

## ETHICS AND ENGAGEMENT COMMITTEE

**Monday, 30 September 2019**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Adrianna McNulty (Chair), Geoff Ellis (Vice-Chair),  
Laura McWilliams, Ric Metcalfe, Lucinda Preston,  
Christopher Reid, Hilton Spratt, Loraine Woolley and Liz Bushell

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

Independent Person(s): Chris Elkington and Roger Vine

Officers attending: Democratic Services and Becky Scott

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### AGENDA

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 14 March 2019	<b>3 - 8</b>
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Member Code of Conduct	<b>9 - 24</b>
4. National Democracy Week	<b>25 - 26</b>
5. Engagement Event - 17 October 2019	<b>Verbal Report</b>
6. Code of Conduct: National Cases Review	<b>Verbal Report</b>

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<b>Present:</b>	Councillor Adrianna McNulty ( <i>in the Chair</i> )
<b>Councillors:</b>	Thomas Dyer, Geoff Ellis, Laura McWilliams, Ric Metcalfe, Christopher Reid, Hilton Spratt, Naomi Tweddle and Loraine Woolley
<b>Independent Person(s):</b>	None.
<b>Apologies for Absence:</b>	Councillor Edmund Strengiel and Councillor Gill Clayton-Hewson

**28. Confirmation of Minutes - 15 October 2018**

RESOLVED that the minutes of the meeting held on 15 October 2018 be confirmed.

**29. Declarations of Interest**

No declarations of interest were received.

**30. Committee on Standards in Public Life**

The Democratic Team Leader and Elections Manager:

- (a) Presented the findings of the Committee on Standards in Public Life's review of standards arrangements in local government which comprised 26 recommendations to the Government which it felt would enable councillors to be held account effectively and would enhance the fairness and transparency of the standards process.
- (b) Highlighted the main recommendations that could have an impact on the City of Lincoln Council, if supported and acted upon by the Government.
- (c) Set out considerations for the City of Lincoln Council regarding those recommendations which were considered to represent best practice and did not necessarily require a response from the Government in order for changes to be made locally. These included:
  - use of social media and the potential to introduce a social media policy as part of the Council's member Code of Conduct;
  - the inclusion of bullying and harassment in the member Code of Conduct;
  - a review of the member gifts and hospitality register;
  - a review of the publication of members' home addresses.
- (d) Invited members' questions and comments.

Discussion ensued on the Committee on Standards in Public Life's recommendations contained within the report regarding sanctions and the potential suspension of members. Some concerns were expressed that any panel associated with deciding upon the imposition of sanctions would be political balanced, so it could therefore be perceived that this was unfair. The Committee was reminded that the Council's Independent Person and Monitoring Officer would form an essential part of investigating any alleged breach of the Code of Conduct, ensuring that there

was impartiality associated with any case considered by a panel. It was also noted that a further recommendation put forward by the Committee on Standards in Public Life included reference to the right of appeal to the Local Government Ombudsman.

It was RESOLVED

- (1) That the report by the Committee on Standards in Public Life be noted and the Ethics and Engagement Committee awaits the Government's response to the recommendations contained within the report.
- (2) That a review of the member Code of Conduct be undertaken and that its scope be widened to include aspects such as harassment, examples of bullying, links to official capacity and social media use.
- (3) That, as part of a review of the member Code of Conduct, a social media policy for members be developed and appended to the revised member Code of Conduct, together with the Member/Officer Protocol.
- (4) That a review of the Gifts and Hospitality Policy and procedure for members be undertaken.
- (5) That consideration be given to the publication of members' addresses on their Register of Interests.

