

COMMUNITIES SCRUTINY COMMITTEE TASK AND FINISH GROUP

TO PROMOTE EQUALITY AND DIVERSITY AMONGST COUNCILLORS - PART 2

**REPORT PRESENTED TO THE COMMUNITIES SCRUTINY
COMMITTEE – 8 MARCH 2022**

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1. INTRODUCTION

At Full Council on 29 July 2020 a motion presented by Councillor Aasiyah Joseph was agreed requesting the formation of a cross party Task and Finish Group to review aspects of equality and diversity amongst councillors.

The proposal to set up the Task and Finish Group was presented to the Adults and Communities Scrutiny Committee on 30 September 2020. The proposal was accepted, and the terms of reference agreed. Possible nominations to the Task and Finish Group were sought at the meeting to be confirmed following the meeting through the Group Secretaries.

The cross-party Task and Finish Group comprised of the following members:



Cllr A Shaheed
Liberal Democrat
Chair



Cllr J Allen
Conservative



Cllr J R Fox
Werrington First



Cllr J Howell
Green Party



Cllr I Yasin
Labour

Officers supporting the Task and Finish Group were:

- Adrian Chapman, Director of Communities and Partnerships
- Lisa Brightey, Policy, Reward and Compliance Manager
- Ian Phillips, Head of Communities and Partnership Integration
- Paulina Ford, Senior Democratic Services Officer
- David Beauchamp, Democratic Services Officer

The Task and Finish Group wish to thank all of the officers who have provided guidance and assistance in producing this report for their hard work and support.

2. SUMMARY OF RECOMMENDATIONS

The Task and Finish Group makes the following recommendations in respect to its terms of reference:

RECOMMENDATION 1 – The constitution should be amended to remove all gender related titles and in addition, the Mayor should be addressed in the same format as councillors i.e., *Mayor surname*.

RECOMMENDATION 2 – That the council adopt a Parental Leave policy developed by the Task and Finish group. This was completed as part of Phase One of the group’s work and the policy was approved at Full Council on 28 July 2021.

RECOMMENDATION 3 – Ensure all councillors are aware of the policies around claiming expenses to meet caring needs to allow them to effectively carry out their role. As part of a wider programme of meeting training and development needs, ensure the publication of the availability of allowances for caring needs.

RECOMMENDATION 4 - That the council adopts a new model code of conduct for councillors setting out the expectations for behaviour and standards. This was completed as part of Phase One of the group’s work and the policy was approved at Full Council on 28 July 2021.

RECOMMENDATION 5 - That Executive and Member Services consider whether additional refresher training on Member conduct is required as part of the wider training and development programme.

RECOMMENDATION 6 – That the Employee and Assistance programme is renamed to the Employee and Member Assistance programme and a briefing session is held with Members to highlight the support available and how it can be accessed.

RECOMMENDATION 7 – That regular, comprehensive and solution focussed training and briefings be held for councillors on how to effectively handle bullying and harassment, including advice for keeping safe.

3. TERMS OF REFERENCE

Purpose

To make recommendations to the Committee to inform the development of initiatives that promote equality and diversity amongst councillors.

Scope

Using a combination of reviewing good practice and learning from elsewhere, discussions with expert witnesses, research, analysis of data, and interviews with councillors, develop proposals that set out:

- i. How the council can promote equality and diversity for all councillors including consideration of phasing out the use of gender defining titles
- ii. The adoption of a Parental Leave policy for councillors, to assist and encourage younger people to come forward as councillors
- iii. How the council can ensure councillors with children and other caring commitments are supported as appropriate
- iv. How political groups, Group Leaders and the Mayor/Chair can help ensure better behaviour in the Council Chamber to create an atmosphere of mutual respect – for example by:
 - Giving a reminder to all members of their responsibilities at the start of each meeting
 - Quick intervention if members fail to behave correctly
 - Ensuring a fair approach is applied to all councillors in the overseeing of meetings.

Reporting

The Scrutiny Task and Finish group will report to the Adults and Communities Scrutiny Committee.

Terms of Reference approved by the Adults and Communities Scrutiny Committee on 30 September 2020.

