

HEARING SUB-COMMITTEE

Tuesday, 12 October 2021

10.00 am

Committee Room 3, City Hall

Membership: Councillors Adrianna McNulty (Chair), Thomas Dyer and Loraine Woolley

Independent Person: Roger Vine

Officers attending: Carolyn Wheater and Cheryl Evans (Democratic Services and Elections Manager) to advise the Sub-Committee

A G E N D A

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Reason for Hearing:

Please note the Hearing will be considering Chris Morton's (Resident Involvement Manager) complaint made against Councillor Gary Hewson regarding his conduct during a telephone call on the 10th August 2021.

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Hearing Sub-Committee: Outline Procedure for Hearings Panel

1. Preliminary Procedural Issues
 - a. Introductions
 - b. Declarations of Interests
 - c. To consider any requests for the exclusion of the Press and Public
2. Monitoring Officer/Investigating Officer to present summary of the case and refer to outcome of any pre-hearing process.
3. Monitoring Officer/Investigating Officer to present the report and make representations to substantiate her conclusions within the report.
4. The Sub-Committee to raise any issues or clarify any matters with the Monitoring Officer/Investigating Officer's report.
5. The member to raise any issues or clarify any matters with the Monitoring Officer/Investigating Officer's report.
6. The member responds to the investigation report, makes representations and calls such witnesses as he/she considers necessary.
7. The Monitoring Officer to raise any issues, question or clarify any matters with the member and any witnesses called.
8. The Sub-Committee to raise any issues, question or clarify any matters with the member and any witnesses called.
9. Views of the Independent Person sought.
10. The Sub-Committee then retires along with the Democratic Services and Elections Manager to determine whether there has been a breach of the code of conduct.
11. The Sub-Committee will either return to the Hearing to report the decision or (in more complex cases) the decision will be reported back by the Democratic Services and Elections Manager.

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Agenda Item 2

Case reference: cm/gh

Report of an investigation under Section 28 (2) of the Localism Act 2011 by Carolyn Wheater, the Monitoring Officer for the City of Lincoln Council, into allegations against Councillor Gary Hewson of the same Council.

September 2021

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Appendices

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2. Letter dated 17th June 2021 inviting Councillor Hewson to the tour of inspection
3. Email with apology from Councillor Hewson dated the 13th August 2021
4. Response to the apology from Chris Morton dated the 13th August 2021
5. Member Code of Conduct

1. Executive Summary

- 1.1 Councillor Gary Hewson is a member of the City of Lincoln Council.
- 1.2 Chris Morton works as the Resident Involvement Manager in the Council's Housing Directorate.
- 1.3 On the 10th August 2021 Councillor Hewson had a telephone conversation with Chris Morton concerning the fact that housing officers were not going to attend St Andrew's Gardens on a tour of inspection. Chris Morton states that during that conversation Councillor Hewson was aggressive in his tone, he made reference to disciplinary action, indicated that officers shouldn't be in their job, and that he would go to the press.
- 1.4 Chris Morton was on the tour of inspection for the Moorland and Boultham Park area when he spoke to Councillor Hewson. It was a reasonable expectation on behalf of Councillor Hewson that the tour of inspection would include St Andrew's Gardens.
- 1.5 Chris Morton made a formal complaint against Councillor Hewson (attached as Appendix 1) stating that Councillor Hewson's comments were borderline aggressive, and that he had never been spoken to like that by a councillor before. Chris Morton stated that he was upset and shocked by the behaviour.
- 1.6 Chris Morton believes that the comments made by Councillor Hewson breach the Member Code of Conduct.
- 1.7 Under the requirements of the Localism Act 2011 and the adopted Local Assessment Criteria, for member complaints, I met with Roger Vine the Council's Independent Person. It was agreed that the complaint from Chris Morton did indicate a potential breach of the member code of conduct and that local resolution was not suitable. It was agreed that I would carry out the investigation.
- 1.8 It was considered that despite Councillor Hewson adding an apology to the end of an email to Chris Morton dated the 13th August 2021 (Appendix 3), this was not sufficient to seek local resolution. Chris Morton considered the apology 'was not really an apology'.
- 1.9 As a result of this investigation, I have concluded, in conjunction with the Independent Member, that Councillor Hewson did breach the Member Code of Conduct in that he failed to treat Chris Morton with respect and displayed bullying behaviour towards him.