### **31. Start Time and Duration of Meetings**

The Democratic Team Leader and Elections Manager:

- (a) Presented a report which provided the Ethics and Engagement Committee with an opportunity to consider amending the terms of reference of the Council's Scrutiny Committees to set an earlier start time for meetings and place a cap on the duration of meetings.
- (b) Provided a number of options for the Committee to consider, including:
  - setting a revised start time of 5.30pm for Scrutiny Committee meetings as opposed to 6pm;
  - agreeing that no Scrutiny Committee meeting should exceed a set duration, such as two hours for example;
  - agreeing that no Scrutiny Committee meeting should exceed a set duration, such as two hours for example, without agreement of at least the majority of voting members present;
  - an amalgamation of (i), (ii) and (iii) above in respect of Scrutiny Committee meetings;
  - setting a consistent start time for all of the Council's evening meetings;
  - making no changes to the existing arrangements.
- (c) Invited members' questions and comments.

Discussion ensued and the following points were noted:

- there had been instances at some meetings where there had been long agendas to get through and important issues towards the end of the agenda had not always had the full consideration they perhaps justified. There had also been occasions where some members had been unable to contribute as

they had left the meeting prior to its close due to the longer than anticipated duration. In order to address this agendas could be scheduled so that the more urgent, important or contentious items were listed first;

- meetings should start at 6pm and aim to conclude by 8pm. The majority of members in attendance should be in agreement to proceed beyond 8pm although it was acknowledged that this could not apply to the Executive or regulatory bodies such as the Planning Committee;
- if an agenda included a significant number of items, the Chair, Vice-Chair and officers should highlight this at pre-meetings and make provision for an additional meeting in order that all items could be properly considered;
- meetings at 5.30pm made it especially difficult for those members who worked and could potentially put people off standing for election in the future. The minimum start time for meetings should be 6pm to allow those members who worked sufficient time to travel to City Hall;
- there should be more training for Chairs and Vice-Chairs with regard to agenda management in order that meetings ran smoother in the first instance. This should be mandatory for any Chair at the Council;
- there were not that many meetings held in the last year that had exceeded three hours in duration;
- it was a good thing that members were able to contribute and challenge at meetings such as Scrutiny Committees, irrespective of how long meetings took to reach a conclusion. If meetings needed to take a certain amount of time then they should be allowed to take that long;
- the Performance Scrutiny Committee was the main meeting which tended to overrun and which normally had a significant amount of business on its agendas. A proposal was put forward to set up a new committee or sub-committee solely responsible for holding Portfolio Holders to account, leaving the Performance Scrutiny Committee to continue monitoring the performance of the Council's services. It was suggested that the new Committee could replace the Community Leadership Scrutiny Committee;
- all meetings were politically balanced, so the suggestion of capping the length of meetings could be perceived as delaying opportunities to challenge or contribute, especially in relation to any contentious items that may be under scrutiny;
- the length of time it sometimes took officers to present reports or deliver presentations also prolonged meetings. Information should be circulated and read in advance, reducing the need for officers to spend lots of time presenting their items;
- the Community Leadership Scrutiny Committee was another body where its meetings had lasted longer than three hours. The difficulty with this meeting was the fact that external representatives were invited to attend and provide evidence. It should therefore be made clearer to external representatives that they had limited time to make their initial address to the Committee in order that the agenda could be more effectively managed.

The Leader of the Council made the point that the purpose of this report was to take stock of how efficient and effective the management of the Council's business was from the perspective of elected members, as well as officers and members of the public. He emphasised that it in no way sought to change or interfere with the integrity of the Council's scrutiny function and was not about curtailing discussion, indicating that he would like to see a consensus of opinion in relation to any change to the way in which the Council's meetings operated.

RESOLVED that the Council's administration be asked to note the comments made at this meeting and give due consideration in particular to the following:

- a proposal to commence all of the Council's evening meetings at 6pm;
- a proposal to change the format of the Performance Scrutiny Committee in that a new Committee or Sub-Committee be established to scrutinise Portfolio Holders, with the Performance Scrutiny Committee retaining its role of scrutinising the performance of the Council's services;
- a proposal to ensure that a vote of unanimous support is achieved prior to any meeting closing before all business having been adequately considered, should a cap be introduced on the duration of meetings.

