

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 Wigan Council

A councillor was accused by a taxi driver of telling him to 'go back to your country where you came from, or go to Bolton to live and work there, because you don't belong here.' The councillor defended her statement stating that it had been taken out of context and referred to the licensing of taxi drivers by other local authorities, rather than being racially motivated.

The report of an external consultant found that at the relevant times referred to in the complaint, the councillor was not acting in her official capacity and therefore the code of conduct did not apply to her conduct. The investigation reached no conclusion on the facts of the alleged incident. After consultation with the council's independent person, the monitoring officer accepted the report's findings.

2.4 Kirklees District Council

The responses to some freedom of information requests had been consulted upon with the leader of the council, who had instructed officers not to send responses as originally drafted. The leader did not have a formal role in the freedom of information process, and some emails he had sent to a junior officer

had been tersely worded. Following a reference to a First-tier Tribunal, a detailed report on the council's freedom of information processes and the conduct of its leader was produced.

The council was advised to revisit its freedom of information procedures with particular regard to the responsibilities set out for each individual involved with processing a request. The tribunal found that there was some merit to the complainant's view that the code of conduct had been breached, but that, ultimately, the leader of the council should not be found to have breached it. While the primary responsibility for ensuring suitable freedom of information procedures resided with officers, the tribunal did note that the leader 'did not cross that line [of bullying behaviour and failing to treat officers with respect but] he did step on it.'

2.5 Basildon District Council

Following the posting of offensive comments by a councillor on Facebook regarding the town's mayoress and a separate reference by another councillor to disabled protestors as a 'bunch of unwashed people' on Twitter, a guide for the proper use of social media was produced. Members will note that a document with a similar purpose has been provided as a separate item on this agenda.

2.6 Rossendale Borough Council

A former councillor was found to have breached the code of conduct after having made remarks regarding a fellow councillor on Twitter which had not treated her with due respect. In reaching its finding and the subsequent censure, consideration was given by the Standards Board Panel to the fact that the comments were posted on a public forum without any privacy settings and were political in content.

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.