

ETHICS AND ENGAGEMENT COMMITTEE

**Wednesday 12 December
2012**

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, Carolyn Wheeler

AGENDA

SECTION A	Page(s)
1. Confirmation of Minutes - 22 October 2012	1 - 3
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.	
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NB There are no Section B Items

Present:	Councillor Geoff Ellis (in the Chair)
Councillors:	Brent Charlesworth, David Jackson, Rosanne Kirk, Hilton Spratt, Ralph Toofany
Also in Attendance:	Russell Pond (Independent Person) Chris Elkington (Reserve Independent Person)
Apologies:	Councillor(s) Chris Burke, Ronald Hills
Substitutes:	Councillor(s) Jane Clark, Patrick Vaughan

5. CONFIRMATION OF MINUTES - 23 JULY 2012

RESOLVED that the minutes of the meeting held on 23 July 2012 be confirmed.

6. DECLARATIONS OF INTEREST

No declarations of interest were received.

7. PROPOSED REVISIONS TO THE STANDARDS COMMITTEE

The Assistant Director for Legal and Corporate Support Services:

- a. presented a report proposing changes to the operation of the Standards Committee.
- b. discussed the changes brought through the Localism Act 2011 to the operation of standards within the Council and across the country.
- c. highlighted the proposed changes to the Standards Committee's terms of reference, including a broadening in scope to encompass democratic engagement, and to encourage a more proactive approach to standards matters.
- d. outlined the proposed work programme, which had been compiled in order to provide a base from which members could establish the priorities of the revised committee.
- e. noted that the title of the Committee was recommended to be changed to the Ethics and Engagement Committee in order to reflect the shift in the Committee's business and to distinguish its new role from that of the current Standards Committee.
- f. explained that if recommended for approval to Council, the next scheduled meeting of the Standards Committee would need to be altered in order to

ensure that sufficient time was allowed for the production of an agenda following the meeting of Council on 27 November 2012.

g. invited members' questions and comments.

The Chair noted his support for the proposed changes, highlighting the proposed work programme as a starting point from which members could build to meet broader objectives.

Members:

- noted strong support for the proposals, emphasising the benefits of a Committee with a cross-cutting approach.
- welcomed the revised terms of reference, noting the need for committees which gave non-Executive members meaningful opportunities to contribute to the development of the Council, while also noting the additional work this would entail.
- praised the ideas which had been developed, noting particular support for the potential benefits to newly-elected members who could contribute to the Committee.
- questioned whether the potential sanctions contained within the terms of reference could be applied for a set period of time rather than indefinitely if incorporated in any decision.
- discussed the terms of reference, suggesting that, in order to ensure members of the public could understand the document, the role of the Independent Person and the terms relating to the composition of the Committee could be clarified.

The Assistant Director for Legal and Corporate Support Services responded that any sanctions could be subject to a time limit.

RESOLVED that:

1. the date of the Committee's next meeting be changed from 3 December 2012 to 12 December 2012.
2. Council be recommended to approve the revised terms of reference, including the change in the Standards Committee's title to the Ethics and Engagement Committee, subject to clarificatory alterations to the terms relating to composition.

8. GENERAL DISPENSATIONS FOR MEMBERS

The Assistant Director for Legal and Corporate Support Services:

- a. presented a report proposing the granting of a general dispensation for

members in relation to items which had previously formed part of the Council's Code of Conduct, but had been removed following the changes made by the Localism Act 2011.

- b. noted that the changes were recommended to address a perceived anomaly within the legislation.
- c. recommended that the dispensation should be granted as being in the interests of persons living in the authority's area, in order to ensure their representatives' rights to discuss and determine these matters.
- d. invited members' questions and comments.

RESOLVED that a dispensation be agreed for all members for a period of four years from 22 October 2012 in relation to the following areas of business:

- i. housing, where a member is a tenant of the authority, provided that those functions do not relate particularly to the member's tenancy or lease;
- ii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where a member is in receipt of, or is entitled to the receipt of, such pay;
- iii. an allowance, payment or indemnity given to members;
- iv. any ceremonial honour given to members; and
- v. setting council tax or a precept under the Local Government Finance Act 1992.

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

1. Purpose of Report

- 1.1 To highlight the terms of reference agreed by Council on 27 November 2012.

2. Revisions Made to the Terms of Reference

- 2.1 As agreed at the last meeting of the Standards Committee on 22 October 2012 revisions to the terms of reference were proposed to the Council meeting of 27 November 2012. The terms of reference, incorporating changes agreed by the Standards Committee and approved by Council are attached as **Appendix A**.

- 2.2 The most significant of the changes to the terms of reference are reiterated below to remind members of the change in the Committee's role:

- i. To consider matters relating to the governance of the Council and ethical conduct by councillors, and propose relevant guidance if appropriate.*

This term extends the previous role of the Standards Committee to ensure that the Ethics and Engagement Committee can proactively consider matters which could be of future relevance to member conduct and the governance of the Council. It includes an emphasis upon the active consideration of guidance for councillors, allowing member direction on both its content and scope.

- ii. To monitor councillor development and offer guidance intended to improve its efficacy, value, or delivery.*

In addition to some governance matters, as outlined above, currently member development is not directly considered by any committee. In accordance with good practice identified in the Member Development Charter it was agreed that the Committee's remit be extended to allow it to consider and offer feedback on member development within the Council.

- iii. To develop innovative and effective proposals to improve democratic engagement.*

This term was agreed in accordance with the Council's strategic plan in order to improve democratic engagement. To allow the Committee to engage with related

matters, such as electoral turnout and limiting barriers to candidates for election, and recommend any appropriate action, the term highlights explicitly the extent of the Committee's revised purpose and remit. An emphasis is to be placed upon the Committee actively contributing towards and proposing ideas in this area.

3. Finance Implications

- 3.1 There are no financial implications arising from this report.

4. Legal Implications

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

5. Recommendations

- 5.1 It is recommended that the Ethics and Engagement Committee notes the revisions to its terms of reference.

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:	DISPENSATIONS FOR MEMBERS HOLDING LICENCES TO OCCUPY LAND WITHIN THE CITY
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose the granting of dispensations for members in accordance with the Ethics and Engagement Committee's terms of reference.

2. Background

- 2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made significant changes to the interests which members were required to register and declare in relation to Council business.

- 2.2 As part of the Member Code of Conduct adopted by the Council, the Ethics and Engagement Committee assumed the powers to grant dispensations to members for the following reasons:

- (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.

3. Proposed Dispensation

- 3.1 In addition to personal and pecuniary interests, all members are required to

declare any disclosable pecuniary interests within meetings and take no part in either the discussion or determination of the relevant business.