### **32. Democratic Engagement (Verbal Report)**

The Democratic Team Leader and Elections Manager reported that the Performance Scrutiny Committee in considering a report on electoral registration at its meeting on 24 January 2019 had referred this item to the Ethics and Engagement Committee following discussion on member engagement and raising the profile of members, the Council's public meetings and the City Council as a whole. The Ethics and Engagement Committee was therefore invited to discuss such matters of democratic engagement, during which the following points were noted:

- people did not understand the difference between the City Council and the County Council and had no idea what elected members did;
- people may feel more motivated to use their democratic right and vote if they had more understanding;
- more could be done via social media to promote the role of members, as well as focus on the work of specific committees;
- the event held by this Committee at the Guildhall celebrating the centenary of women's right to vote was a good example of successful engagement with a range of community groups and school children;
- some Council's recorded their meetings, although this was not necessarily the type of engagement that members were keen to achieve;
- members did engage with residents at ward level and whilst this was engagement activity, it did not necessarily cover all dimensions of what the Council did;
- the member area of the website, including member profiles and photographs, should be updated and refreshed;
- consideration should be given to promoting the Council's meetings on social media, highlighting when agendas were published and reminding people that meetings were open to the public. Alerts via social media prior to or during meetings would also be beneficial, ensuring that people had the opportunity to be informed or know more about items of business or issues being considered;
- consideration should be given to holding meetings off-site and rolling meetings out across the city. It was acknowledged that this had been attempted before and that, unfortunately, it made no difference to the number of public attendees;
- there was a perception of disconnect between local people and the Council, which demonstrated that there must be an issue to address with regard to how the authority engaged with its residents.

The Council's Communications Manager welcomed the comments made but highlighted, in his experience, that this was not a problem unique to Lincoln. He added that one of the most successful promotional pieces carried out recently was a document setting out the different responsibilities of the City Council and the County Council, which received a significant number of 'hits', 'likes' and 'shares' via social media. It was noted that work would take place to improve the member section of the Council's website in due course.

It was agreed that members of the Ethics and Engagement Committee should email the Democratic Team Leader and Elections Manager with any suggestions as to how the Council could better engage with residents. In addition, it was agreed that an all-member development session on improving community engagement would be held after the City Council elections in May 2019.

**33. Code of Conduct: National Cases (Verbal Report)**

The Democratic Team Leader and Elections Manager provided an update on recent national cases whereby breaches of the Code of Conduct had been confirmed, setting out any sanctions that had been imposed.

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**SUBJECT: MEMBER CODE OF CONDUCT**

**DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK**

**REPORT AUTHOR: CAROLYN WHEATER, CITY SOLICITOR**

**1. Purpose of Report**

1.1 To consider a revised version of the Member Code of Conduct, which incorporates aspects such as harassment, bullying, social media use and acting in an official capacity as recommended by the Ethics and Engagement Committee at its meeting on 14 March 2019.

**2. Background**

2.1 The Ethics and Engagement Committee at its meeting on 14 March 2019 considered a report by the Committee on Standards in Public Life following a review of standards arrangements in local government. The report comprised 26 recommendations to Government which the Committee on Standards in Public Life felt would enable councillors to be held account effectively and would enhance the fairness and transparency of the standards process. The report also contained examples of good practice following a number of cases studies from across the country.

2.2 It was resolved at the meeting on 14 March 2019 that a review of the Member Code of Conduct be undertaken and that its scope be widened to include aspects such as harassment, examples of bullying, links to official capacity and social media use. An extract of the minutes from this meeting are attached at Appendix B to this report.

2.3 The Council's City Solicitor and Monitoring Officer has undertaken a review of the Member Code of Conduct, in line with the resolution of the Ethics and Engagement Committee. A copy of the revised version of the Member Code of Conduct as attached at Appendix A to this report, with the main additions highlighted.

**3. Organisational Impacts**

3.1 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity

- Foster good relations between different people when carrying out their activities

These issues have been taking into consideration in the writing of this report.

