

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.