2. Councillor Gary Hewson's official details:
- 2.1 Councillor Hewson has been on the Council since 1994.
- 2.2 Councillor Hewson chairs the following committees
- Housing Scrutiny Sub Committee
 - Performance Scrutiny Committee

And also sits on the following committees:

- Audit Committee
 - City of Lincoln Council and Employee Joint Consultative Committee
 - Community Leadership Scrutiny Committee
 - Council
 - Ethics and Engagement Committee
 - Housing Appeals Panel
 - Planning Committee
 - Select Scrutiny Committee
- 2.3 Councillor Hewson gave a written undertaking to observe the Code of Conduct in May 2018.
- 2.4 Councillor Hewson has attended various training sessions at the Council over his years as a councillor and in particular undertook training on the Code of Conduct in August 2018.

3. Relevant legislation and protocols

3.1 The Council adopted a code of conduct under the Localism Act 2011 in 2012, which was revised in 2019, and the revised version was the code of conduct in place at the time of the complaint (attached as Appendix 5.)

3.2 Paragraph 3.1 of the code states;

“when acting in your role as a member of the authority: do treat others with respect and not bully any person”

Paragraph 4.0 of the code details what constitutes bullying behaviour as follows:

4.1 “you must not bully, harass or intimidate any person. This is completely unacceptable and will be considered to be a breach of the code.

4.2 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.

4.3 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.

4.4 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.

4.5 examples of bullying behaviour are set out below

- *Unwelcomeverbal contact*
- *Intimidating behaviour including verbal abuse or the making of threats*
- *Making someone’s work life difficult*

4. Evidence and facts

- 4.1 On receipt of the written complaint from Chris Morton I met with the Independent Person and it was agreed that as Monitoring Officer, I would investigate the complaint.
- 4.2 During the investigation we interviewed Councillor Hewson, and Chris Morton.

5. Background

5.1 Chris Morton (CM)

- 5.2 At the commencement of the interview with CM, he gave some context to the tour of inspection which took place on the 10th August 2021. CM did not arrange the inspection himself, however he does agree that there was a reasonable expectation on behalf of Councillor Hewson, that the tour of inspection would incorporate St Andrew's Gardens. Councillor Hewson as Ward Councillor would have been given a letter showing the areas to be included in the tour of inspection (see appendix 2).
- 5.3 With reference to the telephone call that CM had with Councillor Hewson, CM said from the outset on the call Councillor Hewson wasn't happy, that during the call Councillor Hewson started to bring into the conversation all his grievances such as officers working from home, that 'whatever gripe' Councillor Hewson had against housing officers, it all spilt out. CM said Councillor Hewson was aggressive in his tone.
- 5.4 As can be seen from the written complaint (Appendix 1) CM has set out his recollection of the conversation with Councillor Hewson. In the complaint CM has stated that Councillor Hewson told him that:

'housing officers had better get down to St Andrew's Gardens; that this was a reasonable request, that when he was at work if a reasonable request wasn't followed then you would face disciplinary action; that officers should not be in their job if they didn't want to do them; that he wanted to know what officers were doing for the rest of the day, that he bets they would just go straight home and sit at home all day; he wanted to know what officers were doing for the rest of the day, that they had better have their noses glued to the computer screens. He was going to speak to the Chief Executive, the Director of Housing and the Press. He then stated to CM that if he didn't want to come and involve the residents, then he should leave his job.'
- 5.5 On asking Chris Morton whether he tried to interject during the call, he replied that he just let Councillor Hewson get on with it as there was no reasoning with him.

