

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.