style="list-style-type: none"> - Chairing meetings - Public speaking - Handling the media - Council Procedure Rules - Code of Conduct
Leader/Deputy Leader of the Council	<ul style="list-style-type: none"> - Political leadership and direction - Ambassadorial skills - Speech making skills - Speaking to the media - Chairing skills - Knowledge of Council Procedure Rules 			<ul style="list-style-type: none"> - Chairing meetings - Public speaking - Handling the media - Council Procedure Rules
Executive Member & Portfolio Holder	<ul style="list-style-type: none"> - Ambassadorial skills - Speech making skills - Speaking to the media 			<ul style="list-style-type: none"> - Public speaking - Handling the media
Shadow Portfolio Holder	<ul style="list-style-type: none"> - Overview and scrutiny skills - Speaking to the media - Financial knowledge - Speechmaking skills 			<ul style="list-style-type: none"> - Effective scrutiny - Public speaking
Committee Chairs	<ul style="list-style-type: none"> - Ambassadorial skills - Speech making skills 			<ul style="list-style-type: none"> - Public speaking - Chairing meetings

	<ul style="list-style-type: none"> - Speaking to the media - Chairing skills - Knowledge of Council Procedure Rules 			<ul style="list-style-type: none"> - Council Procedure Rules
Scrutiny Committee Member	<ul style="list-style-type: none"> - Overview and scrutiny skills - Financial knowledge 			<ul style="list-style-type: none"> - Effective scrutiny
Planning Committee Member	<ul style="list-style-type: none"> - Knowledge of Planning regulations 			<ul style="list-style-type: none"> - Planning training
Licensing Committee Member	<ul style="list-style-type: none"> - Knowledge of Licensing regulations 			<ul style="list-style-type: none"> - Licensing training
Hearing Panel Member	<ul style="list-style-type: none"> - Knowledge of the working area (e.g. personnel, housing, etc) 			<ul style="list-style-type: none"> - Briefing session with relevant officers.
Standards Committee Member	<ul style="list-style-type: none"> - Knowledge of the Code of Conduct 			<ul style="list-style-type: none"> - Code of Conduct
Appointments Committee Member	<ul style="list-style-type: none"> - Interviewing skills 			<ul style="list-style-type: none"> - Recruitment and selection
Local Ward Councillor	<ul style="list-style-type: none"> - Ambassadorial skills - Local knowledge - Knowledge of the Code of Conduct - Community understanding 			<ul style="list-style-type: none"> - Council Procedure Rules - Ward tour with a relevant officer - Code of Conduct - Equality and Diversity
Council Representative on an Outside Body	<ul style="list-style-type: none"> - Ambassadorial skills - Knowledge of the specific area relating to the outside body 			<ul style="list-style-type: none"> - E-learning on relevant areas within Modern Councillor - Briefing from any relevant officers

SUBJECT:	MEMBER CODE OF CONDUCT & TERMS OF REFERENCE REVISION: THE PRINCIPLES OF PUBLIC LIFE
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose changes to the Member Code of Conduct following the recent revision of the seven principles of public life by the Committee on Standards in Public Life.
- 1.2 To propose a revision of the Committee's terms of reference to allow the Leader to be appointed to the Committee, subject to the provision that the Leader should not take part in any matters directly relating to complaints against members of the Council.

2. Background to the Principles

- 2.1 The Committee on Standards in Public Life was established in 1994 to act as an independent advisory body to the government. It monitors, reports and makes recommendations on all issues relating to standards in public life, including local government.
- 2.2 The fourteenth report of the committee ([*Standards Matter: A Review of Best Practice in Promoting Good Behaviour in Public Life*](#)) was released on 17 January 2013 and included changes to the seven principles of public life, often known as the Nolan Principles.
- 2.3 The principles were proposed as part of the first report of the committee under the chairmanship of Lord Nolan in 1995 as a consequence of general concerns regarding standards of behaviour in public life.
- 2.4 The changes made to the seven principles of public life do not alter the broad topics already incorporated within the Member Code of Conduct (selflessness, integrity, objectivity, accountability, openness, honesty, and leadership). Rather, the changes relate to a shift in definitions, as laid out in paragraph 3.2.