- 3.2 The Council's budget-setting process involves the consideration of the Council's budget as a whole by members. As the Medium Term Financial Strategy includes reference to the Council's fees and charges for its services, all members holding a licence for a Council allotment or garage would be unable to take part in any discussion or decision.
- 3.3 In view of the critical nature of the budget-setting process to the business of the Council and the comparatively minor nature of the individual licences within this broader context, it is proposed that dispensations be granted to members who have disclosable pecuniary interests relating to licences, solely in relation to taking part in the discussion and determination of the Council's Medium Term Financial Strategy as a whole.
- 3.4 For the avoidance of doubt, it is not proposed that this dispensation should extend to any other decisions, including any budget-related decisions taken outside the context of a broader determination of the Council's Medium Term Financial Strategy. However, it would include any consideration of the overall Medium Term Financial Strategy as part of the consultation process prior to consideration by Council.
- 3.5 It is recommended that the dispensation should be granted in accordance with the fifth option for granting a dispensation, specifically that it is appropriate to grant a dispensation for the reasons established in paragraph 3.3.

4. Finance Implications

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

5. Legal Implications

- 5.1 As established within the report, any dispensations must be granted in accordance with the provision of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

6. Recommendations

- 6.1 It is recommended that the Ethics and Engagement Committee agree a dispensation for a period of four years from the date of the decision for all members who meet the following criteria:
- a) the member has a disclosable pecuniary interest for any licence held (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer; **and**
 - b) the nature of the business specifically relates to the consideration of the Council's Medium Term Financial Strategy as a whole.

SUBJECT: MEMBERS' INTERESTS AND CRIMINAL INVESTIGATIONS

REPORT BY: DIRECTOR OF RESOURCES

LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To consider whether formal arrangements should be put in place regarding the relationship between the Council's Monitoring Officer and Lincolnshire Police with regard to any criminal proceedings in relation to the declaration of interests by members.

2. Background

- 2.1 Section 34 of the Localism Act 2011 created a number of criminal offences, including the failure to disclose pecuniary interests without reasonable excuse. These offences may make members liable to sanctions including fines and disqualification from office.
- 2.2 The responsibility for investigating offences lies with the police, while any decision to prosecute for an offence is the responsibility of the Director of Public Prosecutions.

3. Arrangements within Lincoln

- 3.1 The Council has already made contact with Lincolnshire Police and has put in place informal arrangements with regard to criminal investigations in relation to the declaration of interests by members.
- 3.2 There are, however, undoubted advantages to putting in place a written protocol. This would provide greater certainty to the Council, members, and the police with regard to how the Council should cooperate with the police so as to ensure each carries out its proper role as effectively as possible.
- 3.3 Attached as **Appendix A** is a draft protocol based upon that agreed between monitoring officers in Nottinghamshire and Nottinghamshire Police.
- 3.4 Members are therefore recommended to consider whether the Monitoring Officer should seek to put in place suitable arrangements between the Council and Lincolnshire Police.

4. Finance Implications

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

5. Legal Implications

- 5.1 Local authorities have no specific legal duty to put in place arrangements with local police forces in relation to this matter, although to do so may constitute good practice.

6. Recommendations

- 6.1 That the Committee consider whether the Monitoring Officer should seek to put in place a written protocol with Lincolnshire Police, either solely or in combination with other councils' monitoring officers, in relation to potential criminal proceedings regarding the declaration of interests by members.

Draft Protocol between the City of Lincoln Council and Lincolnshire Police

Purpose – to agree a protocol for the reporting of potential criminal offences arising from the failure to register or declare disclosable pecuniary interests or from speaking and voting where a Member has a disclosable pecuniary interest and has not first sought a dispensation

- 1) In the event that the Monitoring Officer receives a complaint regarding a potential DPI offence they will make immediate contact with the Police through a nominated single point of contact.
- 2) Similarly if the Police receive a complaint from a member of the public they will inform the Monitoring Officer of the receipt of that complaint.
- 3) Lincolnshire Police will register the complaint and will advise the Monitoring Officer if they wish to be involved at this stage. This will normally follow an initial assessment of the complaint by the Monitoring Officer and/or the Ethics and Engagement Committee and their being satisfied that there is prima facie evidence that a criminal offence may have been committed. In undertaking an initial assessment as to whether there is prima facie evidence of a criminal offence the Monitoring Officer may conduct an interview with the complainant but will not approach the Member who is the subject of the complaint until the Police have been advised of the matter and have indicated how they wish to proceed. In the event of a complaint being received directly by the Police rather than through the Monitoring Officer, the Police will conduct an initial assessment of the complaint but may approach the Monitoring Officer for background information on the complaint.
- 4) If the Police decide not to prosecute in the public interest they will normally pass the relevant evidence to the Monitoring Officer so that the question of whether a Code of Conduct breach is to be pursued can be considered. To facilitate this, the Monitoring Officer and the Police will enter into a data sharing agreement. In the event that the Council decides to pursue the matter further in terms of a Code of Conduct breach, they will inform the Police of their decision.

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 Havering London Borough Council

The following complaints had been received in relation to a councillor:

- a) That he was not qualified to stand as a councillor in the 2010 election as he had not resided within the borough for 12 months prior to the final date for nomination to stand in the election.
- b) That he had wrongly claimed a student disregard allowance for council tax purposes.
- c) That he had committed an offence under the Vehicle Excise & Registration Act 1994 by having his car falsely registered to another address.

The hearing panel noted that the councillor had not been acting in an official capacity at the time of the alleged offences and therefore the Code of Conduct did not apply. The investigating officer further advised that any challenge to the validity of an election would have had to have been made within 21 days of the

poll. The panel found that the councillor had not breached the code of conduct in any of the matters investigated, while also advising the councillor that he should put his affairs in order for the future protection of his interests.

2.4 Leicestershire County Council

The former leader of the council was found to have received a double benefit in claiming expenses for journeys in relation to his role within the European Union's Committee for the Regions, which had already been funded by the county council at no cost to the councillor. The council's corporate governance committee noted that a further invoice would be sent to the councillor for reimbursement to the council, and that a separate police investigation into related matters was ongoing.

2.5 Scarborough Borough Council

A ward resident alleged that councillors who were members of both the borough council and the county council had breached the respective councils' member codes of conduct by receiving broadband/ICT allowances in relation to both roles.

The borough council's standards committee agreed with the report of the investigating officer that the councillors were entitled to receive both the basic allowance paid by the county council and internet/ICT allowance made available by the borough council. The councillors had not acted dishonestly in accepting both allowances and their actions did not constitute a breach of the code.

The complaint was also considered by the county council's standards committee, which found that there had been no breach of the code, and that it would also be unnecessary to refer the matter for consideration to its independent panel on members' remuneration.

2.6 South Cambridgeshire District Council

An investigation into the conduct of a member of council's planning enforcement sub-committee on 15 February 2012 (i.e. prior to the recent changes to the national standards regime) following a complaint by another councillor drew the following conclusions:

- (a) That the councillor said in the Members' Room "I wish we could get rid of this problem with the travellers' sites" and that this was not in breach of the code of conduct.
- (b) That the councillor said "this is a minefield" in the briefing meeting and that this was not a breach of the code of conduct.
- (c) That the councillor went on to say "I'd put a minefield round all of them". By 'them', he meant a local traveller community, and that this was a breach of clauses 3(1), 3(2)(a) and 5 on respect, equalities and disrepute.

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 can be avoided.

- 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:	COUNCILLOR ROLE DESCRIPTIONS
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose role descriptions relating to the overall role of a councillor in addition to more specific role descriptions for other roles to which councillors may be appointed.