- 5.6 On asking CM how he felt about Councillor Hewson's behaviour and comments on the call, he said that he was quite upset and shocked, that he had never been spoken to like that by a councillor before, he went on to say that he thought he had a good enough relationship with Councillor Hewson.
- 5.7 CM went onto say that a Councillor can't go round telling people to leave their jobs, and that members shouldn't say they are going to the press, he queried whether members would be allowed to go to the press.
- 5.8 CM did state that the problem could in fact have all been worked out. On whether they would then attend St Andrew's Gardens he told Councillor Hewson that he needed to speak to the relevant housing officers. However, CM said Councillor Hewson put the phone down on him then rang back after 10 minutes leaving a curt message, giving CM no chance to speak to a housing officer. CM also said he needed some time to calm down after the call.
- CM states that when he did ring Councillor Hewson back, Councillor Hewson said that he had five minutes to sort the issue out 'otherwise he was going to the local press', then put the phone down again.
- 5.9 On asking CM to elaborate on his wording in his complaint that Councillor Hewson was 'borderline abusive', CM replied that he was abusive and that it didn't make him feel good and that it belittled him. He went on to say that he had never been spoken to like this before by a councillor.
- 5.10 With regards the reference in the complaint to other officers, CM said that it wasn't just him he was saying things about, he was saying that housing officers don't do their jobs, though he didn't specifically name anyone.
- 5.11 As can be seen in Appendix 3, Councillor Hewson sent an email to CM on the 12th August 2021, at the end of the email there is an apology from Councillor Hewson to CM. On asking CM about how he felt about the apology, CM stated that he didn't accept the apology. He went on to say that if Councillor Hewson had said after the inspection, that he was sorry for the way he behaved he would have accepted this. CM says at the end of the inspection Councillor Hewson did say in front of CM and other officers that "Chris got it both barrels", CM said he saw this as Councillor Hewson realising about his behaviour. He went on to say that he considers this situation will damage their relationship, that when someone acts in that way it is then really hard to resolve issues, and makes it really hard to do your job. He says that this behaviour shows a lack of professionalism and that he had expected better from councillors.

6. Councillor Hewson

- 6.1 At the beginning of the interview Councillor Hewson was asked about the context of the tour of inspection. Councillor Hewson stated that he had got a letter telling him about the tour of inspection, that this was an inspection bordering on Moorland, so he had assumed that this would incorporate St Andrew's Gardens as this was just across the road and that it made sense to him that they would also go there.

Councillor Hewson went on to say as he represents Boutham, he had dropped a note through the doors to say that there was this upcoming tour of inspection and that they were to let him know if they had any complaints and officers would pop in and see them.

He said that he did get a complaint from a gentleman who was in his 90's who said he had been narrowly missed being hit by a huge pine cone falling off a tree in his garden, that this gentleman had complained to the Council about this, but had got no feedback. Another complaint also was made about trees in their garden.

Councillor Hewson said he was pro-active in doing this and presumed officers would be coming down.

Councillor Hewson said he (along with Councillor Bushell) had gone round to St Andrew's Gardens expecting that the officers would visit there.

- 6.2 On asking Councillor Hewson how he found out that the tour of inspection wasn't going to St Andrew's Gardens, he said that at 10.10am he got a call from Chris to say they were not coming down. Councillor Hewson said he wasn't happy about that as he had been sent a letter which said they would be coming to St Andrew's Gardens. Councillor Hewson again said that he was a pro-active councillor and that he had told the residents. He went on to say that this wasn't necessarily Chris's fault that he understood that Chris didn't circulate the letter.
- 6.3 Councillor Hewson said he told Chris he wasn't happy, that this was part of the officer's role and it was a reasonable request to tell them to go there.
- 6.4 Councillor Hewson said he didn't disagree with Chris's recollection of the conversation (as set down in the complaint) that that 'was the general gist of it'.