#### **4. Recommendation**

- 4.1 That the revised Member Code of Conduct be recommended to Council for approval.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** Two

**List of Background Papers:** None

**Lead Officer:** Graham Watts, Democratic and Elections Manager  
Telephone (01522) 873439

# CITY OF LINCOLN COUNCIL

## MEMBER CODE OF CONDUCT

## **General Principles to be applied when considering the Member Code of Conduct:**

### **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned; they should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### **Openness**

Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for their actions.

### **Personal Judgement**

Members should take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### **Respect for others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

### **Duty to uphold the law**

Members should uphold the law, and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership**

Members should promote and support these principles by leadership and by example and should act in a way that preserves public confidence.

# City of Lincoln Council

## MEMBERS' CODE OF CONDUCT

### 1. General provisions

#### Introduction and Interpretation

This Code of Conduct has been approved by Council.

The **Ethics and Engagement Committee** will review and monitor its operation. Any breach of the Code may result in a complaint to the **Ethics and Engagement Committee**.

The aim of the Code is to seek to maintain and enhance the integrity of local government, which demands the highest standards of personal conduct.

### 2. This Code applies to you as a member of the Council

- (i) You should read this Code together with the general principles.
- (ii) It is your responsibility to comply with the provisions of this Code.
- (iii) In this Code –

“meeting” means any meeting of –

- (a) the Council
- (b) the Executive of the Council
- (c) any of the Council’s or Executive committees, sub-committees, joint committees.

“member” includes elected members, independent members and co-opted members.

### 3. Scope

You must comply with this code whenever you –

- (i) conduct the business of the Council; or
- (ii) act, claim to act or give the impression you are acting as a representative of the Council.

#### 3.1 Application

(i) the Code applies to you whenever you are acting in your capacity as a member of the Council, including:-

- a. at formal meetings of the Council, Executive, Committees and Sub-Committees, joint committees, panels or working groups.

- b. when acting as a representative of the authority
- c. in taking any decisions as an Executive Member or Ward Councillor
- d. in discharging your functions as a Ward Councillor
- e. at briefing meetings with officers
- f. at site visits
- g. when corresponding with the authority (other than in a private capacity)

Where you act as a representative of the Council –

- (iii) on another relevant authority, you must, when acting for that other authority, comply with that authority's code of conduct; or
- (iv) on any other body, you must, when acting for that other body, comply with this Council's code of conduct, except if it conflicts with any lawful obligation which that other body may be bound by.

#### **4. General Obligations**

The following paragraphs set out those obligations which are expected of you as a Councillor.

**A Provide Leadership** to the authority and communities within the area by personal example

**B Respect** – you must treat others with respect including all members, officers and members of the public.

- (i) Members 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.
- (ii) Members must recognise and respect the role of officers and their responsibilities; this should be reflected in behaviour and attitude both publicly and privately.
- (iii) In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that members will campaign for their ideas, and may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of the democratic debate, and does not in itself amount to failing to treat someone with respect.

(iv) Ideas and politics may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies when dealing with the public and officers.

**C Bullying and Harassment** – you must not bully, harass or intimate any person.

*'bullying and harassment is completely unacceptable and will be considered to be a breach of this Code'*

Harassment, bullying, discrimination, intimidation and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as the wider organisation in terms of morale and effectiveness.

**Bullying** is inappropriate and unwelcome behaviour which is offensive and intimidating and which makes an individual or group feel undermined, humiliated or insulted. It is the impact of the behaviour rather than the intent which is the key.

Bullying usually arises as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or can be a one-off serious incident that becomes objectionable or intimidating.

Examples of bullying behaviour are set out below, (these are not exhaustive):-

- unwelcome physical, verbal or non-verbal contact
- intimidatory behaviour including verbal abuse or the making of threats
- making someone's work life difficult
- disparaging, ridiculing or mocking comments and remarks
- physical violence

**Harassment** is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course or persistent behaviour.

- As a Councillor you should be aware of the inherent influence your role brings and ensure that you are demonstrating respect for others and encouraging colleagues to do the same.