2. Background to and Purpose of Role Descriptions

- 2.1 The Council currently does not have role descriptions in place for elected members, although some political parties do have similar documents provided for their group's members on a national basis.
- 2.2 A number of other local authorities have formally introduced role descriptions which are intended to guide councillors in terms of the expectations associated with their role, and also to inform the public and officers.
- 2.3 Having regard to the role descriptions in place at other local authorities, there are undoubtedly potential benefits to the Council in adopting similar role descriptions, dependent upon the suitability of the individual descriptions to the roles in question and the manner in which they could be implemented.
- 2.4 In particular, the role descriptions could potentially be of use to the following persons:
- Prospective councillors
 - Newly-elected and existing councillors
 - Members of the public
 - Partner organisations
 - Officers

3. Proposals for Lincoln

- 3.1 In view of the likely benefits of role descriptions in clarifying the responsibilities and expectations for elected members, a series of role descriptions have been developed for the following roles (attached as **Appendix A**):
- Ward councillors

- Leader (incorporating the current portfolio roles)
 - Deputy Leader (incorporating the current portfolio roles)
 - Individual portfolio holders
 - The Mayor/Deputy Mayor
 - Committee chairs
 - Regulatory committee chairs (Planning, Licensing et al)
 - Scrutiny committee chairs
- 3.2 The role descriptions have been adapted from those already developed in other local authorities, in order to be specific to the City of Lincoln Council's requirements and priorities.
- 3.3 It should be noted that the role descriptions have not been drafted to be an exhaustive list of every specific duty which a councillor may fulfil. An emphasis has instead been placed upon the broader areas in which elected members may reasonably expect to become involved, either as a ward councillor or within one of the more specific roles also covered by the draft documents.
- 3.4 It is also to be acknowledged that the role descriptions will be subject to continued change as roles develop in different circumstances. Indeed, given the varied strengths which individual members can bring to particular roles, it is inevitable that the role descriptions cannot be regarded as set in stone. As such, members may be minded to schedule a review of this topic after a suitable period of time has elapsed.
- 3.5 If agreed, the role descriptions will need to be suitably promoted in order to ensure they are available to people who could benefit from them. Particular areas which could be considered include the councillors sections of the website and the staff intranet, and distribution to prospective candidates for election to the Council.
- 3.6 The proposed role descriptions relate specifically to elected members. Other roles, including those of co-opted members and the independent person, will not be covered by these role descriptions. These roles are effectively covered within the terms of the advertisements for the role or are more tightly defined within existing legislation (**Appendix B** shows the advertisement and role profile for the role of the Independent Person by way of example; this post is also specifically defined within the Localism Act 2011 and associated secondary legislation).
- 4. Strategic Priorities**
- 4.1 The introduction of clearly-defined roles for councillors would contribute towards the development of a fit for purpose council, as detailed within the Council's Strategic Plan.
- 5. Finance Implications**
- 5.1 There are no direct financial implications arising from this report.
- 6. Legal Implications**
- 6.1 The councillor role descriptions are not intended to bind members or prescriptively

define the behaviour associated with each role. The role descriptions are not proposed to form part of the Member Code of Conduct, and the Code will remain key in assessing a member's behaviour in the event of a complaint.

7. Recommendations

7.1 That the Ethics and Engagement Committee:

1. Consider the proposed councillor role descriptions, including their wording, suitability, and likely use.
2. Recommend that the Executive approve the adoption of the proposed councillor role descriptions.

Ward Councillor Role Description

The City of Lincoln Council recognises the crucial role of elected members in the life of both the city and the council. This role description sets out a framework of duties, qualities and values for elected members in their work for the residents of Lincoln and the City of Lincoln Council.

1. Accountabilities

- To the City of Lincoln Council
- To the electorate of your ward

2. Purpose and Action

- **Representing and supporting communities**
 - To represent individual residents and local organisations, undertaking casework on their behalf and serving all fairly and equally
 - To represent ward interests
 - To be an advocate for the Council in the ward and its communities
 - To be a channel of communication to the community on Council strategies, policies, services and procedures
 - To liaise with executive members, other Council members, Council officers and partner organisations to ensure that the needs of local communities are identified, understood and supported
 - To promote tolerance and cohesion in local communities
- **Making decisions and overseeing Council performance**
 - To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance
 - To participate in balanced and informed decision making on committees and panels
 - To adhere to the principles of democracy and collective responsibility in decision making
 - To promote and ensure efficiency and effectiveness in the provision of Council and other public services
 - To contribute to the scrutiny process in the development of policy and the monitoring of performance.
- **Representing the Council (subject to appointment)**
 - To represent the Council on local outside bodies as an appointee of the Council
 - To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs

- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To adhere to the Members' Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office

- **Personal and role development**

- To participate in opportunities for development provided for members by the Council
- To gain an understanding of how the Council works.
- To build a knowledge of the Council structure, key officers and services
- To develop a knowledge of the political decision-making structures.

3. Values

- To be committed to the values of the Council and the following values in public office:
 - Selflessness – serving only the public interest.
 - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving reasons for decisions.
 - Personal judgement – reaching one's own conclusions and acting accordingly.
 - Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
 - Duty to uphold the law – not acting unlawfully.
 - Stewardship – ensuring the prudent use of the Council's resources.
 - Leadership – acting in a way which inspires public confidence.

Portfolio Holder for Corporate Management and Customer Services
(Leader) Role Description

in addition to the duties and responsibilities detailed in the councillor role description, the Leader of the Council shall:

- provide overall political leadership and direction for the Council and Executive
- assume overall responsibility for guiding the development and formulation of corporate priorities and strategic policy direction and for presenting those policies to the Council and the wider community, acting as the principal political spokesperson on corporate and strategy issues
- provide political guidance to the Chief Executive and the Council's Corporate Management Team on the implementation of the Council's priorities, objectives, revenue and capital budgets
- chair meetings of the Council's Executive, ensure a co-ordinated and coherent approach is taken to policy development and the delivery of services and also, where relevant, and taking into account any advice from the Chief Executive, or the Council's Monitoring Officer or Finance Officer, ensure that proposals are made to the Council for decision within appropriate timescales
- oversee the work of members of the Executive - particularly where such Members have been authorised by the Council to exercise responsibility for a particular service area or development, reflecting the Council's commitment to good value for money and co-ordinating the work of the Executive in:
 - developing corporate policies and programmes;
 - delivering high quality services to the people of Lincoln;
 - monitoring performance;
 - preparing and monitoring revenue and capital budgets;
 - reviewing the effectiveness of the Council's organisation and management processes;
 - developing policies to promote the social, economic and environmental well being of the people of the City of Lincoln.
- represent the Council at all levels, liaise with Government and other relevant agencies where appropriate and act as the principal ambassador for the Council in advocating and explaining its roles and functions, and promoting it as a listening and accessible organisation
- contribute to and encourage the training and development of members

The Leader shall have specific portfolio responsibilities for the following matters:

- | | |
|--|--|
| • Corporate Issues (Corporate Policy/Strategic Plan/ Financial Strategy/ Establishment Policy) | • Specific Major Projects |
| • Community Strategy/LAA | • Local Strategic Partnership |
| | • Corporate Communications and media relations |

