

ETHICS AND ENGAGEMENT COMMITTEE

Monday, 15 October 2018

6.00 pm

Committee Room 1, City Hall

Membership: Councillors Adrianna McNulty (Chair), Geoff Ellis (Vice-Chair), Ric Metcalfe, Edmund Strengiel, Naomi Tweddle, Loraine Woolley, Gill Clayton-Hewson, Hilton Spratt, Christopher Reid and Laura McWilliams

Substitute member(s): Councillors Gary Hewson and Ralph Toofany

Independent Person(s): Chris Elkington and Roger Vine

Officers attending: Democratic Services and Becky Scott

A G E N D A

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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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Present:	Councillor Geoff Ellis (<i>in the Chair</i>)
Councillors:	Ronald Hills, Liz Maxwell, Ric Metcalfe, Edmund Strengiel and Naomi Tweddle
Independent Person(s):	Chris Elkington and Roger Vine
Apologies for Absence:	Councillor Adrianna McNulty, Councillor Loraine Woolley and Councillor Gill Clayton-Hewson

18. Confirmation of Minutes - 15 January 2018

RESOLVED that the minutes of the meeting held on 15 January 2018 be confirmed, subject to an amendment to the attendance record to reflect that Chris Elkington (Independent Person) and Roger Vine (Reserve Independent Person) were both in attendance.

19. Declarations of Interest

No declarations of interest were received.

20. Member Induction

The Principal Democratic Officer:

- (a) Presented a report which provided the Ethics and Engagement Committee with an opportunity to consider and comment on the draft induction programme for newly elected members following the City of Lincoln Council elections scheduled to be held on 3 May 2018;
- (b) Provided an outline of the proposed induction programme, which included the following over two days:
 - a welcome and tour of City Hall;
 - formalities, including the issuing of City Hall access cards, photographs and the completion of necessary paperwork;
 - the provision of an email account and IT equipment;
 - a meeting with the Chief Executive and Directors to provide an overview of the 2020 Vision and outline service priorities within their respective directorates;
 - a session on the Code of Conduct and meeting procedure rules;
 - a range of sessions to provide an opportunity to meet key officers from the main service areas of the Council.
- (c) Reported that the Member Development Programme would complement the induction programme.
- (d) Reported that an induction pack would be provided to newly elected members, including an information booklet on the City Council as appended to the report together with a range of other documents.
- (e) Invited members' questions and comments.

Councillor Strenghel felt that all members of the Council should be given an opportunity to comment on the proposed member induction programme. Graham Watts, Principal Democratic Officer, therefore agreed to circulate the report to all members via email and seek any comments or suggested improvements.

Councillor Hills asked whether any political input was proposed for inclusion in the induction programme and made the point that it would be important for new members to understand who key members, such as Executive Portfolio Holders, were. It was noted that the induction programme facilitated by officers would not include any political aspects and that such issues would be addressed via the relevant political group. The induction booklet appended to the report did set out the decision-making structure of the Council, including Executive Portfolio Holder responsibilities, but it was suggested that photographs of members should be included in the induction pack.

Councillor Metcalfe suggested the inclusion of an officer structure chart and contact numbers in the induction pack to assist newly elected members in understanding where any casework issues should be reported to. It was noted that the Democratic Services team would also assist newly elected members with signposting to relevant officers and service areas until they became used to where specific things should be reported to. With regard to the officer structure chart, it was agreed that this would be referred to the Council's Communications team who was responsible for maintaining officer records on the authority's City People system suggesting that photographs of senior officers be included in the chart.

Members highlighted that the induction booklet appended to the report contained some out of date contact information and a hyperlink that did not work properly. It was noted that officers would proof-read the document and check all hyperlinks prior to circulating to all members and subsequently issuing as part of the induction pack.

A request was also made to include personal contact details of all members in the induction pack, a list of which was collated by the Democratic Services team. It was suggested that this should be shared with all members.

Members commended the proposed induction programme.

RESOLVED that the proposed induction programme be noted, the suggested amendments be incorporated and the revised induction programme and induction booklet be forwarded to all members of the Council to seek further comments or suggestions prior to being issued to newly elected members.