- Where you have witnessed bullying and harassment you have a responsibility to speak out. You should challenge inappropriate behaviour as it happens and consider making a complaint.

As with bullying, even if the behaviour is unintentional, it can still be classed as a form of harassment.

Harassment can occur through verbal or written comments (including those made online).

Examples of harassment are set out below (these are not exhaustive):-

- Unwelcome physical contact such as touching or invading 'personal space'
- Inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes (such as ones of a racist, sexual or sectarian nature)
- Intrusive questioning for example on sexual orientation, religious or political beliefs (either directly or with others)
- Sending unwelcome and/or inappropriate emails, messages or notes, circulating or displaying explicit or inappropriate images

Your specific duties as a Councillor:

- You should behave in accordance with the Code in all situations where you act as a councillor or are perceived as acting as a councillor, including representing the Council on official business and when using social media.
- You should treat all individuals with courtesy and respect when carrying out your duties as a councillor. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying

**D Intimidation** – you must not Intimidate or attempt to intimidate any person who is or is likely to be:

- a complainant
- a witness, or
- involved in the administration of any investigation or proceedings

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct

**E Equality** – you must not do anything which may cause the Council to breach any provision of the Equality Act 2010;

**F** **Compromise Impartiality** – you must not do anything, which compromises or is likely to compromise the impartiality of those who work for, or on behalf of your authority.

- (i) You must not request officers to exceed the bounds of their authority, or place unreasonable requests upon them.

**G** **Confidential Information** - you must not disclose information given to you in confidence by anyone, or information acquired by you, which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have consent of the person to give it
- (ii) you are required by law to do so
- (iii) you make the disclosure to a third party for the purpose of obtaining professional advice provided that the third party agrees then not to disclose the information to anyone else; or
- (v) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the authority.

**Access to Information** - you may request senior officers to provide you with information, explanation and advice as you may reasonably need to discharge your role as members. Where information is requested on behalf of a third party however, you will only be entitled to this if:

- (i) it is the public domain and
- (ii) is not barred by the Data Protection legislation.

As a member of Executive, Scrutiny or other committee or sub-committees you have a right to inspect documents about the business of that meeting. If you are not a member of that committee you will only have access to those documents if you can demonstrate a reasonable need to see documents in order to carry out your role as a member (“the need to know principle”) and the documents do not contain “confidential” or “exempt” information as defined by the law.

- (iii) You must only use the Information for the purpose for which it was requested.

**H** **Bringing the authority into disrepute** - you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

You must not be dishonest or deceitful in your role as a member.

- I Using your position improperly** - You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- J Use of Council resources** – you should ensure that you sign up to and understand Council policy and protocols about the use of resources (such as mobile phone, laptop), particularly where facilities are provided in members’ homes at the Councils expense.
- (i) You should familiarise yourself with the protocol regarding ICT security.
  - (ii) You must when using the resources of the authority, act in accordance with the Council’s reasonable requirements and ensure that such resources are not used improperly for political purpose.
  - (iii) You must have regards to any applicable Local Authority Code of Publicity for members made under the Local Government Act 1986.
- K Decision Making** – when reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- (i) The Councils section 151 officer (Chief Finance Officer) or the Council’s Monitoring Officer where that officer is acting pursuant to his or her statutory duties; or
  - (ii) Any other professional officers
  - (iii) You must give reasons for all decisions in accordance with any statutory requirements and to avoid any legal challenge.

## **L Use of Social Media**

- (i) The use of social media (twitter, blogs, facebook etc.) is a very effective tool for councillors to communicate with their local communities, and taking part in social networks and interactive activity online is now a majority activity which will certainly grow.
- (ii) The Council has a Social Media Policy which members should be familiar with, this sets out how to use social media in a positive way and how to avoid pitfalls.
- (iii) There is a difference between communicating on behalf of the Council on social media and as a private citizen, and the former will be held to a higher standard than the latter.
- (iv) The key to whether your online activity is subject to the Code is whether you are giving the impression that you are acting as a councillor.