- Overall financial position of the Council
- Human Resources
- Improvements in the culture of the Council
- Emergency planning;
- Corporate Support Services Operational Work;
- Asset Management;
- Trade union relations
- Democracy related services
- Risk management and governance
- Regional government
- Performance Management
- Corporate reviews
- Annual report
- Procurement;
- Performance IT systems/ E-Government
- Overall Corporate Performance Issues
- Audit focus
- Customer Services
- Contact Centre
- Customer Care (except customer services)
- Corporate complaints handling
- Benefit Advice and take up campaigns
- Benefits processing
- Housing Benefits and Revenues

In addition to specific portfolio responsibilities, all members of the Executive shall:

- Individually and collectively, ensure the implementation of agreed Council policies.
- Provide strong and fair leadership and clear political guidance to members and officers.
- Ensure the delivery of value for money and continuous improvement in services and implementation of best practice in the Council.
- Respond within an agreed timescale to the recommendations of relevant Scrutiny Committees on a regular basis setting out what action is proposed or has been taken.
- Meet with Chairs of relevant Scrutiny Committees on a regular basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes.
- Attend meetings with relevant officers and key stakeholders.
- Ensure all relevant members are briefed at the appropriate time on significant issues i.e. those that may:
 - result in a change of policy
 - have major resource implications
 - be contentious or politically sensitive.

Portfolio Holder for Recreation Services and Health (Deputy Leader)
Role Description

The Deputy Leader of the Council shall in the absence of the Leader and in addition to those duties and responsibilities detailed in the councillor role description:

- provide overall political leadership and direction for the Council and Executive
- assume overall responsibility for guiding the development and formulation of corporate priorities and strategic policy direction and for presenting those policies to the Council and the wider community, acting as the deputy for the Leader as the principal political spokesperson on corporate and strategy issues
- provide political guidance to the Chief Executive and the Council's Corporate Management Team on the implementation of the Council's priorities and objectives and revenue and capital budgets
- chair meetings of the Council's Executive, ensure a co-ordinated and coherent approach is taken to policy development and the delivery of services and also, where relevant, and taking into account any advice from the Chief Executive or the Council's Monitoring Officer or Finance Officer, ensure that proposals are made to the Council for decision within appropriate timescales
- oversee the work of other members of the Executive - particularly in respect of services within their portfolio areas to enable it to be co-ordinated within the work of the Executive in:-
 - developing corporate policies and strategies;
 - delivering high quality services to the people of Lincoln;
 - monitoring performance;
 - preparing and monitoring revenue and capital budgets;
 - reviewing the effectiveness of the Council's organisation and management processes;
 - developing policies to promote the social, economic and environmental well being of the people of the City of Lincoln.
- represent the Council at all levels, liaise with Government and other relevant agencies where appropriate and act as the principal ambassador for the Council in advocating and explaining its roles and functions and promoting it as a listening and accessible organisation
- contribute to and encourage the training and development of members.

The Portfolio Holder for Recreation Services and Health shall have specific portfolio responsibilities for the following matters:

- Parks and Recreation (including playgrounds and pavilions);
- Public open space;
- Leisure/Sports and facilities
- Health and wellbeing
- Cultural activities (including the Cultural Quarter)

In addition to specific portfolio responsibilities, all members of the Executive shall:

- Individually and collectively, ensure the implementation of agreed Council policies.
- Provide strong and fair leadership and clear political guidance to members and officers.
- Ensure the delivery of good value for money and continuous improvement in services and implementation of best practice in the Council.
- Respond within an agreed timescale to the recommendations of relevant Scrutiny Committees on a regular basis setting out what action is proposed or has been taken.
- Meet with Chairs of relevant Scrutiny Committees on a regular basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes.
- Ensure all relevant members are briefed at the appropriate time on significant issues i.e. those that may:
 - result in a change of policy
 - have major resource implications
 - be contentious or politically sensitive.

Portfolio Holder for Environmental Services and Public Protection Role

Description

in addition to the duties and responsibilities detailed in the councillor role description the Portfolio Holder for Environmental Services and Public Protection shall have specific portfolio responsibilities for the following matters:

- Fleet Management;
- Environmental Contracts, including refuse, cleansing, highways and open space
- maintenance;
- Recycling
- Climate change
- LA21
- Air Pollution
- Cemeteries/crematorium
- Public Toilets
- Crime and disorder reduction especially alcohol related crime
- Anti social behaviour and noise nuisance
- Community safety/safer streets agendas including CCTV and Rangers
- Street scene liaison
- Licensing
- Public Protection such as:
 - (1) Environmental Health
 - (2) Food Safety
 - (3) External health and safety

In addition to specific portfolio responsibilities, all members of the Executive shall:

- Individually and collectively, ensure the implementation of agreed Council policies.
- Provide strong and fair leadership and clear political guidance to members and officers.
- Ensure the delivery of good value for money and continuous improvement in services and implementation of best practice in the Council.
- Respond within an agreed timescale to the recommendations of relevant Scrutiny Committees on a regular basis setting out what action is proposed or has been taken.
- Meet with Chairs of relevant Scrutiny Committees on a regular basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes.

- Ensure all relevant members are briefed at the appropriate time on significant issues i.e. those that may:
 - result in a change of policy
 - have major resource implications
 - be contentious or politically sensitive.

Portfolio Holder for Housing Role Description

in addition to the duties and responsibilities detailed in the councillor role description the Portfolio Holder for Housing shall have specific portfolio responsibilities for the following matters:

- Homelessness prevention
- Housing Repairs & Maintenance and Investment
- Tenants (including rent collection) / participation
- Estate Management
- Housing Stock Options
- Housing Investment/ Decent Homes
- Lettings/ Allocations
- Private sector housing enforcement, grants and improvements
- Housing enabling role with respect to registered social landlords
- Delivery of property related goods and services for Council's
- Supporting People

In addition to specific portfolio responsibilities, all members of the Executive shall:

- Individually and collectively, ensure the implementation of agreed Council policies.
- Provide strong and fair leadership and clear political guidance to members and officers.
- Ensure the delivery of good value for money and continuous improvement in services and implementation of best practice in the Council.
- Respond within an agreed timescale to the recommendations of relevant Scrutiny Committees on a regular basis setting out what action is proposed or has been taken.
- Meet with Chairs of relevant Scrutiny Committees on a regular basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes.
- Ensure all relevant members are briefed at the appropriate time on significant issues i.e. those that may:
 - result in a change of policy
 - have major resource implications
 - be contentious or politically sensitive.

Portfolio Holder for Planning Policy and Economic Regeneration Role
Description

in addition to the duties and responsibilities detailed in the councillor role description the Portfolio Holder for Planning Policy and Economic Regeneration shall have specific portfolio responsibilities for the following matters:

- Regional, Sub-Regional and Local Planning Policies and Strategies
- Planning (excluding roles undertaken by Planning Committee)
- Heritage (linked with Heritage Champion)
- Local Development Framework
- Design Champion
- City Centre Master Plan
- City Growth Strategy
- Economic Development
- Inward Investment
- Business Support
- Commercial Development
- Building Control
- Transport including car parks etc
- Contaminated Land
- Tourism development services and marketing

In addition to specific portfolio responsibilities, all members of the Executive shall:

- Individually and collectively, ensure the implementation of agreed Council policies.
- Provide strong and fair leadership and clear political guidance to members and officers.
- Ensure the delivery of good value for money and continuous improvement in services and implementation of best practice in the Council.
- Respond within an agreed timescale to the recommendations of relevant Scrutiny Committees on a regular basis setting out what action is proposed or has been taken.
- Meet with Chairs of relevant Scrutiny Committees on a regular basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes.
- Ensure all relevant members are briefed at the appropriate time on significant issues i.e. those that may:
 - result in a change of policy

- have major resource implications
- be contentious or politically sensitive.

