

Norwich City Council
STANDARDS COMMITTEE

Item

9

REPORT for meeting to be held on 26 February 2010

Member Conduct at Committee Meetings

Purpose

To begin a dialogue in the context of any standards or ethics issues arising from meetings of the council that have come to the monitoring officer's attention.

Recommendations

That the Standards Committee Considers:

- 1) whether the examples given are a standards issue.
- 2) the issues raised and whether any member training may be appropriate in dealing with these matters.

Financial Consequences

There are no financial consequences to this report.

Strategic Priority and Outcome/Service Priorities

The involvement of the monitoring officer and the standards committee in considering standards or ethics issues arising from meetings of the council contributes to maintaining and improving the council's reputation.

Risk

There are no perceived risks.

Background Documents

None

Contact Officers

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1. **Member Communication to the Monitoring Officer regarding Member to Member Conduct**
- 1.1 **The following comments were received by the monitoring officer. Members are asked to consider the points raised and determine appropriate member training may be necessary in dealing with these matters.**
- 1.2 It may be useful to refer back to points picked up with the previous item - Assessment made clear.
- 1.3 One member has increasingly felt that the behaviour of some members towards one another is inappropriate to the extent that under ordinary standards in the workplace it would constitute bullying and harassment. This ranges from dismissiveness of the beliefs or integrity of members and heckling to personal comments and attacks and laughing at another member(s) expense, often intended to humiliate and undermine the recipient, or to coerce them into taking a certain course of action, intentional misrepresentation, and invoke a lack of respect for the recipient and/or their beliefs.
- 1.4 Inevitably the usual workings of the system will determine how conduct operates in political life. However, is this sufficient reason to justify its continuation between members in Norwich City Council? It may create a working environment which, would be deemed unacceptable in the workplace. The council's own Harassment Policy and Procedure by way of reference includes the following;
 - section 2.2 which defines harassment as including "any words or behaviour within which an individual feels threatened, intimidated, patronised or undermined"
 - 2.5a defines a criminal offence of intentional harassment: "The Criminal Justice and Public Order Act 1994 defines intentional harassment as being a criminal offence, that is if a person "with intent to cause a person harassment alarm and distress"... uses threatening, abusive or insulting language or behaviour, or disorderly behaviour..."
 - 2.5d defines bullying as " "pressure on subordinates beyond that necessary to achieve objectives" and as "a person using strength or power to coerce others by fear""
 - 2.5e includes a definition of bullying as "Unreasonable, offensive, intimidating or insulting behaviour which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines confidence and which may cause stress".

- section 2.6, 4th bullet point "Harassment may take many forms such as... verbal and written harassment through jokes, offensive language, name calling, intrusive questioning, gossip and slander, letters".
- 1.5 It also states in section 3 that grounds for harassment can include "religious or political convictions", which is relevant since degrading comments are often made with respect to the political beliefs held by the individual. This may go beyond mere disagreement with and reasonable criticism of those beliefs and policies.
 - 1.6 Some members behaviour may contribute to an environment in which others feel unable to fully participate in debates or make speeches for fear of being the recipient of harassment. This may be above and beyond the ordinary anxieties that accompany public speaking.
 - 1.7 Should members have the same or similar rights and responsibilities in this regard as council employees, in particular by extending and recognising the right acknowledged under the council's harassment policy for employees in section 1, that:
"We all have the right to work in an environment free from intimidation"?

2. Standards for England

2.1 How may the code be potentially engaged?

- Disrepute
- Respect
- Bullying

2.2 Treating others with respect

Paragraph 3(1) You must treat others with respect. In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect. Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct. Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

2.3 Bullying and intimidation

Paragraphs 3(2)(b) and 3(2)(c) You must not bully any person including other councillors, council officers or members of the public. Bullying may 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 challenging 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. You are entitled to challenge fellow councillors and officers as to why they hold their views. It is important that you raise issues about poor performance in the correct way and proper forum. However, if your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.