Additionally at Full Council on 27 January 2021 a motion was proposed by Cllr Qayuum and agreed as follows:

The Council resolves to refer this matter to the current Task and Finish Group to promote equality and diversity among Councillors to:

- Consider how to best assist Councillors in relation to online abuse, bullying and harassment, particularly but not exclusively against female Councillors, with a view to report back to the Adults and Communities Scrutiny Committee meeting on 2 March 2021 with appropriate recommendations.
- Share any learning, training or any other opportunities that may arise from the work of the Task and Finish Group with all Councillors.

4. PROCESS AND METHODOLOGY USED FOR THE INVESTIGATION

4.1 Methodology

- Desktop research
 - Contact with other Local Authorities to benchmark and compare
 - Internet research on relevant policies
- Interviewing Key Witnesses
- Local knowledge / information obtained by the Task and Finish Group members.
- Councillor Survey

4.2 Process

The timetable of the events leading to the production of this report are set out below:

Meeting Date	Items Discussed / Guests Attending
6 January 2021	First meeting to scope the review.
28 January 2021	Evidence gathering – evidence provided at meeting: <ul style="list-style-type: none"> • Information from other Local Authorities on Parental Leave policies, code of conduct and gender-neutral titles. • Key Witness session with Monitoring Officer regarding Code of Conduct and Parental Leave Policy
2 February 2021	Consideration of new proposed LGA Model Code of Conduct and LGA Model Parental Leave policy for Councils
11 February 2021	Meeting to review and agree amendments to Parental Leave policy and Code of Conduct.
2 March 2021	Interim report to Adults and Communities Scrutiny Committee with Recommendations from Task And Finish Group to: <ul style="list-style-type: none"> • recommend to Full Council the adoption of a Parental Leave Policy

	<ul style="list-style-type: none"> recommend that the Constitution and Ethics Committee recommends to Full Council the adoption of the new LGA Model Code of Conduct
28 July 2021	Report to Full Council with recommendations to adopt Parental Leave Policy and new Code of Conduct. Council resolved to adopt both.
22 September 2021	Revisit Terms of Reference and incorporate Cllr Qayyum's Council Motion. Identify work needed at remaining meetings of the Group.
30 November 2021	<p>Revisit Terms of Reference</p> <p>Consider results from Councillor Survey on Bullying and Harassment.</p> <p>Key Witness Session with Cllr Lane, Mayor regarding behaviour at Full Council meetings.</p> <p>Consider responses from other local authorities on how they handle bad behaviour in council meetings</p>
18 January 2022	Review draft report and confirm recommendations and conclusions

4.3 Key Witnesses / Expert Advisers interviewed

Fiona McMillan, Director of Law and Governance, Monitoring Officer
Cllr Lane, Mayor of Peterborough City Council

The Task and Finish Group would like to thank everybody who assisted them during the course of the investigation for their support and openness. This assistance was greatly appreciated.

5. BACKGROUND

5.1 The Task and Finish group acknowledge that equality should consider all aspects of protected characteristic groups as defined by the Equality Act (for example age, gender, disability, race etc.). The Task and Finish group noted that the council has recently established an Equality Board that is leading on improving equality within the council and across Peterborough.

5.2 Parental leave policy

At the start of their work, the Task and Finish group identified that the council did not have a parental leave policy for councillors. Whilst there is currently no legal entitlement for councillors to have paid parental leave of any kind, it is possible for councils to voluntarily adopt a policy. The lack of a policy could present a barrier for parents who are considering becoming a councillor, or for existing councillors who become new parents.

The Task and Finish group reviewed the model LGA policy and made a number of amendments which the Adults and Communities Scrutiny Committee considered at its meeting on 2 March 2021. The draft policy was recommended to full council for approval and subject to further amendment, was subsequently approved. The policy will assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

5.3 Code of Conduct

The LGA wrote to all Councils on 18th February 2020 to provide an update on progress with revising the Model Code of Conduct. One of the recommendations of this report was that “The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government”. The proposed update to the Model Code of Conduct is the first major review since the new standards regime was introduced in the Localism Act 2011.

The Task and Finish group have reviewed the new model code of conduct and recommend the following changes.