21. National Democracy Week

The Legal and Democratic Services Manager:

- (a) Reported that the inaugural National Democracy Week would be held during the week commencing 2 July 2018 and would be themed on the Suffrage Centenary as the country celebrated two significant anniversaries of 100 years since women won the right to vote and 90 years since women won equal voting rights to men.
- (b) Reported that an officer working group had initially met to consider ways in which the Council could engage with the anniversaries and had made the following suggestions:

- interview with the Portfolio Holder for Social Inclusion and Community Cohesion;
 - interviews with female members of the Council and potential monthly features in the lead up to National Democracy Week;
 - interview with Councillor Yvonne Bodger as the Council's last female Mayor;
 - interviews or an event with the Chief Executive and other leading women in the area;
 - interview with the Member of Parliament for Lincoln.
- (c) Suggested that the Council, through the Ethics and Engagement Committee, could host an event to tie in with these anniversaries and promote democratic participation in under-represented groups. The next meeting of the Committee was scheduled to be held on 2 July 2018, which was the start of National Democracy Week, so an event could be held in the afternoon prior to the meeting. The event could incorporate a debate on the subject of the two anniversaries or democracy in general, and could include representation from the University of Lincoln or other community groups.
- (d) Highlighted the 'Equaliteas' events being held across the country between 18 June 2018 and 2 July 2018 which invited communities to share, debate and celebrate what equality meant to them.
- (e) Invited members' questions and comments.

Councillor Ellis, Chair of the Ethics and Engagement Committee, was keen for the Committee to support the proposed event on 2 July 2018 to raise awareness of equality and engagement and in celebration of the two anniversaries, together with supporting and promoting National Democracy Week.

Councillor Metcalfe, Leader of the Council, thought that the proposed event was an excellent idea with democratic engagement very much a part of this Committee's remit adding that it was appropriate for the Council as the local democratic organisation in Lincoln to do something such as this.

Councillor Maxwell queried whether students at the University of Lincoln would still be in residence in the city on 2 July 2018 to take part in this proposed event. It was noted that, although the majority of students would depart in mid-June, a significant number of students stayed in Lincoln over the summer.

A suggestion was made to invite secondary schools and sixth forms to the event and the Chair made reference to a lack of engagement from schools in the lead-up to Local Democracy Week in October 2017 following invitations he had sent to every Head Teacher in the city. Councillor Tweddle felt that schools would respond better to personal invitations from local members who may still have links with schools and suggested that colleges and other further educational institutions in the city should also be invited to engage. She agreed to contact her local secondary school to inform them of the proposed event.

Councillor Hills recommended a local tea group run by ladies who he felt may provide a useful perspective to the event. He made the point, however, that men needed to feature or be involved as part of the event as well, otherwise there was a risk of indirect inequality which was the opposite of what was seeking to be celebrated.

The Legal and Democratic Services Manager requested the contact details of the tea group from Councillor Hills and agreed to re-circulate an email she had sent to the Chair and Vice-Chair of the Committee which provided a number of useful links to National Democracy Week and the 'Equaliteas' events. She would also recommend to the working group that interviews with men be carried out in order to balance the coverage, to include the Leader of the Council, the Leader of the Opposition and the Council's Independent Person and Reserve Independent Person.

It was noted that an extraordinary meeting of the Committee may be necessary to confirm arrangements prior to 2 July 2018.

RESOLVED that the Ethics and Engagement Committee supports the proposed National Democracy Week event, in principle, and requests that any further suggestions be forwarded onto the Legal and Democratic Services Manager.

SUBJECT:	CODE OF CONDUCT: CASES REVIEW
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
LEAD OFFICER:	CAROLYN WHEATER, CITY SOLICITOR

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 Any 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 any cases below are provided for the purpose of discussion and may not give the full picture in every regard:

2.3 Lambeth Council

A Councillor will be investigated by the Labour Party over a post he shared on Facebook which claimed that Jews were warned about the 9/11 attacks. It was claimed that the Councillor had reposted a video without recognising that it contained anti-semitic content in 2015.

2.4 West Berkshire Council

A West Berkshire Councillor was found to have breached the Council's Code of Conduct after sharing a tweet which characterised transgender people as mentally ill. The Council subsequently resigned as member responsible for health at the authority and issued an apology.

2.5 Sandwell Council

The former Deputy Leader of Sandwell Council was found to have breached the Code of Conduct following an allegation that he had abused his position and cost tax-payers in excess of £500,000 due to necessary legal work associated with the case. The Councillor had quashed parking tickets for family members and was involved in the sale of council-owned toilet blocks which he made personal gain from and which he had failed to declare. The Council's Ethical Standards Committee found that he had breached the Council's Code of Conduct on both counts and recommended that the Councillor attended further training. The Councillor announced that he would not be standing for re-election.