3. The Proposed Changes

- 3.1 The seven principles on public life are reproduced as a whole within the Council's Member Code of Conduct. As the expression of the principles has now changed, it is recommended that members consider incorporating the revisions within the

Member Code of Conduct.

- 3.2 For members' information a side-by-side comparison of the previous and revised principles is shown below. Members should particularly note the changes made with regard to the explanations of honesty and integrity, and the potential implications for future consideration of any future complaints.

Current Principles	Revised Principles
SELFLESSNESS Holders of public office should act solely in terms of public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.	SELFLESSNESS Holders of public office should act solely in terms of the public interest.
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.	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 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.	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 for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.	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 be as open as possible about all their decisions and actions that they take. They should give reasons for their decisions and restrict information only	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

when the wider public interest clearly demands.	reasons for so doing.
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.	HONESTY Holders of public office should be truthful.
LEADERSHIP Holders of public office should promote and support these principles by leadership and example.	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.

- 3.3 Members should note that the removal of wording from the revised principles, e.g. ‘They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.’ under selflessness, is not tacit approval for behaviour of this kind. Rather, in this case, the additional wording appears to have been removed for the purposes of concision. Some broad indications as to the overall purpose of the changes is made within the committee’s report, although specific rationales for each revision are not provided.
- 3.4 The most straightforward and clear way forward is the adoption of the new principles as a whole within the Member Code of Conduct. However, under the Localism Act 2011 members are given significant powers to revise the wording of the Member Code of Conduct including the seven principles of public life.
- 3.5 Members may wish to note that some public organisations have chosen to adopt only a limited number of the seven principles. However, in view of the broad nature of councillors’ roles in local government, the relevance of the principles to these areas, and the public expectation of high standards of behaviour it is not recommended that the principles should be adopted on a piecemeal basis.
- 3.6 As an adjunct to the proposed changes, it is also proposed that the Ethics and Engagement Committee’s terms of reference (attached as **Appendix A**) be broadened to allow the appointment of the Leader as a member. Following a direct replication of the provisions made under the previous standards arrangements the current terms of reference preclude the appointment of the Leader to the Committee. This term ensured that a leader would be unable to exert influence on fellow members in the determination of matters relating to individual standards complaints.
- 3.7 Given the Committee’s new focus on areas including increasing democratic engagement, as incorporated within the Council’s Strategic Plan, the Leader has expressed a particular interest in being able to contribute towards this aspect of the Committee’s work.

- 3.8 In view of the expanded remit of the Committee, it is therefore felt that a provision specifically to exclude the Leader solely from matters relating to complaints against individual members of the Council would be more appropriate than a complete exclusion. While any future appointments to the Committee would remain the responsibility of Council, the proposed change in the terms of reference would ensure that all councillors, regardless of their position, would be able fully to contribute towards fulfilling the broadened scope of the Committee.

4. Strategic Priorities

- 4.1 An effective and properly drafted code of conduct is an important part of ensuring public trust in councillors, and in maintaining appropriate standards of behaviour.

5. Finance Implications

- 5.1 There are no direct financial implications arising from this report, although certain principles are of relevance, for example, to areas involving procurement.

6. Legal Implications

- 6.1 The principles of public life form an important basis for the Council's Member Code of Conduct, and any change to them necessarily impacts upon the manner in which the code may be interpreted. However, the principles do not carry statutory authority and are an optional part of the Member Code of Conduct.

7. Recommendations

- 7.1 That Council:
1. be recommended to approve revisions to the Member Code of Conduct, replacing the previous principles of public life with those included in the fourteenth report of the Committee on Standards in Public Life.
 2. be recommended to approve revised terms of reference for the Ethics and Engagement Committee permitting the Leader to be appointed to take part in all matters other than those directly relating to complaints made against members of the Council.

