

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 Havering London Borough Council

The following complaints had been received in relation to a councillor:

- a) That he was not qualified to stand as a councillor in the 2010 election as he had not resided within the borough for 12 months prior to the final date for nomination to stand in the election.
- b) That he had wrongly claimed a student disregard allowance for council tax purposes.
- c) That he had committed an offence under the Vehicle Excise & Registration Act 1994 by having his car falsely registered to another address.

The hearing panel noted that the councillor had not been acting in an official capacity at the time of the alleged offences and therefore the Code of Conduct did not apply. The investigating officer further advised that any challenge to the validity of an election would have had to have been made within 21 days of the

poll. The panel found that the councillor had not breached the code of conduct in any of the matters investigated, while also advising the councillor that he should put his affairs in order for the future protection of his interests.

2.4 Leicestershire County Council

The former leader of the council was found to have received a double benefit in claiming expenses for journeys in relation to his role within the European Union's Committee for the Regions, which had already been funded by the county council at no cost to the councillor. The council's corporate governance committee noted that a further invoice would be sent to the councillor for reimbursement to the council, and that a separate police investigation into related matters was ongoing.

2.5 Scarborough Borough Council

A ward resident alleged that councillors who were members of both the borough council and the county council had breached the respective councils' member codes of conduct by receiving broadband/ICT allowances in relation to both roles.

The borough council's standards committee agreed with the report of the investigating officer that the councillors were entitled to receive both the basic allowance paid by the county council and internet/ICT allowance made available by the borough council. The councillors had not acted dishonestly in accepting both allowances and their actions did not constitute a breach of the code.

The complaint was also considered by the county council's standards committee, which found that there had been no breach of the code, and that it would also be unnecessary to refer the matter for consideration to its independent panel on members' remuneration.

2.6 South Cambridgeshire District Council

An investigation into the conduct of a member of council's planning enforcement sub-committee on 15 February 2012 (i.e. prior to the recent changes to the national standards regime) following a complaint by another councillor drew the following conclusions:

- (a) That the councillor said in the Members' Room "I wish we could get rid of this problem with the travellers' sites" and that this was not in breach of the code of conduct.
- (b) That the councillor said "this is a minefield" in the briefing meeting and that this was not a breach of the code of conduct.
- (c) That the councillor went on to say "I'd put a minefield round all of them". By 'them', he meant a local traveller community, and that this was a breach of clauses 3(1), 3(2)(a) and 5 on respect, equalities and disrepute.

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 can be avoided.

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.