3. Potential Learning Points

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

4. Strategic Priorities

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

5. Organisational Impacts

5.1 Legal Implications

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.

6. Recommendation

- 6.1 That the report be noted.

SUBJECT: SOCIAL MEDIA GUIDANCE AND POLICY

DIRECTORATE: CHIEF EXECUTIVE & TOWN CLERK

LEAD OFFICER: CAROLYN WHEATER, CITY SOLICITOR

1. Purpose of Report

1.1 To provide the Ethics and Engagement Committee with an opportunity to consider the Council’s current Social Media Guidance and the introduction of a Social Media Policy.

2. Background

2.1 Social media has developed into a crucial method of communication and is used frequently by elected members in undertaking their role and engaging with residents.

2.2 The Council has issued Social Media guidance, attached to this report at **Appendix A**, which provides advice to members on the use of social media in their role as Councillors.

2.3 The Committee is invited to consider whether this Social Media guidance is fit for purpose and whether the introduction of a specific policy on the use of social media by elected members should be developed further.

3. Strategic Priorities

3.1 The development of a fit-for-purpose council relies upon the proper conduct of officers and members. Social media is becoming much more frequently used as a way of engaging with residents. Fit-for-purpose guidance and a policy to support its proper use would assist members in order that expected standards were clearly set out.

4. Organisational Impacts

4.1 Legal Implications

The Ethics and Engagement Committee’s role includes the promotion and maintenance of high standards of conduct by councillors and co-opted members. Inappropriate use of social media could result in a member breaching the Code of Conduct.

5. Recommendation

5.1 That the report be noted and consideration be given to the introduction of a social media policy for elected members.

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Social Media Guidance for Councillors

The City of Lincoln Council recognises that the use of online social media can be an excellent tool for engaging with residents and communities. A number of services give the public a direct communication channel to councillors, allowing ideas to be developed and problems to be solved. However, the increasing use of this technology poses a new set of challenges and opportunities in terms of the operation of the City of Lincoln Council and its councillors.

As such, this document has been produced to offer guidance to councillors on the manner in which the technology should be used when acting as a councillor or on Council business. It is not intended to be exhaustive, or to replace existing constitutional or legal provisions.

As the democratically-elected representatives of their wards, there should be an assumption that members will act in a responsible manner for the benefit of their ward and the city as a whole. To a large degree, members are responsible for their own conduct and ensuring that it is appropriate to the situation. Mobile devices are a fundamental feature of modern life and prohibiting their use in meetings is unworkable and could limit members in balancing the demands of their family and working life. However, as with any form of communication, it is possible for the technology to be used improperly; councillors should therefore always be conscious of their public role and profile.

Use of social media or technology within meetings

Public Perception

When sitting as a member of a committee, the first duty of the councillor is to ensure they are giving proper attention to the business being considered. This includes being aware of the public perception of his or her role. Even if a councillor is paying full attention to an item while using a mobile device, it is necessary to consider that it may not appear this way. If a councillor is clearly making excessive use of a mobile device, it may be appropriate for the chair of the meeting to raise this matter, particularly if it is disrupting the meeting.

Regulatory Committees

In particular, members of quasi-judicial committees such as the Licensing or Planning Committee should be especially mindful of the need to be seen to be paying full attention to items. This is particularly true in view of the personal importance attached by applicants and the public to these matters, and the increased likelihood of a procedural challenge to the decision being taken.

Declarations of Interest

It is recommended that if a committee member has declared an interest in an item and left the room, that wherever possible councillors should cease to use mobile devices for the duration of that item to preclude the possibility of any contact between the remaining committee members and those who have left the room.

Photographs and Recordings

Members should not take any photographs or recordings of meetings without the express permission of the meeting's chair.

Private Business

As a general rule, members should not transmit any information that is either exempt or confidential beyond the confines of the meeting. This also applies to exempt or confidential information received outside a meeting. If in any doubt regarding the status of information, members should consult with Democratic Services or the Monitoring Officer before disseminating it in any form.

Engaging with the public

Standards of Behaviour

As an elected representative, a councillor's standard of behaviour is under particular scrutiny. Members of the public who approach a councillor in relation to their role, either online or otherwise, should expect to be treated politely and to be helped as far as is practicable.