- (v) The code of conduct in relation to paragraphs H – J apply equally to your online activity in the same way it applies to other verbal communication or face to face meetings.

**5. Personal Interests** – You have a personal interest in any business of the authority where either –

(a) it relates to, or is likely to affect:

- (i) any body to which you are appointed or nominated by the Council (for example a trustee on the Brayford Trust)
- (ii) any body exercising functions of a public nature (for example the County Council, school governing bodies)
- (iii) any body directed to charitable purposes
- (iv) any body whose principal purpose includes the influence of public opinion (including any political party or trade union);

of which you are a member or in a position of general control or management

- (v) any employment or business carried out by you
- (vi) any person, body or company who employs or has appointed you
- (vii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties.
- (viii) Any person or body who has a place of business or land in the Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued shared capital (whichever is the lower)
- (ix) Any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director
- (x) The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25 (this interest only needs to be declared if the gift was within the last three years)
- (xi) Any land in the Council's area in which you have a beneficial interest
- (xii) Any land where the landlord is the Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (viii) is the tenant
- (xiii) Any land in the Council's area for which you have a licence (alone or jointly with others) for 28 days or longer; or

a decision in relation to that business might reasonably be regarded as affecting your **well being or financial position** or the well being or financial position of a relevant person to a greater extent that the decision would affect other council tax payers, ratepayers or inhabitants in your ward.

“relevant person” means;

- (a) a member of your family or someone you have a close association with
- (b) anyone who employs such persons, any firm in which they are a partner, or a company in which they are a director
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

## 6. Disclosure of Personal Interests

Where you have a personal interest in any business of the Council and you attend a meeting of the Council at which the business is being considered, you must disclose to that meeting the existence and nature of the interest at the commencement of that consideration, or when the interest becomes apparent.

## 7. Prejudicial Interests

- (i) Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest:
    - (a) affects your financial position or the financial position of a person or body described in paragraph 4.
    - (b) relates to a licensing or regulatory matter; **and**
    - (c) a member of the public, who knows the relevant facts, would reasonably think that your personal interest is so significant that it is likely to prejudice your judgement of the public interest.
  - (ii) You also have a prejudicial interest in any business before a scrutiny committee of the Council if that business relates to a decision made (whether implemented or not) by the Executive, committee, or joint committee and you were present at that Executive, committee or joint committee when that decision was made.
- ## 8. Exemptions to prejudicial interests - the following are exempt categories of decisions, in which you will not be required to declare an interest;
- (a) Housing – if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease
  - (b) School meals, school transport or travelling expenses; if you are a parent or guardian of a child in full time education or you are a parent governor, unless it relates particularly to the school your child attends
  - (c) Statutory sick pay: if you are receiving this, or are entitled to it
  - (d) Member allowances or member indemnity

- (e) Any ceremonial honour given to members
- (f) Setting council tax or a precept

## **9. Effect of Prejudicial Interests on participation**

- (a) if you have a prejudicial interest you must withdraw from the room when the business is being discussed, unless you have claimed a dispensation from the Standards Committee
- (b) you may, however attend the meeting if you have a prejudicial interest (including a meeting of a Scrutiny Committee) but only for the purposes of making representations, answering questions or giving evidence relating to that business and only if members of the public are also allowed to attend the meeting for the same purpose (for example planning committee.)
  - (i) if you do attend the meeting in the circumstances as outlined in paragraph 9(b) you must leave immediately after you have made your representations, given evidence or answered questions and before any debate starts.

## **10 Register of Interests**

- (i) You must, within 28 days of this code being adopted by the Council or your election or appointment to office (where that is later) register in the Council's register of members' interests details of your personal interests by providing written notification to the Council's Monitoring Officer.
- (ii) You must also within 28 days of becoming aware of any new personal interest or change to any personal interest register details of that new personal interest by providing written notification to the Monitoring Officer.