Portfolio Holder for Social Inclusion and Community Cohesion Role
Description

in addition to the duties and responsibilities detailed in the councillor role description the Portfolio Holder for Social Inclusion and Community Cohesion shall have specific portfolio responsibilities for the following matters:

- Neighbourhood Management
- Community Cohesion
- Social Inclusion
- Asylum Seekers
- Adult Learning
- Domestic Violence
- Young People
- Older People
- Safeguarding children
- Vulnerable adults
- Community Centres

In addition to specific portfolio responsibilities, all members of the Executive shall:

- Individually and collectively, ensure the implementation of agreed Council policies.
- Provide strong and fair leadership and clear political guidance to members and officers.
- Ensure the delivery of good value for money and continuous improvement in services and implementation of best practice in the Council.
- Respond within an agreed timescale to the recommendations of relevant Scrutiny Committees on a regular basis setting out what action is proposed or has been taken.
- Meet with Chairs of relevant Scrutiny Committees on a regular basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes.
- Ensure all relevant members are briefed at the appropriate time on significant issues i.e. those that may:
 - result in a change of policy
 - have major resource implications
 - be contentious or politically sensitive.

Mayoral Role Description

In addition to the duties and responsibilities detailed in the councillor role description, the Right Worshipful Mayor of Lincoln shall:

- Act as a symbol of the Council's democratic authority
- As the ceremonial head of the Council, be non-political and uphold the democratic values of the Council
- Represent the Council at civic and ceremonial functions
- Preside over meetings of the Council, so that its business can be carried out efficiently
- Ensure the Council conducts its meetings in line with the Council's Standing Orders
- Uphold and promote the Council's Constitution
- Ensure the Constitution is adhered to and, if necessary, rule on the interpretation of the Constitution within meetings
- Have regard to internal governance, ethical standards and relationships
- Promote and support good governance of the Council and its affairs
- Provide community leadership and promote active citizenship
- Promote and support open and transparent government
- Support and adhere to respectful, appropriate and effective relationships with employees of the Council
- Adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

The Deputy Mayor shall support the work of the Mayor in meeting the requirements of this role, including deputising for the Mayor in his or her absence.

Committee Chair Role Description

In addition to the duties and responsibilities detailed in the councillor role description, committee chairs shall:

- Preside over committee meetings so that the committee's business can be carried out efficiently
- Ensure the committee conducts its meetings in accordance with the Council's Standing Orders
- Uphold and promote the Council's Constitution
- Ensure the Constitution is adhered to and, if necessary, rule on the interpretation of the Constitution within meetings
- Have regard to internal governance, ethical standards and relationships
- Promote and support good governance of the Council and its affairs
- Promote and support open and transparent government
- Support and adhere to respectful, appropriate and effective relationships with employees of the Council
- Adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- Facilitate the effective conduct of business at the meeting by attending pre-meetings with officers to discuss matters relating to an agenda as necessary
- Be aware of the need and potential for member development, and actively seek opportunities to develop their own knowledge and skills as well as those of committee members.

In addition to these general roles, in which vice-chairs will support the chair in their role, vice-chairs shall also deputise for the chair in his or her absence.

Regulatory Committee Chair Role Description

In addition to the duties and responsibilities detailed in the councillor and committee chair role descriptions, regulatory committee chairs' roles, including within Full Council where relevant, incorporate the following responsibilities:

Providing leadership and direction

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
- To demonstrate integrity and impartiality in decision making which accords with legal, constitutional and policy requirements

Promoting the role of the regulatory committee and quasi-judicial decision making

- To act as an ambassador for the regulatory committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings

Internal governance, ethical standards and relationships

- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
- To promote and support good governance by the Council
- To have consideration for the position of members of the public participating in meetings.

Scrutiny Committee Chair Role Description

In addition to the duties and responsibilities detailed in the councillor and committee chair role descriptions, scrutiny committee chairs' roles incorporate the following responsibilities:

Providing leadership and direction

- To promote the role of scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners
- To demonstrate an objective and evidence based approach to scrutiny
- To evaluate the impact and added value of scrutiny activity, and identify areas for improvement
- To recognise the different role of each scrutiny committee and to ensure effective cooperation between them
- To maintain the focus of the committee upon matters within its terms of reference, and to refer any other matters for the attention of the relevant committee as appropriate

Managing the work programme

- To contribute to a balanced committee work programme which includes, as appropriate, pre-decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring
- To ensure the work programme takes account of relevant factors such as the work programmes of the Executive and other committees, strategic priorities and risks, and relevant community issues
- To report on progress against the work programme to Council, and others as appropriate
- To liaise with officers, other members and community representatives to resource and deliver the work programme
- To ensure that the work programme is delivered

Holding the Executive to account

- As appropriate, to evaluate the validity of executive decisions and challenge inappropriate decisions through call in

Effective meeting management

- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- To ensure that all participants have an opportunity to make an appropriate contribution

Community leadership

- To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function
- To build understanding and ownership of the scrutiny function within the community
- To identify relevant community based issues for scrutiny
- To involve fully external stakeholders for example, service users, expert witnesses and partners in scrutiny activity

Involvement and development of committee members

- To encourage high performance from all committee members in both committee, and task and finish groups
- To assess individual and collective performance within the committee and facilitate appropriate development

APPOINTMENT OF INDEPENDENT PERSON

The City of Lincoln Council is looking to appoint one person to serve as an Independent Person (and two reserves who may be called upon from time to time) to support in its arrangements for dealing with Standards matters within the City of Lincoln, Lincolnshire.

The appointment of the Independent Person is a decision of full Council and the term of appointment is from 1 July 2012 until the Annual Meeting of the Council in May 2013. Training will be provided prior to commencement of the post.

The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a Code of Conduct with which members must comply.

The Act also requires that the Council adopt arrangements for dealing with complaints on breaches of the Code of Conduct by the City of Lincoln Council members. This must include provision for the appointment of at least one Independent Person.

The Act states that the Independent Person will have the following functions:

- They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct following investigation or decides on action to be taken in respect of that member;
- They may be consulted by the Council in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the City of Lincoln Council against whom a complaint has been made.

The essential qualities for the positions are that you should:

- be over 18 years of age
- have a commitment to public service
- have personal integrity and a commitment to upholding high standards
- be independent and impartial
- be able to critically assess written and oral evidence to reach balanced and objective decisions
- possess tact, diplomacy and good communication skills
- demonstrate excellent listening, problem solving and evaluation skills
- be reliable and committed
- have the ability and willingness to work with other members of other councils, their committees/panels and officers where necessary

It would also be helpful to have knowledge of how local government operates, awareness of the role of elected members, and a general understanding of the principles of the members' Code of Conduct and Standards Regime.

