

Appendix

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My Guidance on the Code of Conduct for Members

Treating others with respect and consideration

Paragraph 4(b)

A member must show respect and consideration for others. Ideas and policies may be robustly criticised by a member, but individuals should not be subject to personal attack. This particularly applies to dealing with the public and officers

Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives. This is the case in face to face settings such as meetings as well as when communicating by phone, letter, email or other electronic means.

Bullying and harassment

Paragraph 4(c)

A member must not use any bullying behaviour or harass any person including other councillors, council officers or members of the public.

Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

This can be contrasted with the legitimate challenges which a member can make in questioning policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. A member is entitled to challenge fellow councillors and officers as to why they hold

their views. I will always consider allegations of bullying and harassment from the perspective of the alleged victim.

The question to be answered is whether the individual was reasonably entitled to believe they were being bullied rather than whether the person accused of bullying thought that he or she was doing so. Bullying is often carried out face to face, but increasingly, it can be carried out in print or using e-media. The standards of behaviour expected are the same, whether a member is expressing themselves verbally or in writing. A member needs to ensure that their behaviour does not cross the line between being forceful and bullying.

There can be no hard and fast rules governing every set of circumstances but the relative seniority of the officer will be a factor in some cases. Very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully. The same is not true of more junior officers and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member the greater the likelihood that the officer will consider behaviour to constitute bullying.

It is also evident that there are appropriate channels for expressing concern about the performance of an officer, and doing so in the context of a meeting with others present, especially if they are from outside bodies or are members of the public, is not acceptable. Neither is it acceptable to do so in the media, in your own publications or using blogs, tweets, Facebook or other electronic means.

It is important that members raise issues about poor performance in the correct way and proper forum. However, if the criticism is a personal attack or of an offensive nature, a member is likely to cross the line of what is acceptable behaviour.

Disrepute

Paragraph 6.1(a)

A member must not behave in a way which would reasonably be regarded as bringing his/her office or authority into disrepute at any time.

The actions and behaviour of members are subject to greater scrutiny than those of ordinary members of the public.

Dishonest and deceitful behaviour will bring a members' authority into disrepute.

Making unfair and inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute.

Inappropriate emails to constituents might well bring the office of member into disrepute also.

Vexatious complaints

See paragraph 6(1)(d)

A member must not make complaints against other members or staff members or people working on behalf of their authority which are not founded in fact and which are motivated by malice (a desire to do them harm) or by political rivalry. Unfortunately, there have been instances where members have sought to bring complaints about rivals which are designed to disadvantage them, sometimes in the run-up to elections, and where the evidence of any breach is thin or non-existent.

Where details of such complaints are passed to local press and media, this in itself is likely to be a breach of the Code. A member must report well-founded alleged breaches to me and to their monitoring officer, not to their local newspaper or radio station. The press will properly cover the business of any hearings and their outcomes, and members making allegations should not generate publicity in advance of these.

A member should also avoid making complaints which have little or no substance (frivolous complaints) or which are designed mainly to annoy the person complained about.

Using your position improperly

Paragraph 7(a)

A member must not use, or attempt to use, their position improperly to the advantage or disadvantage of yourself or anyone else. This paragraph applies at all times and not just when they are carrying out their duties as a member.

A member should not use, or attempt to use, their public office either for their or anybody else's personal gain or loss. For example, a member's behaviour would be improper if he/she sought to further their own private interests through their position as a member. This also applies if a member uses their office to improve their wellbeing at the expense of others.

Members who own land, or whose close personal associates own land, need to be particularly cautious where planning matters are concerned. If you are in any doubt, they should take advice. This applies equally to members of community councils when your council is consulted on planning matters. Similarly, while it is reasonable to expect members to help constituents apply to the council e.g. for housing, it is quite inappropriate to seek to influence the decision to be taken by the officers.