

ETHICS AND ENGAGEMENT COMMITTEE

Monday, 13 January 2020

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, Becky Scott and Steve Welsby

A G E N D A

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1. Confirmation of Minutes - 30 September 2019	3 - 6
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. Promotion of the role of Members and Committees	Verbal Report To Follow
4. Social Media Policy	Verbal Report To Follow
5. Code of Conduct: Cases Review	Verbal Report To Follow

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- Present:** Councillor Adrianna McNulty (*in the Chair*)
- Councillors:** Geoff Ellis, Laura McWilliams, Ric Metcalfe, Lucinda Preston, Christopher Reid and Loraine Woolley
- Independent Person(s):** Chris Elkington and Roger Vine
- Apologies for Absence:** Councillor Hilton Spratt

34. Confirmation of Minutes - 14 March 2019

RESOLVED that the minutes of the meeting held on 14 March 2019 be confirmed.

35. Declarations of Interest

No declarations of interest were received.

36. Member Code of Conduct

Becky Scott, Legal Services Manager:

- (a) Presented a report which provided the Ethics and Engagement Committee with an opportunity to consider a revised version of the Member Code of Conduct.
- (b) Explained that the revisions incorporated aspects such as harassment, bullying, social media use and acting in an official capacity as recommended at the previous meeting of the Ethics and Engagement Committee.
- (c) Reported that the revisions were proposed following a review undertaken by the Council's City Solicitor and Monitoring Officer.
- (d) Reported that a revised version of the Member Code of Conduct was appended to the report, with those key changes as a result of the review having been highlighted.
- (e) Reported that the Social Media Policy was currently in the process of being developed in consultation with service managers and trade union representatives and would subsequently be considered by the Policy Scrutiny Committee and the Executive.
- (f) Invited members' questions and comments.

Councillor Christopher Reid highlighted the following paragraph under the bullying and harassment section:

"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".

Councillor Reid was concerned that having a responsibility to speak out in such circumstances could mean that if a Councillor chose not to do so they themselves could be in breach of the Code of Conduct. He was therefore of the opinion that this section was worded too strongly as it could result in people being found to have breached the Code of Conduct when they had not done anything wrong in the first instance.

Councillor Ric Metcalfe, Leader of the Council, disagreed with this suggestion and understood that there was a common law obligation not to simply stand aside, adding that there would be a danger of situations arising that were not being reported. This was key to the issue of bullying and harassment and Councillor Metcalfe did not wish to see members' responsibilities in this regard being weakened in the Code of Conduct. He therefore proposed retaining the existing wording.

It was acknowledged that a member failing to report such an instance would not necessarily mean that they had breached the Code of Conduct, as the wording of the draft Code of Conduct included the term 'and consider making a complaint'. The way in which the Code of Conduct was worded meant that members would have a responsibility to challenge inappropriate behaviour with regards to bullying and harassment.

Councillor Reid highlighted that victims of harassment and bullying may not be comfortable with a complaint being made for various reasons, including fear, humiliation or intimidation and that, potentially, this choice would be taken away from them in the way in which the Code of Conduct was currently worded. Councillor Laura McWilliams agreed with this point in that some victims would be afraid to come forward and highlight instances of bullying and harassment that they themselves had experienced.

Councillor Geoff Ellis agreed with Councillor Metcalfe in that members were duty bound to act if they witnessed anything inappropriate. The Legal Services Manager added that this was consistent with developments in law relating to domestic violence and slavery.

Councillor Lucinda Preston said that this was about changing culture and by retaining the proposed wording the culture associated with bullying and harassment would continue to be challenged in order that it could not develop.

It was agreed that the wording associated with challenging inappropriate behaviour should be retained.

Councillor Reid also highlighted the following sentence in relation to the general obligations heading:

"Ideas and politics may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attacks".

Councillor Reid questioned when a personal attack could ever be considered reasonable, so suggested removing the words 'unreasonable or excessive'. The Committee agreed with this suggestion.