It is important that you are independent of the Council. Therefore you should not, pursuant to Section 28(8) of the Localism Act 2011:

- be, or have been within the last five years, an elected or co-opted member or an officer of the City of Lincoln Council

- be, or have been within the last five years, an elected or co-opted member of any committee or sub-committee of the City of Lincoln Council;
- be, a relative or close friend of a current elected or co-opted member or officer of the City of Lincoln Council .

The City of Lincoln Council reserves the right to remove an Independent Person from his/her post if their independence is in anyway compromised, and/or they bring the reputation of the Council into disrepute.

Allowance and Expenses

The Independent Person will receive an annual allowance of £300 per annum, payable monthly.

ROLE PROFILE

Responsible to: The Monitoring Officer and the Council.

Liaison with: Members and co-opted Members and Officers of the City of Lincoln Council.

Responsibilities:

1. To attend and participate in meetings of Standards Committees and any sub-committees or associated meetings in an advisory capacity.
2. To provide advice to Members and Co-opted Members about whom a conduct complaint has been received and specifically to discharge the functions detailed in Section 28(7) of the Localism Act 2011.
3. To promote and maintain high standards of conduct by members.
4. To develop and apply knowledge of the Code of Conduct in relation to any and all matters relating to standards, including the assessment and determination of allegations of member misconduct under the Code of Conduct.
5. To analyse and exercise fair and impartial judgement and decision making on conduct issues.
6. To consult, liaise and maintain a professional working relationship with the council's Monitoring Officer, his / her appointed deputies and other officers of the council
7. To provide a view on the governance of the Council from an external perspective that will better enable the Council to assess conduct and standards issues.
8. To develop a firm understanding of the standards and wider governance framework within which the Council operates.
9. To participate in training events relevant to the work of standards within the Council.
10. To attend meetings of the Council when required and other functions in order to raise the profile of standards within the City of Lincoln and Lincolnshire.
11. To participate in any forum established for Independent Persons.
12. In relation to 1 and 2 above to assist neighbouring principal councils on an ad hoc basis, if necessary.
13. To undertake such other responsibilities as the Monitoring Officer considers reasonably commensurate with the position.

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

1. Purpose of Report

- 1.1 To consider the suitability and current awareness among both councillors and officers of the Member-Officer Protocol.

2. Background to the Member-Officer Protocol

- 2.1 The Council's Member-Officer Protocol was adopted as part of the broader reforms to governance arrangements made through the Local Government Act 2000.

- 2.2 As specified within the protocol's preamble, it is intended to offer guidance on the working relationship between members and officers in order to:

- promote trust, openness, fairness and honesty by establishing some ground rules;
- define roles so as:
 - to clarify responsibilities,
 - to avoid conflict, and
 - to prevent duplication or omission;
- secure compliance with the law, codes of conduct and a council's own practices; and
- lay down procedures for dealing with concerns by members or officers.

- 2.3 The protocol has not been subject to significant review since its initial adoption, and given the passage of time and broader changes to the standards regime affecting members, a review of the protocol's effectiveness is timely.

3. Potential Changes to the Protocol

- 3.1 Having regard to the developments within the Council since the protocol was originally agreed, the attached draft has been developed (**Appendix A**) to update the protocol and ensure its relevance to current working practice.

- 3.2 Consideration has been given by officers to a comprehensive re-write of the Member-Officer Protocol with the intention of simplifying the contents and putting as much into plain English as possible. However, the advantages in providing a

more comprehensive document are likely to outweigh those associated with creating a significantly more accessible document. In particular, the level of detail provided in the current document is likely to provide additional clarity in specific situations, which a more general approach would undermine.

- 3.3 It is also necessary to consider the manner in which the document is used by members and officers. Based on anecdotal evidence, wider knowledge of the protocol among staff is low, and it is unlikely that the majority of staff are familiar with its provisions. Given the volume of policies already in place affecting staff, there is likely to be limited value in seeking to compel officers to read and absorb even a shortened protocol from cover-to-cover.
- 3.4 Therefore, in order to increase awareness of the protocol while not undermining its current level of detail, there are potential advantages in summarising its contents and making this summary more visible to staff, while providing a link to a fuller document for those requiring further details. Members may wish to consider recommending the production of a summary along these lines which could then be highlighted to staff through internal communications.
- 3.5 In addition to making the protocol more visible to staff and members, a number of other changes have been proposed in the attached draft:
- the alteration of references to take account of changes both to the title of the Standards Committee and of broader changes made to the standards regime through the Localism Act 2011.
 - the simplification of the initial sections of the protocol to make the document more immediately accessible and relevant.
- 3.6 Further to the suggestions and proposals outlined above, the Committee should consider whether the provisions contained within the protocol are sufficiently strong and relevant to the relationship between members and officers within the Council. Any suggestions for alterations, including the attached proposed revised version of the protocol, can then be recommended to Council for approval.

4. Strategic Priorities

- 4.1 The Council is committed through its Strategic Plan to ensuring the Council as a whole is fit for purpose. Taking steps to be sure that the Member-Officer Protocol is suitably clear and accessible is an important part of the Council's efforts towards guiding the interaction between officers and members in a manner conducive towards the effective, fair, and open operation of services for the public good.

5. Finance Implications

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

6. Legal Implications

- 6.1 The Member-Officer Protocol is intended to provide a clear framework for the promotion of effective and transparent working relationships with councillors.

7. Recommendations

7.1 That the Ethics and Engagement Committee:

1. Consider the status of the Member-Officer Protocol, and current levels of awareness among officers and councillors.
2. Recommend any proposed revisions to the Member-Officer Protocol for adoption by Council and incorporation into the Constitution.

CITY OF LINCOLN COUNCIL

**A PROTOCOL FOR RELATIONSHIPS BETWEEN
MEMBERS AND STAFF**

1. Introduction

- 1.1 Mutual trust and respect between members and officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
- 1.2 In order to ensure that partnership continues both members and officers may benefit from guidance and a mechanism to address concerns before they are allowed to grow. This protocol aims to:-
- promote trust, openness, fairness and honesty by establishing some ground rules;
 - to define roles so as:
 - o to clarify responsibilities (i.e. who does what),
 - o to avoid conflict, and
 - o to prevent duplication or omission;
 - to secure compliance with the law, codes of conduct and a council's own practices; and
 - to lay down procedures for dealing with concerns by members or officers.
- 1.3 A protocol should be recognised both as a central element of a Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

2. Principles

- 2.1 Members and officers must at all times observe this protocol.
- 2.2 The protocol has been approved by the Council and the Ethics and Engagement Committee will monitor its operation.
- 2.3 The protocol seeks to maintain and enhance the integrity of local government which demands the highest standards of personal conduct.
- 2.4 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 2.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

- 2.6 The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law:
- Selflessness – serving only the public interest.
 - Integrity – not allowing this to be questioned.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving reasons for decisions.
 - Honesty - not behaving improperly.
 - Leadership – acting in a way which has public confidence.
- 2.7 These principles underpin this protocol. They are also reflected in the code of conduct for employees .
- 2.8 Some officers are also bound by the codes of their professional associations.
- 2.9 Breaches of this protocol by a member may result in a complaint to the Ethics and Engagement Committee if it appears the members' code has also been breached. Breaches of the protocol by an officer may lead to disciplinary action if it appears that there has been a breach of discipline.