- 6.5 Councillor Hewson said by saying they were going to St Andrew's Gardens and then not doing so, put the Council in a bad light, that he did say he would go to the Echo as he knows [name redacted]. Councillor Hewson went on to say that he wasn't asking much, it was only 10 minutes across the road, and with time passing it was reasonable to ask them to come across.

Councillor Hewson said with regards the issues highlighted to the Council with regards the pine-cone and the trees, that we were on notice to act on these.

- 6.6 Councillor Hewson went on to say that he was reasonable in saying all of the things he said (with reference to the details in the complaint), that he considered that something was seriously wrong and he was mad about it. He again questioned 'what these people' are doing all day and that he was just sticking up for the residents.

Councillor Hewson said it was not till the end of the telephone conversation that officers then said they would then go round to St Andrew's Gardens.

- 6.7 On being asked whether he considered what he had said to CM was disrespectful or bullying, Councillor Hewson said he had apologised but that officers have to take the rough with the smooth. He said that you could 'see it that way' that his behaviour was bullying, but that he was here for the residents. He said that the residents wouldn't have got a visit if he hadn't spoken to the officers in that way and that officers are paid to do a job and it wasn't unreasonable to use that language to get them to come across.

He said that he if he didn't speak to officers in that way they would 'cock a snook at him'.

- 6.8 Councillor Hewson said that if he was disciplined for this, then he would live with it, he didn't think that his behaviour was unreasonable. He said he has apologised to Chris, but a mistake had been made and he shouldn't have received the letter.

- 6.9 Councillor Hewson repeated that if he hadn't used that type of language then the officers wouldn't have come across, he said the officers were just not bothered and wanted to get away.

Councillor Hewson said he had to think of the reputation of the Council and the Councillors.

- 6.10 Councillor Hewson said that he would do this again, he was disgusted by the officers, and that he would stand up at Council and say it all again.

- 6.11 Councillor Hewson did say at the end of the interview, that if this was bullying, then he apologises to Chris, but he wants an apology from officers.

7. Member Code of Conduct

- 7.1 As outlined earlier in the report, the code of conduct states that members must treat others with respect and not bully, harass or intimidate any person.
- 7.2 Guidance from the former Standards for England states that; ‘...individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers.’

8. Why I think the code has been breached.

- 8.1 The language and comments that Councillor Hewson uses towards CM during the telephone conversation on the 10th August 2021 does not show respect and constitutes bullying behaviour and is totally unacceptable, and I fully understand the impact that this would have had on CM.
- 8.2 Councillor Hewson’s comments throughout that conversation were bullying and threatening in relation to CM’s job and working life.

9. Potential Mitigation

- 9.1 It is acknowledged that since becoming aware of the code of conduct complaint, that Councillor Hewson sent an apology to Chris Morton.
- 9.2 In addition, I confirm that there was a reasonable expectation on behalf of Councillor Hewson to assume the tour of inspection would have included St Andrew’s Gardens, and that Councillor Hewson had alerted the residents that officers would be visiting. It would seem that there was an error in the letter/communication to Councillors, Councillor Hewson had told the residents that they would be visited, then to find out they wouldn’t be, did put the Councillors in a difficult position.
- 9.3 I also acknowledge that Councillor Hewson is a pro-active Councillor and is passionate about looking after those residents in his ward.

- 9.4 So, whilst I absolutely can understand the frustration that Councillor Hewson felt when officers stated that they would not be going to St Andrew's Gardens when he and the residents had been led to believe they were, I can see no exception or mitigation which would make the language and comments used during that conversation to CM acceptable.
- 9.5 As can be noted from the interview Councillor Hewson does not disagree that he has said those things and goes on to say he was pleased that he did it, and would do it again.
- 9.6 Within an email to CM of the 13th August from Councillor Hewson, with regards specific issues at various properties, Councillor Hewson has added to the end that he apologises that he has upset CM, but that his actions were in the interests of those who elected him. CM does not class this as an apology (see Appendix 4) nor did myself and the Independent Member consider this sufficient to seek a local resolution to this complaint.

