

SUBJECT:	CODE OF CONDUCT: CASES REVIEW
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To provide information on recent cases relating to other local authorities' codes of conduct and consider their potential relevance to the Council.

2. National Cases Relating to Councillor Conduct

- 2.1 Since the removal of the Standards for England Board as part of the changes brought through the Localism Act 2011, the Council no longer receives a summary of cases reported from across the country. As a result, the cases chosen for consideration are drawn primarily from local government networks and media reports, and are summarised below.

- 2.2 The reports highlighted are gathered solely from information made available by the relevant local authorities. As cases are often considered to contain exempt information, there are potentially elements of the case which may not be publicly available. As such, members should be aware that the cases below are provided for the purpose of discussion and may not give the full picture in every regard.

2.3 Spelthorne Borough Council

A councillor at Spelthorne Borough Council was censured by its standards committee for having breached the council's member code of conduct six times. Of the six breaches, two were of not treating officers with respect, two of bringing his office into disrepute, one of compromising the impartiality of an officer, and another for generally conducting himself in a way unbecoming for a councillor. The councillor noted that he had been unwell during the meeting and his conduct was a result of his diabetes. In addition to the censure, the committee recommended the councillor receive training for managing his medical condition and his general behaviour in meetings.

2.4 East Herts District Council

The council's executive member for finance spoke in support of a planning application made by a third party in relation to land which the council intended to sell. The councillor did not represent the affected ward and there was no provision within the council's constitution for other councillors to address the committee. Having regard to the particular sensitivities around the council's involvement with the application, the council's standards sub-committee agreed with the

recommendation of the externally-produced report that the councillor had breached the member code of conduct by bringing his office or authority into disrepute. The committee resolved that the authority's planning guidance documents should be updated and that a letter should be sent to the councillor in question regarding the breach.

2.5 Norfolk County Council

The former leader of Norfolk County Council was alleged to have encouraged a political assistant to supply information regarding a district council leader to the BBC and then to claim that another person was responsible for this. As a result of the timing of the events, the case was considered with reference to the council's previous member code of conduct, which had been in place at the relevant time.

The standards committee found that the councillor had brought his office into disrepute and thereby breached the relevant member code of conduct, but disagreed with the finding that he had failed to treat the political assistant with respect by asking him to lie (the affected person had given evidence suggesting that he did not consider he had been treated with a lack of respect). It was therefore determined that a report regarding this would be provided to full council, a letter of censure would be sent to the councillor, and the councillor should undergo ethical training.

3. Potential Learning Points

- 3.1 Having regard to these complaints which have been investigated by other local authorities, members should consider whether any appropriate actions can be identified to ensure that the likelihood of any future breaches of the Member Code of Conduct by members representing the City of Lincoln Council is limited.
- 3.2 The Ethics and Engagement Committee may wish to consider the following actions if any learning points are identified:
 - Issuing guidance to members and any other relevant parties on a general topic which presents a cause for concern with a view to potential future breaches of the Member Code of Conduct.
 - Requesting specific training for all members or members whose individual status would be relevant to the particular training.
 - Proposing amendments to the Member Code of Conduct and the procedure for considering complaints, if improvements can be identified.
 - Any other actions falling within the remit of the Committee which might aid the improvement of councillors' conduct.
- 3.3 If members are aware of further cases of broad interest from other local authorities in relation to ethical behaviour by councillors, details can be submitted via Democratic Services or raised at the meeting of the Committee for potential inclusion in a future report.

4. Strategic Priorities

- 4.1 The development of a fit-for-purpose council relies upon the proper conduct of officers and members. By considering the lessons learned from other local authorities the Council is better positioned to take preventative action to resolve any

potential issues before they arise.

5. Finance Implications

5.1 There are no direct financial implications arising from this report.

6. Legal Implications

6.1 The Ethics and Engagement Committee's role includes the promotion and maintenance of high standards of conduct by councillors and co-opted members; this report forms a part of the work of the Committee in proactively addressing any matter that could detract from the reputation and behaviour of the Council or its councillors.

7. Recommendations

7.1 That the Ethics and Engagement Committee note the contents of the report and recommend any suitable action arising from it.