Councillor Reid also suggested including reference to courtesy in debate as part of section (iii) under the general obligations heading. The Committee agreed with this suggestion.

Councillor Reid made the point regarding reference to physical aspects of bullying and harassment and was of the opinion that labelling this as bullying or harassment did not seem to adequately portray the seriousness of the allegation. It was noted that this terminology was consistent with how it was used within Human Resources policies and procedures for employees.

With regards to gifts and hospitality, the registration of any gift up to the value of £25 was highlighted as it was understood that this had been increased to £50. This point would be reviewed and updated if necessary, together with other typographical or formatting errors which had been highlighted.

It was RESOLVED that the Member Code of Conduct be recommended to Council for approval, subject to the incorporation of those changes highlighted above.

37. National Democracy Week

Graham Watts, Democratic and Elections Manager:

- (a) Presented a report outlining that National Democracy Week would take place between 14 and 20 October 2019 and provided the Ethics and Engagement Committee with an opportunity to consider what publicity or activities the Council may wish to undertake to support the event.
- (b) Explained that National Democracy Week provided 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.
- (c) Highlighted that resource packs had been developed aimed at supporting the promotion and participation in National Democracy Week, with a pack specifically developed for young people entitled 'Rock Enroll!'
- (d) Highlighted the range of engagement activities currently taking place regarding electoral registration, particularly as part of the annual canvass which had commenced in July.
- (e) Invited members' questions and comments.

Councillor Laura McWilliams asked whether any publicity for National Democracy Week, but also generally, could take place via social media on the role of the Council's individual committees, what City Councillors did and the different responsibilities associated with the City Council compared to the County Council. It was agreed that these suggestions would be forwarded to the Council's Communications Team in order that publicity around these aspects could take place.

Councillor Ric Metcalfe, in view of other authorities recording their proceedings, asked whether consideration had been given to the City Council recording its meetings. The last two meetings of Council, for example, had attracted some interest due to the submissions of Motions on the climate emergency and single-use plastics and said that the Council could have been more opportunistic and made more out of the interest generated. With regard to the webcasting or recording of the Council's meetings, this was something that had not been properly explored, other than the recording of meetings for training and development purposes.

Councillor Lucinda Preston asked what engagement had taken place with Universities in Lincoln. The Democratic and Elections Manager reported that, from an electoral registration perspective, a significant amount of work had been undertaken in partnership with the University of Lincoln to encourage the registration of students, which he felt would be improved even more as part of next year's electoral registration canvass reform.

Councillor Preston asked whether the display screens in the Waterside and at the Bus Station had been utilised and also put forward the suggestion of a pop-up stall in the Waterside or other venues in the city, encouraging people to register to vote but also promoting the role of the Council and members. It was noted that the display screens had been used recently to publicise registering to vote, particularly in the lead up to the City Council elections. Consideration would be given to the suggestion of a pop-up display in due course.

RESOLVED that the report be noted.

38. Engagement Event - 17 October 2019 (Verbal Report)

Councillor Laura McWilliams provided the Ethics and Engagement Committee with an update on a Parliament Project which sought to inspire women to get involved in democracy. This a-political event was originally scheduled to be held on 17 October 2019 at the University of Lincoln, however, there had been a delay and a revised date had not yet been confirmed. Once this had been agreed, Councillor McWilliams agreed to circulate some information in order to promote the event.

39. Code of Conduct: National Cases Review (Verbal Report)

Graham Watts, Democratic and Elections Manager, provided the Ethics and Engagement Committee with a number of recent examples of Code of Conduct cases where breaches had occurred from across the country.

At the close of the meeting Chris Elkington, Independent Person, reported that he had recently provided notice of his intention to leave the role due to him moving out of the area. This would therefore be Mr Elkington's last meeting of the Committee. Councillor Ric Metcalfe put on record his thanks to Mr Elkington for his outstanding contribution and valued counsel during his time as the Council's Independent Person.