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RE: Complaint

I would like to make a complaint against Councillor Gary Hewson, regarding the way he spoke to me and about how he spoke about other officers over the phone. This took place on 10 August 2021, between 10:35 and 11:00.

I was taking part in an estate inspection when I was asked to call Cllr. Hewson, as apparently there had been some confusion about the inspection route.

I contacted Cllr. Hewson and he wanted to know when we would be attending St Andrew's Gardens, I explained that this was not only the inspection route.

Before I could try to resolve the issue Cllr. Hewson then 'went off on one' and began a tirade, he said words along the lines of:

- *"I have promised residents that you will be coming to see them today and I was told you would be inspecting this part of the estate. You and the housing officers better get yourselves down here, otherwise the residents are going to think the council doesn't care, this will show the council in a bad light because nobody is resolving their issues.*

I am making a reasonable request for you and the housing officers to come down then you're not following a reasonable request. When I was at work if you didn't follow reasonable requests then you would face disciplinary action. Officers shouldn't be in their jobs if they don't want to do them.

You can't tell me officers can't spare 30 minutes to come and speak to residents, if they can't I want to know what they are doing for the rest of the day. I bet they will go straight home after this and sit at home all day. If they can't come then I want to know exactly what they plan to do with the rest of the day, they had better have their noses glued to their computer screens. I am going to go to Daren Turner, Angela Andrews, and the local press about this. Chris if you don't want to come and involve residents, then you should leave your job."

He then put the phone down on me.

Cllr Hewson then sent me a message 10 minutes later asking if we were coming to St Andrews Gardens. I phoned him and informed he I was still clarifying the arrangements but before I could finish, he said:

- "You have got five minutes to sort this out otherwise I am going to the local press" Then put the phone down again.

Whilst I appreciate Councillor Hewson was upset with the situation, I believe the way he spoke to me was inappropriate and I should not have to suffer being spoken to in this way, which was borderline abusive.

Being told to leave your job by a senior member who is the chair of the Housing Scrutiny Committee could have made me feel intimidated and would have likely made a more junior member of staff feel threatened if he had spoken to them.

I would be grateful if you could investigate this complaint.

Thank you

Chris Morton

Resident Involvement Manager

a

Directorate of Housing and Investment

City of Lincoln Council, City Hall,
Beaumont Fee, Lincoln LN1 1DE

Customer Services: (01522) 873333

Facsimile: (01522) 510822

Cllr Gary Hewson
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DD

Website: www.lincoln.gov.uk

e-mail: housingsupport@lincoln.gov.uk

Our Ref: TSU/NTMT/DW

Your Ref:

Date: 17.6.21

Dear Cllr Gary Hewson

Re: Estate Inspection Boultham estate

You are invited to attend the above Estate Inspection on **10 August at 10:00am**
We shall meet at **Moorland Community Centre**.

For the next round of Estate Inspections, rather than having pre-designated areas of the estate to inspect, we are asking all invitees to identify any particular "hotspot" or area of concern across the whole estate they would like to take a look at. You can do this by completing and returning the attached form to me, either in the enclosed stamped-addressed envelope or electronically via e-mail to the following address:
Tenancy.Support.Team@lincoln.gov.uk

The purpose of the inspection is to assess the standards of the service we provide, identify areas for improvement and identify any action that needs to be taken to address issues such as fly-tipping and tenancy breaches.

During the inspection, you will be able to discuss any issues of concern with the Area Housing Manager Karen Lockwood and the Housing Officer Mark Lovely & Marie Schofield

Please contact me on telephone number 01522 873333 if you have any queries about this matter or need any more information.

We are planning a follow up inspection on **7 October at 10:00am** a reminder letter will be sent to you nearer this date, along with a copy of the Estate Inspection records.

Yours faithfully

Kollie Robinson

Housing Assistant



(Please return this form either in the stamped addressed envelope enclosed or via e-mail to Tenancy.Support.Team@lincoln.gov.uk)

Boultham Estate Inspection on 10 August at 10:00am

I would like the estate inspection to look these areas:

Location	
Reasons why you would like this location included in the estate inspection	

Location	
Reasons why you would like this location included in the estate inspection	

Location	
Reasons why you would like this location included in the estate inspection	

Appendix 3 – apology.