- Paragraph 1.2 - the group felt that the final paragraph should be in bold and Members reminded of their rights as set out below: “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”

- Paragraph 2 – the group would like to see an additional line inserted after the bullet points, to make it clear that councillor conduct should apply in all circumstances including Full Council meetings. The amended paragraph should read: 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 above should apply particularly at Full Council meetings.

- Paragraph 8.1 to be amended to include the additional wording around annual training in relation to the code of conduct. Amended sentence to read: 8.1 I undertake Code of Conduct training provided by my local authority on an annual basis and apply its principles in all aspects of my work as a councillor.

The Communities Scrutiny Committee agreed with the Task and Finish Committee's recommendations and referred them to the Constitution and Ethics Committee. Subsequently, the Code of Conduct was approved by Full Council on 28 July 2021.

5.4 Bullying and Harassment

The Task and Finish group developed a survey for all councillors to understand issues that members may have experienced with bullying and harassment in their role. 29 responses (from 60 councillors, 25% of respondents stated they were female) to the survey were received.

- Just over half of the councillors who replied stated that they had experienced some form of public threats or harassment within the last three years
- However, almost half of the councillors said that they were not concerned about the threats or harassment they received and were well prepared to handle threats of harassment
- Less than a third of councillors have considered leaving their role as a result of threats or harassment received
- Around a quarter of councillors have experienced physical violence/intimidation in their role from members of the public
- Over two thirds of councillors are unaware of the support available through employment assistance programme

6. FINDINGS AND CONCLUSIONS

Having spoken to various key witnesses and having received information and evidence from officers the Task and Finish Group concluded the following:

Key Themes:

There were two broad themes which emerged during the Task and Finish Group's work, firstly many councillors are unaware of the support that is available to them through the council. The council has a policy where members can claim expenses for caring duties to allow them to attend public meetings/engagements, however this is not well publicised. In addition, the council operates a 24/7 employee assistance programme which is a free and confidential service that can provide support on a range of medical, financial, legal advice alongside support for mental health and online counselling. Again, this scheme is not well publicised to Members with few councillors aware that is available to them.

Secondly, many councillors have disclosed multiple accounts of intimidation, harassment or violence from members of the public. There have also been some instances within formal council meetings where councillors have felt intimidated and/or been treated in an unprofessional manner by other councillors, or where councillors have displayed poor conduct. These are largely felt to be historical and much improved over the last year.

Whilst councillors receive a lot of training at the start of their term, Members felt that there are gaps in their skills/knowledge and that a programme of learning and development could be available throughout the year.

Detailed Findings

Throughout the Task and Finish group's work, the issue around the behaviour of some Members during full council meetings was explored and discussed with the Mayor. Issues which arose from the discussions and from the councillor survey included:

- Members' overuse of points of order to make alternative points
- Instances where a Member speaking has felt intimidated or disrespected by other Members
- Rude, abusive or derogatory language used
- Some Members feeling too intimidated to speak or bring forward a Motion due to the potential negative reaction they may receive.
- More can be done to ensure that all Members are treated equally and that proper forms

are regularly and consistently used in formal meetings.

- Almost two thirds of councillors have experienced public threats or harassment within the last three years.
- Almost a third of councillors have considered leaving their role as a result of the public threats or harassment they have received.
- It is the responsibility of Members to ensure they respect the authority of the Mayor, follow agreed protocols and procedures or risk the possibility of being removed from the meeting.

The Task and Finish group felt that over recent months, behaviour and conduct had generally improved at council meetings, although there was still room for improvement. The group discussed with the Mayor his views on the training and support that he has received since being appointed, and whether he felt that there was anything else needed, either for him or his successor. The view from the Mayor, was that the training and support is sufficient.

The Task and Finish group heard accounts of where Members have been physically or verbally threatened by the public. In some cases, Members have been worried about their and their family's safety, due to the nature of the incidents

Some Members also experience harassment via social media, email or phone from members of the public. This can be derogatory and abusive in nature and impacts on the confidence and mental health of Members.

Policy and Procedures:

Part of the Task and Finish group's remit was to explore how councillors with caring responsibilities can be supported within their role. This has led to the group developing a Parental Leave policy, which has subsequently been approved by Full Council.

It was also noted that the council already had as part of the Members Allowances Scheme a section on Child and Dependant Carers Allowance, which states "*Councillors may claim reimbursement of actual, reasonable costs incurred in using childminders, babysitters or other sitters for dependants while carrying out approved duties*".