Ethics and Engagement Committee Terms of Reference

1. Ethics and Engagement Committee

The Council will appoint an Ethics and Engagement Committee.

2. Composition

- The Ethics and Engagement Committee will comprise eight councillors appointed annually from among their number except that the Leader of the Council shall not be eligible.
- The Ethics and Engagement Committee will be appointed in accordance with political proportionality rules.
- The Ethics and Engagement Committee and/or Monitoring Officer must consult the Independent Person on matters relating to the Members' Code of Conduct and dispensations.
- The Ethics and Engagement Committee can invite the Independent Person to attend Ethics and Engagement Committee meetings and meetings of the Assessment and Hearing Sub-Committees. The Committee may also invite the Independent Person to speak at the Committee's meetings but he or she will not be entitled to vote on any matters.
- The Committee shall meet at least quarterly unless otherwise agreed.
- The quorum for the Committee shall be three councillors.

3. Role and Function

The Ethics and Engagement Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by elected and co-opted members.
- (b) assisting Councillors in observing the Members' Code of Conduct.
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct.
- (d) Monitoring the operation of the Members' Code of Conduct.
- (e) Advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct.
- (f) Assess and hear any cases of an alleged breach of the Members' Code of Conduct.
- (g) Granting dispensations to members on the following grounds:
 - (1) that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would "impede the transaction of the business". In practice this means that the decision making body would be inquorate as a result.
 - (2) That without the dispensation, the representation of different political groups on the body transacting the

business would be so upset as to alter the outcome of any vote on the matter.

- (3) That the authority considers that the dispensation is in the interests of persons living in the authority's area
 - (4) That, without a dispensation, no member of the Executive would be able to participate on the matter, or
 - (5) That the authority considers that it is otherwise appropriate to grant a dispensation.
- (h) To decide upon and authorise allowances for Independent Person(s).
 - (i) To consider matters relating to the governance of the Council and ethical conduct by councillors, and propose relevant guidance if appropriate.
 - (j) To monitor councillor development and offer guidance intended to improve its efficacy, value, or delivery.
 - (k) To develop innovative and effective proposals to improve democratic engagement.

4. Code of Conduct Hearings

The following panels will be appointed as and when required:

Assessment Sub-Committee which will:

- (a) assess any alleged breach of the member code of conduct which has been referred to them by the Monitoring Officer, in consultation with the Independent Person.

Hearing Sub-Committee which will:

- (a) hear any cases against an alleged breach of the member code of conduct.
- (b) be authorised to impose one or more of the following sanctions, if thought appropriate:
 - 1. reporting its findings to Council.
 - 2. recommending to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
 - 3. recommending to the Leader of the Council that the member be removed from Executive or removed from particular portfolio responsibilities.

4. instructing the Monitoring Officer to arrange training for the member.
5. removing the member from all outside bodies to which they have been appointed.
6. withdrawing facilities provided to the member by the Council, such as computer, website and/or email or internet access.
7. excluding the member from Council offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees.

The Assessment Sub-Committee and Hearing Sub-Committee will each comprise three members appointed proportionally.

SUBJECT:	WORK PROGRAMME UPDATE
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To put forward the current Ethics and Engagement Committee work programme for consideration by members.

2. Work Programme Summary

- 2.1 The work programme is attached as **Appendix A**, and was agreed at the meeting of the Ethics and Engagement Committee on 31 January 2013.
- 2.2 A significant number of unscheduled items are contained within the work programme. These items are not currently scheduled owing either to a lack of capacity within the meetings available or because the timing at which key information will become available is unclear.
- 2.3 Members are encouraged to put forward any proposals for relevant matters of concern or interest to them or the residents of their ward which the Ethics and Engagement Committee may be able to consider.