Chris I understand you have reported me and I have to go in front of Caroline Wheeler I apologise if I upset you but my actions for doing so of holding up the reputation of the Council and looking after the interests of those who elected me was not in my view a unreasonable request I hope we can both work, together moving forward re Tenant Involvement which is your role on the Council
Gary

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From: Morton, Christopher (City of Lincoln Council) <christopher.morton@lincoln.gov.uk>

Sent: 13 August 2021 08:27

To: Wheeler, Carolyn (City of Lincoln Council) <Carolyn.Wheeler@lincoln.gov.uk>

Subject: FW: Princess Street Residents Expecting a Visit From Council Officers

Hello,

This is all that he has sent me and there is a paragraph at the end containing an apology but I wouldn't really class it a letter or an apology. If you use the word 'but' after an apology, I always class this as you are trying to make an excuse for your actions and not really sorry.

Thanks

Christopher Morton

Resident Involvement Manager

T 07912364308

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Code of Conduct for Members

1.0 Application

- 1.1 This code applies to you whenever you are acting in your capacity as a member of this authority and it is your responsibility to comply with the provisions of this Code.
- 1.2 You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.
- 1.3 The Code is based upon the 'Nolan Principles – the seven principles of public life' which are set out as **Appendix 1**.

2.0 Interpretation

- 2.1 In this Code –

“meeting” means any meeting of:

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“member” includes a co-opted member and an appointed member.

3.0 General Conduct

- 3.1 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-Committee, 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).

3.2 When acting in your role as a member of the authority:

(a) do treat others with respect and not bully any person.

(b) do provide leadership to the authority by personal example.

(c) do not conduct yourself in a manner which is likely to bring the authority into disrepute.

(d) do use your position as a member in the public interest and not for personal advantage.

(e) do 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 the consent of a person authorised to give it;
- (ii) you are required by law to do so
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:
 - a. reasonable and in the public interest
 - b. made in good faith and in compliance with the reasonable requirements of the authority; and
 - c. you have consulted with the Monitoring Officer prior to its release if appropriate

(f) do not prevent another person from gaining access to information to which that person is entitled to by law.

(g) when using or authorising the use by others of the resources of the authority:

1. Do act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT policy, copies of which have been provided to you and you are deemed to have read;

2. Do make sure that such resources are not used improperly for political purposes (including party political purposes); and
3. Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 3.3 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.
- 3.4 Ideas and politics may be robustly criticised, but individuals should not be subject to personal attacks. This particularly applies when dealing with the public and officers.

4.0 Bullying and Harassment

- 4.1 You must not bully, harass or intimidate any person. This is completely unacceptable and will be considered to be a breach of the Code.
- 4.2 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.
- 4.3 **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.
- 4.4 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.
- 4.5 Examples of bullying behaviour are set out below (these are not exhaustive):
- unwelcome physical, verbal or non-verbal contact
 - intimidating behaviour including verbal abuse or the making of threats
 - making someone's work life difficult
 - disparaging, ridiculing or mocking comments and remarks
 - physical violence

- 4.6 **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 of persistent behaviour.
- 4.7 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.
- 4.8 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.
- 4.9 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 those of a racist, sexual or sectarian nature)
 - intrusive questioning for example on sexual orientation, religious or political beliefs (either directly or with others)
 - sending unwelcoming and/or inappropriate emails, messages or notes, circulating or displaying explicit or inappropriate images
- 4.10 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 respect when carrying out your duties as a Councillor. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying

5.0 Use of Social Media

- 5.1 The use of Social Media (Twitter, Facebook, blogs 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.
- 5.2 The Council has a Social Media Policy which members should be familiar with and sets out how to use social media in a positive way and how to avoid pitfalls.