3. The role of members

- 3.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 3.2 Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 3.3 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 3.4 Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 3.5 Some members have roles relating to their position as members of the Executive, scrutiny committees or other committees and sub-committees of the Council.

- 3.6 Members of the Executive can have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.
- 3.7 Members serving on scrutiny committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues.
- 3.8 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 3.9 Some members may be appointed to represent the Council on local, regional or national bodies.
- 3.10 As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 3.11 Members are not authorised to instruct officers other than:
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for members' use;
 - where staff have been specifically allocated to give support to a member or group of members;
 - political assistants.
- 3.12 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 3.13 Members must not take action which is unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 3.14 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
- 3.15 Members have a duty under their code of conduct:
- to promote equality by not discriminating unlawfully against any person, and
 - to treat others with respect
- 3.16 Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or his/her position as a member into disrepute, or
- use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

4. The role of officers

- 4.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 4.2 Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 4.3 Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 4.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 4.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 4.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 4.7 Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

5. The relationship between members and officers: general

- 5.1 The conduct of members and officers should be such as to instil mutual confidence and trust.
- 5.2 The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 5.3 Informal and collaborative two-way contact between members and

officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

- 5.4 Members and officers should inform the Chief Executive of any relationship which might be seen as unduly influencing their work in their respective roles.
- 5.5 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 5.6 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 5.7 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 5.8 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 5.9 Members will endeavour to give timely responses to enquiries from officers.
- 5.10 ***An officer shall not discuss with a member any personal matters relating to his/her employment or the employment of a colleague.***

This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

- 5.11 Members and officers should respect each other's free (i.e. non-Council) time.

6. The Council as employer

- 6.1 Officers are employed by the Council as a whole.
- 6.2 Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment,
- the appointment of political assistants, and
- hearing and determining appeals.

6.3 Members shall not act outside these roles.

6.4 If participating in the appointment of officers, members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

6.5 A member should not sit on an appeal hearing if he or she has a declarable personal interest.

7. Mayor and officers

7.1 Officers will respect the position of Mayor and provide appropriate support.

8. Executive members and officers

8.1 Executive members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.

8.2 Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive members for consideration.

8.3 Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.

8.4 Before any formal decisions with a financial implication are taken by the Executive, the Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

- 8.5 Executive members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons. This record of decision must be published on the Council's web site.
- 8.6 Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications. A written record of any delegated executive decision made by officers must be recorded with reasons for making that decision and this must be published on the web site.

9. Scrutiny members and officers

- 9.1 Chairmen and other leading scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 9.2 A scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 9.3 When making requests for officer attendance, scrutiny members shall have regard to the workload of officers.
- 9.4 It is recognised that officers required to appear before a scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.
- 9.5 Subject to 10.4 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
- 9.6 Officers must also be prepared to justify decisions they have taken under delegated powers.
- 9.7 In giving evidence, officers must not be asked to give political views.

- 9.8 Officers should respect members in the way they respond to members' questions.
- 9.9 Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 9.10 Scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.

10. Members of other committees or sub-committees and officers

- 10.1 The appropriate senior officers will offer to arrange regular informal meetings with chairs and vice-chairs of committees and sub-committees.
- 10.2 Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 10.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
- 10.4 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

11. Party groups and officers

- 11.1 Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups, officers have the right to reasonably refuse such requests. The relevant Director should be informed where the request is made of an Assistant Director or other members of staff.
- 11.2 Officers will normally not attend a meeting of a party group where the information to be provided to members is exempt or confidential and some of those attending are not members of the Council.
- 11.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be

present at meetings or parts of meetings when such matters are to be discussed.

- 11.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 11.5 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 11.6 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 11.7 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 11.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 11.9 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 11.10 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 11.11 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 11.12 An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 11.13 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 11.14 No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 11.15 At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential

information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.

- 11.16 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

12. Local members and officers

- 12.1 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

- 12.2 This requirement is particularly important:

- during the formative stages of policy development, where practicable,
- in relation to significant or sensitive operational matters,
- whenever any form of public consultation exercise is undertaken, and
- during a scrutiny investigation.

- 12.3 Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.

- 12.4 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.

- 12.5 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:

- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

- 12.6 No such meetings should be arranged or held in the immediate run-up to Council elections.

- 12.7 Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to

surgeries held in the offices or premises of political parties.

- 12.8 Officers must never be asked to attend ward or constituency political party meetings.
- 12.9 It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 12.10 In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

13. Members' access to documents and information

- 13.1 This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution and the data protection guidance given to members and officers.
- 13.2 Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.
- 13.3 Every member of the Executive, a scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that scrutiny committee, other committee or sub-committee or the Executive.
- 13.4 A member who is not a member of a specific scrutiny committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:
 - he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
 - the documents do not contain "confidential" or "exempt" information as defined by the law.

- 13.5 Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
- 13.6 A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which he/she has a disclosable pecuniary interest or personal or pecuniary interest as defined in the members' code of conduct.
- 13.7 Information given to a member must only be used for the purpose for which it was requested.
- 13.8 It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 13.9 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so or failure to disclose the information would prejudice the Council.
- 13.10 When requested to do so, officers will keep confidential from other members advice requested by a member except where to do so would prejudice the Council.
- 13.11 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

14. Correspondence

- 14.1 Correspondence between an individual member and an officer may be copied to another member unless the member specifically requests that it remain confidential (correspondence may be copied to another member despite a request that it remain confidential where legislation requires it or if failure to disclose it would prejudice the Council). Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
- 14.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of a scrutiny committee.

- 14.3 The Mayor may initiate correspondence in his/her own name.
- 14.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
- 14.5 When writing in an individual capacity as a ward member, a member must make clear that fact.

15. Access to premises

- 15.1 Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 15.2 Members have a right of access to Council land and premises to fulfil their duties.
- 15.3 When making visits as individual members, members should:
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

16. Use of Council resources

- 16.1 The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 16.2 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
- where facilities are provided in members' homes at the Council's expense;
 - in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.
- 16.3 Members should not put pressure on staff to provide resources or

support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

17. Interpretation, complaints and allegations of breaches

- 17.1 This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.
- 17.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 17.3 A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - never make a criticism in public, and
 - take up the concern with the officer privately in an appropriate manner taking into account the status and position of both the member and officer.
- 17.4 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
- 17.5 The purpose of this protocol is to give advice and guidance. Whilst a breach of this protocol alone will not give rise to disciplinary action a serious breach of this protocol by an officer may constitute a breach of discipline and lead to an investigation under the Council's disciplinary procedure.
- 17.6 An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party

group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Ethics and Engagement Committee.

SUBJECT:	PUBLIC INVOLVEMENT AT COMMITTEES AND WEBCASTING
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 increasing the level of democratic engagement from the public. Increasing the level and quality of democratic engagement could be achieved in a number of manners, some of which are considered within this report and provided for members to recommend any appropriate actions.