3. Changes Made to the Work Programme

- 3.1 Following discussion by members at the last meeting the wording of the work programme item relating to increasing the diversity of electoral candidates has been changed to incorporate a clear reference to the control that political parties exert over the selection of their candidates for election, as separate from any input the Council may have in this area.
- 3.2 To address members' concerns regarding the scope for the Council to become more involved in this area, some preliminary scoping work has been undertaken to establish the likely remit for the Committee when the topic is considered in due course. Again, it is valuable to emphasise that the Council should not and would not ever seek to become involved in either championing the election of independent candidates or interfering with the party political process for the selection of party candidates. However, the Council as a whole and this Committee in particular have a clear role to play in ensuring that all sections of Lincoln's society are aware of the role that councillors have in their communities and how members of the public can stand for election.

- 3.3 By way of examining good practice from other local authorities, members may wish to consider the findings of an academic report produced at the request of the Department for Communities and Local Government, [Improving the Representativeness of Councillors](#). The report identifies five councils as being particularly worthy of emulation, and also specifically addresses the concerns previously raised by members regarding the extent of the Council's role in this area given the leading role which political parties also play:

'Much like political parties, local councils can assume an active role in promoting representativeness. Whilst in each of the case study areas considered it is the parties that have been central to the recruitment of traditionally under-represented groups, the local authorities themselves also played an important supporting role.'

- 3.4 In summary, when approaching this area of business the Committee may wish to direct its attention towards improving the awareness of the role of councillors within Lincoln and ensuring that its citizens are fully aware of their rights, opportunities, and the means for becoming an electoral candidate. By assessing areas such as the extent and suitability of member support, the support offered to candidates and councillors by local employers, and the information made available on the role of councillors, members will be able to examine current arrangements and identify any possible improvements.

4. Finance Implications

- 4.1 There are no direct financial implications arising from this report.

5. Legal Implications

- 5.1 Any additions to the work programme should be made in accordance with the scope of the Committee as established within its terms of reference.

6. Recommendations

- 6.1 That the Committee consider the work programme and propose any suitable changes if necessary.
- 6.2 That the Committee consider items scheduled for the next meeting and any necessary arrangements relating to them.

Ethics and Engagement Committee Work Programme 2012/13

12 December 2012

Topic	Matter for Consideration	Outcome
Revised Terms of Reference	To highlight the terms of reference agreed by Council on 27 November 2012.	<ul style="list-style-type: none"> To note the changes to the operation of the Committee.
Dispensations for Members Holding Licences to Occupy Land within the City	To consider the granting of dispensations for members in accordance with the Committee's terms of reference.	<ul style="list-style-type: none"> To consider the proposed dispensation.
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> To note the issues raised and consider a suitable response if required.
Member Role Descriptions	Clarifying the role of councillors could potentially be of benefit to both councillors, prospective councillors, and the public.	<ul style="list-style-type: none"> To consider proposals for member role descriptions and to recommend alterations or approval as required.
Public Involvement at Committees and Webcasting	The Council does not regularly record or broadcast its meetings, but does allow public participation in a variety of meetings.	<ul style="list-style-type: none"> To consider whether webcasting of committee meetings would be beneficial and good value for money. To examine current arrangements for public participation in meetings.
Member-Officer Protocol	The Member-Officer Protocol forms part of the Council's Constitution and governs the relationship between councillors and officers. The protocol has been in place for a number of years without review.	<ul style="list-style-type: none"> To assess the ongoing suitability of the Member-Officer Protocol.
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> To agree the work programme. To consider the arrangements for the next meeting.

21 January 2013

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> To note the issues raised and consider suitable a suitable response if required.
E-Democracy	The Council provides a number of online democratic functions for both councillors and the public. The nature and extent of these services is an area for continued consideration.	<ul style="list-style-type: none"> To consider the effectiveness of current online democratic functions and to offer views on future provision.
Councillors' Use of Social Media	Members have access to an increasing number of online tools for communicating with each other, officers and the public. In particular, councillors' use of Twitter, Facebook, and blogging provides a new set of opportunities and challenges, offering new ways to engage with people but also changing the manner and means by which information can be communicated	<ul style="list-style-type: none"> To consider the current and future impact of social media upon councillors and whether any guidance or revision to existing procedures is necessary.
Independent Person Protocol	Following the approval of the Localism Act 2011, a role for an independent person was created; the Committee is therefore recommended to consider the adoption of a protocol covering the working relationship with the Council's Independent Person.	<ul style="list-style-type: none"> To consider the adoption of a protocol relating to the role of the Independent Person.
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> To agree the work programme. To consider the arrangements for the next meeting.