Confidentiality

Members of the public may have a reasonable expectation that certain comments made to a councillor will either be treated in confidence or shared solely with people who can reasonably be expected to assist with a person's request. This is particularly true of any personal information disclosed to a councillor, either in person or through social media.

Acting as a Councillor

If a complaint is made against a councillor, one relevant factor may be whether they were acting as a councillor at the time of any cause for complaint. Given the ease with which online comments can be replicated and removed from their original context or intent, members should consider whether they would be comfortable publicly defending anything which they have posted online. It is also worth considering the context in which any information is posted with regard to whether it would be considered that a councillor is acting in a private capacity at the time of posting.

Engaging with officers and councillors

Appropriate Behaviour towards Officers

Members should have regard to the Member-Officer Protocol, and the need to treat officers with respect. Councillors should be continually aware of the need for the officer to act in a professional capacity and should not act in a manner which would compromise this, either in appearance or in fact.

Appropriate Behaviour towards Councillors

The political nature of councillors' work means that debate and disagreement is often a fundamental and entirely proper part of their role. However, there is a line between passionate debate and personal attacks, regarding which members should be mindful. Comments made by councillors towards others, including those made under online pseudonyms, may be treated in the same manner as any similar comments made in person.

SUBJECT: MEMBER SUCCESSION AND PROPOSED TRAINING PROGRAMME

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: CAROLYN WHEATER, CITY SOLICITOR

1. Purpose of Report

1.1 To consider Member succession planning as well as the proposed training programme.

2. Background

2.1 The City Solicitor, the Legal and Democratic Services Manager and the Democratic Team Leader and Elections Manager have been considering the way in which the Council trains its Members and considers its succession planning and development of individual Members in order to ensure any transition for new members/current members who require additional skills in order to achieve their maximum potential in their roles.

2.2 It is recognised that the Council has a significant number of experienced elected Members with considerable knowledge regarding the operation of the Council. We need to ensure that this experience is not lost at the Council as its Membership changes over time.

2.3 Councillors have a critical role in the strategic direction of the Council, and of course in the decision-making process. By having local knowledge and a detailed awareness of the operation of the Council, elected Members can make informed decisions regarding the Council.

2.4 Member development events support the training of Councillors and have recently been focusing on all-Member events rather than targeted training. It is thought that to place an emphasis now on developing the skills of different levels of Members would promote an opportunity to target the upskilling of Members more efficiently, as well as resources for specific needs.

3. Summary of possible options

3.1 In December 2013, the Ethics and Engagement Committee debated the possibilities for reviewing the training programme and the following were summarised in that report accordingly:

3.2 Buddying

At present, members are inducted to the Council by officers. This usually also involves a meeting in their first week as a councillor with senior officers, at which officers are able to meet the councillors and to explain their respective roles and responsibilities. Whilst after this initial induction members remain able and are encouraged to contact Democratic Services or any other officers throughout their time as a councillor, elected members are very much given the freedom to work in their own way. There are advantages to allowing members to forge their own paths but there is the possibility that newly-elected councillors could lack the knowledge or the confidence to make the most effective use of the resources provided to them by the Council.

3.3 As such, consideration could be given to developing a formal 'buddying' system similar to that already in operation at some other councils. This buddying can take several forms, but will usually see a newly-elected councillor assigned to an experienced officer or councillor who can then act as a first point of contact for queries about the best way for a member to carry out their role. Any such role will normally be effectively time-limited by the councillor developing the skills and knowledge they need to function independently.

3.4 Within this relationship it is perhaps implicit that the 'buddy' is not intended to carry out the duties of the individual councillor or to micro-manage them in their first weeks; rather the role is one of general support and guidance while a new member builds the skills and knowledge needed to act independently and effectively. While members are already likely to seek support if required, formalising a single point of contact would perhaps encourage members to raise questions which would otherwise be unaddressed and to build a relationship of trust with the identified 'buddy'.

Long-Term Training

3.5 In addition to any buddying or shadowing schemes, the Council also needs to ensure that it provides members with the opportunity to plot their own development and have opportunities to improve their suitability for key roles, potentially on an independent basis rather than as part of a larger group.

3.6 Previously the Council has had access to events run by organisations such as the Local Government Association and Local Government East Midlands, although recent member interest has been relatively muted, possibly as a result of the time commitment required to complete the courses. Depending upon the available budget, officers will continue to offer the courses to the appropriate councillors as they become available.