2. Public Involvement in Committees

- 2.1 Committee meetings are a crucial part of the Council's decision-making structure. The Full Council and the Executive are responsible for many of the key decisions affecting the operation of the Council and, along with the Planning and Licensing Committees, have a significant impact on the development of the city.

- 2.2 At present some of the main opportunities for the public to become involved in the Council's democratic process include:

- Attending public committee meetings
- Speaking in respect of applications for development at Planning Committee
- Public question time at Council
- Attending as an expert witness at scrutiny meetings
- Petitions and e-petitions
- Taking part in meetings as a member of an advisory group or panel.

- 2.3 A number of these opportunities are seldom taken up by members of the public. Particular examples include the e-petitions system and the public question time at Council, which offer a direct route to communicate with Full Council but have not been subject to wide use.

- 2.4 It is therefore useful to consider the reasons for this comparatively poor use. Members may wish to consider whether the following areas contribute towards the often low level of public engagement with committee meetings:

- Disengagement with local and national politics as a whole
- Lack of awareness of the Council's democratic process
- Difficulty in accessing the facilities intended to improve public engagement
- A reliance on elected representatives to represent the views of local

communities on the public's behalf.

2.5 Having considered the possible reasons behind this relative lack of public engagement, members may wish to consider methods by which public engagement can be encouraged. Some potential options members may wish to consider include:

- Increasing the visibility of and proactively promoting the existing means by which the public can become involved with the Council's democratic process
- Actively encouraging participation in meetings by representatives of local groups with particular skills or knowledge to contribute to issues under discussion
- Holding meetings of particular relevance to a local area in the most accessible venue for community members
- Widening access to policy suggestions from the public which, subject to certain criteria, can be debated by Council or another committee
- Commissioning further research on areas of particular interest.

3. Webcasting

3.1 As referenced above, public attendance at committee meetings gives the public the opportunity to engage with and properly scrutinise the decisions taken by their elected representatives. However, with the exception of meetings considered something of direct local interest, such as a planning application or an alteration to the provision of a particularly publicly-visible service, most committee meetings are not attended by members of the public. While the Council, subject to legislation covering exempt and confidential information, makes all committee agendas and minutes available online, these can only give a flavour of the debates taking place.

3.2 In order to increase levels of public accessibility and accountability consideration should be given to alternative means for widening the availability of committee meetings. The Council currently does not routinely make audio or video recordings of its meetings, although meetings have occasionally been recorded in the past, as at the Full Council meeting of 6 March 2012. The constitution also currently prohibits recording unless permission has been granted by the chair of the meeting.

3.3 A number of other local authorities, including other councils in Lincolnshire, have facilities to broadcast live public committee meetings through their websites. Typically, these are provided through specialist companies which provide equipment and website hosting. Examples of these systems can be viewed on Lincolnshire County Council's (www.lincolnshire.public-i.tv) and West Lindsey District Council's websites (www.west-lindsey.public-i.tv).

3.4 Current public demand for webcasting is difficult to gauge. It is likely that decisions with a high level of public interest, including those made by the Council, the Executive and the Planning Committee, would have the largest potential audience. As of November 2012, the Council's meeting on 6 March 2012 had been viewed 275 times on the website YouTube, although these figures are likely

to be atypical given the recording's novelty. Based on the experiences of comparable councils, ordinary meetings might not have viewing figures exceeding double figures unless items of particular public interest are under consideration.

- 3.5 A quotation received from a widely-used provider of webcasting services was approximately £16,000 per annum for a total of 60 hours of broadcast meetings from City Hall and the Guildhall. There is currently no provision or capacity within existing budgets to cover this cost.

Some potential general advantages and disadvantages relating to webcasting are set out below as a matter for discussion:

Advantages	Disadvantages
A broadening of public access to committee meetings.	The financial cost is potentially high relative to the possible usage.
Creating a visual record of the Council's major decisions.	Officer time in establishing and administering the system.
Provides a continuing reminder to members of the link between their role as a representative and the public as a whole.	The potential inhibition of open debate through the awareness of an unseen audience. While members have a responsibility to ensure their contributions are always relevant and proper, greater scope would exist for misinterpretation through a lack of context.

- 3.6 In view of the likely cost of webcasting committee meetings, members should note the pressures on budgets across the Council. However, if the costs are considered to be prohibitive, a consideration by members of the broader principles surrounding the recording of meetings remains potentially timely.
- 3.7 Consideration could also be given to developing a bespoke off-the-shelf webcasting solution. Any system developed internally has the potential to be significantly cheaper, with particular regard to ongoing annual revenue costs. However, any such system is unlikely to be as well-presented as a ready-made system, although further research would be required on the specific details. Such a system would also inevitably place a greater strain on existing officer resources.
- 3.8 Members could also give consideration to the current provision within the constitution's council procedure rules, specifically excluding the recording of a meeting unless permission is granted by the Chair. Given the widespread availability of small recording devices and recent trends to recognise the role of citizen journalists, it could be an opportune time to revisit this issue. While legally the Council still has the power to exclude members of the public attempting to record a meeting, this is perhaps contrary to a broader public expectation that meetings will be conducted in an open manner.
- 3.9 The Committee may therefore wish to consider whether:
- It supports in principle the notion of webcasting
 - The cost of a commercial provider would be prohibitive

- Further consideration should be given to developing an in-house webcasting system
- Additional research by members or officers relating to the operation of systems within other councils would be beneficial
- The current blanket restriction on the recording of committee meetings should be altered.

4. Strategic Priorities

- 4.1 The Council's commitment to democratic engagement and the Ethics and Engagement 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 None arising from this report, although the cost of webcasting in particular could not be met from within existing budgets.

6. Legal Implications

- 6.1 None arising directly from this report.

7. Recommendations

- 7.1 That the Ethics and Engagement Committee:
1. Note the current levels of public engagement with the Council's committees and consider any changes which could improve the extent or quality of this involvement.
 2. Consider and offer views on the costs, advantages and disadvantages associated with webcasting committee meetings.
 3. Recommend any additional actions to be taken arising from the report, potentially including the commissioning of further information-gathering relating to areas of particular interest.

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 initially agreed at the meeting of the Standards Committee on 22 October 2012.
- 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 Since the previously agreed work programme, a number of councillors have separately raised questions regarding members' use of online social media. As such, it is proposed that the Committee's consideration of the topic be brought forward to the meeting of 21 January 2013 to consider both the matter as a whole and the results of consultative work currently underway. This has been swapped with the item on Ward Budgets to ensure the agenda remains manageable and retains capacity for any changes members may wish to make.
- 3.2 In addition, reports on proposed dispensations for members and arrangements for working with the police in relation to any potential criminal offences regarding the declaration of interests have been added to the agenda for the 12 December 2012 meeting. *Ad hoc* items of this nature will continue to be considered for the work programme in consultation with the chair.

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 established within its terms of reference.

6. Recommendations

- 6.1 That the Committee consider the work programme and propose any suitable changes if necessary.

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 suitable 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.
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.

11 March 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.
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.
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.

Topic	Matter for Consideration	Outcome
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.
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.