The Task and Finish group noted that whilst the policy is in existence, Member awareness of it was likely to be limited and that it should be widely publicised.

The Group also considered the use of gender defining titles within the council and considered whether these remain appropriate. Whilst the term Councillor or Member is neutral, the

practice of addressing the Mayor as either Mr or Madam Mayor, is outdated. The Task and Finish group recommend that the constitution be changed to refer to the Mayor as Mayor “Surname” in line with how councillors are addressed. In addition, should the constitution include any other gender titles (he/she for example) that these should be removed and replaced with a neutral term.

Training and Development

The Task and Finish group considered the level of training that Members receive and whether it is adequate to meet all of the needs and experiences of carrying out the role. The group acknowledged that new Members do receive significant training at the start of their term but felt that a regular programme of updates/briefings throughout the year could provide as a useful refresher and allow for new training needs to be met. The training should cover practical steps that Members can follow that will help to address the issues they face.

The group felt that more training on dealing with online and physical safety would be beneficial.

7. RECOMMENDATIONS

The Task and Finish Group makes the following recommendations in respect to its terms of reference:

- a. How the council can promote equality and diversity for all councillors including consideration of phasing out the use of gender defining titles

RECOMMENDATION 1 – The constitution should be amended to remove all gender related titles and in addition, the Mayor should be addressed in the same format as councillors e.g., Mayor *surname*.

- b. The adoption of a Parental Leave policy for councillors, to assist and encourage younger people to come forward as councillors

RECOMMENDATION 2 – That the council adopt a Parental Leave policy developed by the Task and Finish group. This was completed as part of Phase One of the groups work and the policy was approved at Full Council on 28 July 2021.

- c. How the council can ensure councillors with children and other caring commitments are supported as appropriate

RECOMMENDATION 3 – Ensure all councillors are aware of the policies around

claiming expenses to meet caring needs to allow them to effectively carry out their role. As part of a wider programme of meeting training and development needs, ensure that the claiming of allowances for caring needs, is regularly publicised.

- d. How political groups, Group Leaders and the Mayor/Chair can help ensure better behaviour in the Council Chamber to create an atmosphere of mutual respect – for example by:
- Giving a reminder to all members of their responsibilities at the start of each meeting
 - Quick intervention if members fail to behave correctly
 - Ensuring a fair approach is applied to all councillors in the overseeing of meetings.

RECOMMENDATION 4- That the council adopt a new model code of conduct for councillors setting out the expectations for behaviour and standards. This was completed as part of Phase One of the groups work and the policy was approved at Full Council on 28 July 2021.

RECOMMENDATION 5 - That Member Services consider whether additional refresher training on Member conduct is required as part of the wider training and development programme.

- e. Consider how to best assist Councillors in relation to online abuse, bullying and harassment, particularly but not exclusively against female Councillors, with a view to report back to the Adults and Communities Scrutiny Committee meeting on 2 March 2021 with appropriate recommendations.

RECOMMENDATION 6 – That the Employee and Assistance programme is renamed to the Employee and Member Assistance programme and a briefing session is held with Members to highlight the support available and how it can be accessed.

RECOMMENDATION 7 – That regular training and briefing be held for councillors on how to effectively handle bullying and harassment, including advice for keeping safe.

- f. Share any learning, training or any other opportunities that may arise from the work of the Task and Finish Group with all Councillors.

8. FINANCIAL IMPLICATIONS

There is a potential cost for additional Member training which may require funding. Members may claim expenses under the Parental Leave Policy.

9. LEGAL IMPLICATIONS

Review and amend changes to the constitution to remove gender defining titles. Amendments to the constitution will need to go to the Constitution and Ethics Committee before being submitted to Full Council for approval.

10. LIST OF BACKGROUND PAPERS AND RESEARCH SOURCES USED DURING THE INVESTIGATION

[Guidance on Local Government Association Model Councillor Code of Conduct Parental Leave Policy for Councils](#)

11. APPENDICES

Appendix 1 - [Members Code of Conduct](#)

Appendix 2 - [Parental Leave Policy](#)

Further information on this review is available from:

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