

Guidance Note on Respect under the Councillors' Code of Conduct

The principle of treating others with respect appears in two places in Herefordshire Council's Code of Conduct, which itself reflects the Local Government Association's Model Code of Conduct:

1. General principles of councillor conduct:

In accordance with the public trust placed in me, on all occasions I treat all persons fairly and with respect; and

2. General Conduct

1. Respect: As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

The Code of Conduct says:

'Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.'

At Herefordshire Council, a significant proportion of complaints considered by the Monitoring Officer each year, include an allegation of disrespect. Some recent examples are appended to this note. Many allegations about conduct that breaches the principle of respect have been deemed suitable for informal resolution.

This additional guidance, by reference to recent decisions made by the Monitoring Officer, is therefore intended to assist councillors to ensure adherence to their responsibilities under the Code of Conduct, with particular reference to respect.

Throughout the public sector, there are growing concerns about the impact bullying, harassment, and intimidation can have on local (parish and town) councils, councillors, clerks and council staff and the resulting effectiveness of local councils.

As a result, National Association of Local Councils (NALC) and other interested associations have responded by setting up the Civility and Respect Project. Its work is supported by a significant amount of resources that can be seen here: [Civility and Respect Project \(nalc.gov.uk\)](https://www.nalc.gov.uk/civility-and-respect-project). In particular, NALC has invited councils to take a 'Civility and Respect Pledge', with a mission statement that includes the aim that civility and respect should be at the heart of public life.

Article 10 of the European Convention of Human Rights, given effect by Schedule 1 of the Human Rights Act 1998, affords a level of enhanced protection to the expression of opinions on matters of public interest in the political arena. Those rights have been upheld by the courts on a number of occasions.

However, it is the Monitoring Officer's advice that the responsibility to behave respectfully, as one of the tenets of public life, remains paramount.

Appendix

Summary of outcomes from the Monitoring Officer's decisions

- A subject member who used inflammatory language in a leaflet distributed to the public was found to have breached the Code of Conduct: this involved conduct by a councillor which could reasonably be regarded as reducing public confidence in their council's ability to fulfil its functions and duties and would bring the authority into disrepute.
- A subject member who recorded the meetings of a local council and then used the recording to publically query and criticise the clerk over the accuracy of the minutes of a previous meeting was found to have breached the Code of Conduct. It was recommended that the subject member apologised in writing to the clerk.
- A subject member who was found to have, on occasion, demonstrated domineering, aggressive and confrontational behaviour was found to have breached the Code of Conduct. Although clearly an enthusiastic councillor, the manner in which they had conducted themselves had, at times, caused others to feel intimidated.
- An email exchange that verged on being abusive and personal towards the complainant resulted in a finding that a subject member had been in breach of the Code of Conduct: the subject member was advised not to make personal comments about members of the public or councillors in correspondence.
- At a meeting, a subject member responded aggressively to a question, banged the table and left the room. The subject member was found to be in breach of the Code of Conduct and was asked to apologise in writing to the complainant for their behaviour and to undertake further Code of Conduct training particularly in the areas of disrespect and equalities.
- At a public meeting, a subject member interrupted a member of the public who was addressing the council as they were permitted to do under the council's standing orders. The subject member proposed that the member of the public should be stopped from speaking; the council voted on this and agreed to the member of the public have a short while longer to speak, whereupon the subject member banged the table and walked out of the meeting saying that 'he was not prepared to listen to this [nonsense]'. The subject member was found to have breached the Code of Conduct although no sanction was suggested because, by the date of the decision notice, the subject member stood down.