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> To note the issues raised and consider suitable a suitable response if required.
Member Development Review	Member development has become increasingly important in recent years as the Council seeks to ensure elected members have the skills and knowledge to perform their roles as effectively as possible.	<ul style="list-style-type: none"> To consider the current operation of member development.
The Promotion of Citizenship within Schools	Following consideration of related topics at the meeting of 12 December 2012, members requested that the Committee consider the provision of citizenship lessons within schools.	<ul style="list-style-type: none"> To consider the status of citizenship within schools and whether the Committee can contribute towards this locally.
Member Code of Conduct & Terms of Reference Revision: The Principles of Public Life	The Committee on Standards in Public Life changed its seven principles of public life, often known as the Nolan Principles. As these are incorporated in the Member Code of Conduct, consideration should be given to updating the Code.	<ul style="list-style-type: none"> To consider whether the Member Code of Conduct should be updated to accommodate the revised Nolan Principles.
Qualified Privilege	Following the receipt of a Social Media Protocol, members requested a briefing note regarding the situations in which qualified privilege provided a potential defence against defamation.	<ul style="list-style-type: none"> To consider the briefing note and the potential value in circulating it to all councillors.
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> To agree the work programme. To consider the arrangements for the next meeting.

Unscheduled Topics

Topic	Matter for Consideration	Outcome
Assistant Portfolio Holders	Currently, the Executive comprises six portfolio holders. In order to encourage greater links with the scrutiny process and to develop non-Executive members' experience, it would be possible to create assistant portfolio holder roles.	<ul style="list-style-type: none"> To assess the potential advantages and disadvantages of introducing the role of assistant portfolio holder.
Encouraging Electoral Engagement	Turnout in Lincoln's local government elections, in common with many other areas of the country, is often below 30%, meaning that the majority of electors are choosing not to exercise their right to vote, while others entitled to vote may not even be registering to do so.	<ul style="list-style-type: none"> To examine voter registration and electoral turnout, and to discuss the manner in which this can be improved.
Increasing the Diversity of Electoral Candidates	Across the United Kingdom, elected members in local government are often disproportionately drawn from certain sections of the population, with significant disparities existing in areas such as race, gender, and age.	<ul style="list-style-type: none"> To determine whether any barriers to a broader range of electoral candidates exist that the Council could reasonably address, noting that the Council has no role in influencing the selection process of political parties.
Promoting Constructive Debate Within Meetings	The manner in which debate is conducted at meetings has a significant bearing on the quality of outcomes and the working relationships between members and officers.	<ul style="list-style-type: none"> To review the Council's standing orders and to consider the manner in which a high standard of debate can be secured.
Standards Post-Implementation Review	The Localism Act 2011 provided for a considerable revision of arrangements for member standards, including changes to members' declarations of interests and the Members' Code of Conduct.	<ul style="list-style-type: none"> To consider the impact of changes to the standards regime introduced through the Localism Act 2011.
Ward Budgets	The Ward Budgets scheme, allowing councillors to offer financial support to projects benefitting their wards, has been operating since 2009/10.	<ul style="list-style-type: none"> To assess the operation of the Ward Budgets scheme.

Topic	Matter for Consideration	Outcome
Whistle-Blowing Policy	The Council's Whistle-Blowing Policy seeks to ensure that legitimate concerns regarding the operation of the Council can be raised in a confidential and effective manner.	<ul style="list-style-type: none"> ▪ To assess the Whistle-Blowing Policy with particular regard to its impact upon councillors.