

To consider amendment to Section 2 of Members' Code of Conduct

At its Meeting on 27th July 2022 the Policy, Finance and Performance Management Committee agreed to recommend a revision to Section 2 of the Code of Conduct adopted in December 2021. This followed an earlier discussion in November 2021 around the benefit of establishing some ground rules for Member-to-Member communications.

The Committee agreed that the wording in italics should be inserted in Section 2, as follows:

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Attempting to persuade fellow councillors of your point of view is a legitimate part of local democracy and should usually take place in public as part of the debate in Council or a committee. Care should be taken to avoid any impression that decisions are being made privately in advance as a result of behind the scenes persuasion. Members are expected to be sensitive to each other's preferences as to how they communicate outside of formal meetings. In particular, if a member expresses a wish not to be contacted by fellow councillors about business due to be coming before the Council or a committee then this should be respected. Unwanted persistent lobbying of a fellow councillor could amount to a breach of this Code of Conduct.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance

and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Decision required

To consider whether to accept the recommendation of the Policy, Finance & Performance Management Committee to adopt the revisions to Section 2 of the Members' Code of Conduct.

Martin Ayres
Town Clerk

September 2022