- 5.3 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.
- 5.4 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.
- 5.5 The Code of Conduct applies equally to your online activity in the same way it applies to other verbal communication or face to face meetings.

6.0 Disclosable Pecuniary Interests

You must:

- 6.1 Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest. The statutory requirements with regards to disclosable pecuniary interests are attached as **Appendix 2** to this code.
- 6.2 Ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 6.3 Make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item or business affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

7.0 Other Interests

- 7.1 You must, within 28 days of:
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- 7.2 You have a personal interest in any business of your authority where either it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

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

(iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

- 7.3 You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 5.1, notify the Monitoring Officer of the details of that new interest or change.

8.0 Disclosure of interests

- 8.1 Subject to paragraphs 6.2 to 6.5, where you have a personal interest described in paragraphs 5.2 or 6.2 in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 8.2 (A) You have a personal interest in any business of your authority

- (i) where 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 than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(B) In paragraph 6.2(A), a *relevant person* is:

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (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
- (d) any body of a type described in paragraph 5.2.

- 8.3 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 5.1(i) or (ii)(aa) you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- 8.4 Where you have a personal interest but, by virtue of paragraph 8, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 8.5 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9.0 Register of interests

- 9.1 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

10.0 Sensitive interests

- 10.1 Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

11.0 Non-participation in case of pecuniary interest

- 11.1 Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

(a) affects your financial position or the financial position of a person or body described in paragraphs 5.2 or 6.2; or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraphs 5.2 or 6.2.

- 11.2 Subject to paragraphs 9.3 and 9.4, where you have a pecuniary interest in any business of your authority—

a) You may not participate in any discussion of the matter at the meeting and should leave the room during consideration of the relevant matter.

(b) You may not participate in any vote taken on the matter at the meeting.

(c) If the interest is not registered, you must disclose the interest to the meeting.

(d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days. In addition this Code and Standing Orders requires you to leave the room where the meeting is held while any discussion or voting takes place.

11.3 Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

11.4. Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11.5. Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

12.0 Interests arising in relation to scrutiny committees

12.1 In relation to any business before a scrutiny committee of the authority (or of a sub-committee of such a committee) where-

- 12.1.1 That business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

12.1.2 At the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 10.1.1 and you were present when that decision was made or action was taken;

Or

12.1.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

You may attend a meeting of the scrutiny committee of your local authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise.

13.0 Gifts and Hospitality

- 13.1 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value of in excess of £50 which you have accepted as a member from any person or body other than the authority
- 13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality
- 13.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Disclosable pecuniary interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<p><i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</i></p> <p><i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i></p>
<i>Contracts</i>	<p><i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</i></p> <p><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p><i>(b) which has not been fully discharged.</i></p>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>

Corporate tenancies

*Any tenancy where (to M's knowledge)—
(a) the landlord is the relevant authority;
and
(b) the tenant is a body in which the
relevant person has a beneficial interest.*

Securities

*Any beneficial interest in securities of a
body where—*

*(a) that body (to M's knowledge) has a
place of business or land in the area of
the relevant authority; and
(b) either—*

*(i) the total nominal value of the
securities exceeds £25,000 or one
hundredth of the total issued share
capital of that body; or*

*(ii) if the share capital of that body is of
more than one class, the total nominal
value of the shares of any one class in
which the relevant person has a
beneficial interest exceeds one
hundredth of the total issued share
capital of that class.*

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

*“body in which the relevant person has a beneficial interest” means a firm in
which the relevant person is a partner or a body corporate of which the relevant
person is a director, or in the securities of which the relevant person has a
beneficial interest;*

*“director” includes a member of the committee of management of an industrial
and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which
does not carry with it a right for the relevant person (alone or jointly with another)
to occupy the land or to receive income;*

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

*“relevant period” means the period of 12 months ending with the day on which M
gives a notification for the purposes of section 30(1) or section 31(7), as the case
may be, of the Act;*

*“relevant person” means M or any other person referred to in section 30(3)(b) of
the Act;*

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register

- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.