**30. Committee on Standards in Public Life**

The Democratic Team Leader and Elections Manager:

- (a) Presented the findings of the Committee on Standards in Public Life's review of standards arrangements in local government which comprised 26 recommendations to the Government which it felt would enable councillors to be held account effectively and would enhance the fairness and transparency of the standards process.
- (b) Highlighted the main recommendations that could have an impact on the City of Lincoln Council, if supported and acted upon by the Government.
- (c) Set out considerations for the City of Lincoln Council regarding those recommendations which were considered to represent best practice and did not necessarily require a response from the Government in order for changes to be made locally. These included:
  - use of social media and the potential to introduce a social media policy as part of the Council's member Code of Conduct;
  - the inclusion of bullying and harassment in the member Code of Conduct;
  - a review of the member gifts and hospitality register;
  - a review of the publication of members' home addresses.
- (d) Invited members' questions and comments.

Discussion ensued on the Committee on Standards in Public Life's recommendations contained within the report regarding sanctions and the potential suspension of members. Some concerns were expressed that any panel associated with deciding upon the imposition of sanctions would be political balanced, so it could therefore be perceived that this was unfair. The Committee was reminded that the Council's Independent Person and Monitoring Officer would form an essential part of investigating any alleged breach of the Code of Conduct, ensuring that there was impartiality associated with any case considered by a panel. It was also noted that a further recommendation put forward by the Committee on Standards in Public Life included reference to the right of appeal to the Local Government Ombudsman.

It was RESOLVED

- (1) That the report by the Committee on Standards in Public Life be noted and the Ethics and Engagement Committee awaits the Government's response to the recommendations contained within the report.

- (2) That a review of the member Code of Conduct be undertaken and that its scope be widened to include aspects such as harassment, examples of bullying, links to official capacity and social media use.
- (3) That, as part of a review of the member Code of Conduct, a social media policy for members be developed and appended to the revised member Code of Conduct, together with the Member/Officer Protocol.
- (4) That a review of the Gifts and Hospitality Policy and procedure for members be undertaken.
- (5) That consideration be given to the publication of members' addresses on their Register of Interests.



<b>SUBJECT:</b>	<b>NATIONAL DEMOCRACY WEEK</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>CAROLYN WHEATER, CITY SOLICITOR</b>

**1. Purpose of Report**

1.1 To note that National Democracy Week takes place between 14 and 20 October 2019 and to consider what publicity or activities the Council may wish to undertake to support the event.

**2. Background**

2.1 National Democracy Week provides a great opportunity to encourage local residents to register and exercise their right to vote, participate in local and national democracy and perhaps decide to stand as a Councillor.

2.2 Cabinet Office has produced a number of supporting resources aimed at supporting the promotion and participation in National Democracy Week, with an online pack available at <https://democracyweek.campaign.gov.uk>. This provides specific resources for partners, a parliamentary pack and also resources associated with branding.

2.3 In addition, a resources pack has been developed specifically aimed at young people called 'Rock Enrol!' which can be accessed via [www.gov.uk/government/publications/rock-enrol-engaging-young-people-in-democracy](http://www.gov.uk/government/publications/rock-enrol-engaging-young-people-in-democracy).

2.4 The Ethics and Engagement Committee is invited to consider whether any of these resources could be used in Lincoln to support National Democracy Week, or if there are any other activities or publicity that could be undertaken during the week.

**3. Organisational Impacts**

3.1 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

These issues have been taking into consideration in the writing of this report.

#### **4. Recommendation**

- 4.1 That the Ethics and Engagement Committee considers what publicity or activities the Council may wish to undertake to support National Democracy Week.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** None

**List of Background Papers:** None

**Lead Officer:** Graham Watts, Democratic and Elections Manager  
Telephone (01522) 873439