3.7 The Council has also tried to implement personal development plans for Councillors on a number of occasions with limited success. While the documents act as an effective framework for an initial discussion regarding long-term plans for new councillors, there have been difficulties in following up on the plans with effective outcomes. This is likely to be primarily related to pressures upon councillors' time to carry out existing duties in combination with the relatively limited tailored training that the Council can offer within existing budgets.

- 3.8 It should be stressed that the Council has an annual member development budget of £5,000 which covers member training as a whole, and includes both access to development opportunities for individual councillors and for training provided to councillors as a group. It is likely that any significant increase in the scope of individual training opportunities would place significant pressure upon this budget. By way of example, just one councillor studying for an MBA on an assessment only part-time basis at the University of Lincoln would exceed the Council's annual budget in each of the years of study.
- 3.9 Current in-house provision is often tailored around the needs of individual committees and councillors' participation in them. For example, Planning Committee training is provided for all those members who are likely to take part in planning decisions over the course of a year. If members expressed interest in a particular area of council business there is potentially scope for a relevant officer to deliver informal professional guidance aimed at developing the councillor's capacity to function in this area. While many members will already resort to officers with questions relating to the technical aspects of a service-specific enquiry, a more structured approach could see greater detail being provided to members if a councillor were able to pinpoint the type of knowledge they would like to acquire. One possible constraint in this direction would be pressure upon officer time and the practicalities of any such option would require further consideration.
- 3.10 The outcome of the meeting of the Ethics and Engagement Committee in December 2013 is set out in the below extract of the minutes:
- 3.11 Members:
- noted the value of assessing the manner in which new councillors had previously been inducted.
 - stressed that succession planning was an important issue for the Council as a whole, and that there was a need for the Council to renew itself through new councillors.
 - noted the impact of the change from the previous committee system in undermining members' specialist knowledge of particular areas of Council business.
 - supported the introduction of role-shadowing, subject to it being made clear that the role was being provided on a purely educative basis not entailing special responsibilities.
 - highlighted the need for training to go beyond the purely reactive and to have a view to long-term development.
 - stressed the leading role that councillors ought to play in inducting new councillors.
 - highlighted the difficulties with attempting to introduce a formal assistant portfolio holder role within a council comprising relatively few councillors.
- 3.12 It is perhaps appropriate at this time to consider these suggestions further.

4. Tiered Training

4.1 Alongside the Buddying, Shadowing and general training programme, it is envisaged that there should be a programme of training with different levels. These are suggested to be as follows:-

4.2 Level 1: New members

The training programme for new members would include the induction programme, alongside generic training programmed through the year from in-house provisions and training for specific committees as required, which may include the following:-

Engagement with Vision 2020

Governance

Constitution including Member protocols, social media, gifts and hospitality

Role of members – in wards/the council/back benchers

Local government structure

Local government finance

Data Protection framework

Key organisational strategies – customer experience

Key framework documents – complaints, IMP's, officer appointments

The induction programme would comprise of sessions whereby new members are informed of the key things they really need to know upon becoming a City Councillor, together with opportunities to meet key officers and understand the service areas they are responsible for.

4.3 Level 2

Training for Chairs, Vice-Chairs and those members on an intermediary level, with possible elements as follows:-

Chairing meetings

Specific committee training

Mandatory training on Licensing & Planning

Scrutiny

Level 2 would be more tailored around those members with specific roles or responsibilities to support them in their respective roles. It will also support those members who aspire to undertake key roles at the Council, such as Chairs or Vice-Chairs of committees or members of the Executive in the future. This will provide the authority with an element of succession planning and provide members with an opportunity to highlight any particular ambitions they may have in respect of the Council's decision-making structure.

Level 2 members may have a role in assisting newly-elected members by providing a briefing as part of the induction programme. This would provide an opportunity for members to share their experiences, outline the main things they have learned in their time as a member and clarify the key things they felt that they needed to know when they were first elected.

4.4 Level 3:- Executive members, and potential Executive members

This tier of training would be focused upon ensuring that the Executive are able to fulfil their role sufficiently and effectively and they can make informed decisions. This will also focus on member successions and providing training and mentoring for any members from Level 2 who are aspiring to become Level 3 members and could include the following:-

Executive arrangements

Regional and national LG politics and administration

Public meetings

Comms/media training

4.5 It will be proposed to take this training programme into the new municipal year in 2018 in order to focus more attention on member succession planning, and developing the skills of individual members according to their experience and ambitions.

5. Recommendation

5.1 That the report be noted.

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