

ETHICS AND ENGAGEMENT COMMITTEE

Monday, 23 March 2015

6.00 pm

Committee Room 1, City Hall

Membership: Councillors Geoff Ellis (Chair), Katie Vause (Vice-Chair), Gill Clayton-Hewson, Tony Gray, Ronald Hills, Adrianna McNulty, Ric Metcalfe, Edmund Strengiel and Loraine Woolley

Substitute member(s): Councillors David Gratrack, Marika Riddick and Ralph Toofany

Independent Person(s): Chris Elkington and Roger Vine

Officers attending: Democratic Services and Becky Scott

A G E N D A

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1. Confirmation of Minutes - 2 February 2015	3 - 6
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
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- Present:** Councillor Geoff Ellis (*in the Chair*)
- Councillors:** Tony Gray, Ronald Hills, Adrianna McNulty, Ric Metcalfe, Edmund Strengiel, Katie Vause and Loraine Woolley
- Independent Person(s):** Chris Elkington and Roger Vine
- Apologies for Absence:** Councillor Gill Clayton-Hewson

26. Confirmation of Minutes - 8 December 2014

RESOLVED that the minutes of the meeting held on 8 December 2014 be confirmed.

27. Declarations of Interest

No declarations of interest were received.

28. Code of Conduct: Cases Review

The Legal and Democratic Services Manager:

- a) presented a report containing information on recent cases relating to other local authorities' codes of conduct.
- b) highlighted that members should identify any issues raised within the report as being relevant for further consideration with regard to their impact upon members.
- c) invited members' questions and comments.

Members:

- emphasised the need for councillors using social media to exercise both caution and common sense in order to avoid causing any offence.
- discussed the case in which a councillor had taken money from residents for services that had not been delivered.

The Independent Person noted the particular risks associated with services such as Twitter which allowed for instantaneous communication with members of the public.

RESOLVED that the report be noted.

29. Committee Structure and Terms of Reference

The Legal and Democratic Services Manager:

- a) presented a report regarding the Council's committee structure.
- b) explained that the report was provided in order to give members the opportunity to consider the manner in which the Council's committees and panels interacted with each other.

- c) drew members' attention to the Council's scrutiny arrangements in comparison with other local authorities noting the potential for overlap between the Council's respective scrutiny committees.
- d) invited members' questions and comments.

Members:

- noted that the Housing Appeals Panel and Personnel Appeals Panel should also be incorporated into any discussion regarding the Council's committee structure.
- agreed that there was overlap between scrutiny committees, discussed the status of the Community Leadership Scrutiny Committee, and stated that the structure should remain as it stood.
- noted that the Planning Committee operated in a particularly effective and non-partisan manner.
- discussed the status of the Commons Advisory Panel. While the constitution of the Commons Advisory Panel made clear that its role was solely advisory, some members were concerned that it held disproportionate power and status in comparison with other advisory panels.
- highlighted the scrutiny of shared committees with other local authorities as being insufficient at present.

RESOLVED that officers be requested to provide a further report detailing:

1. any proposals for specific changes to the committee structure.
2. information in relation to the scrutiny of shared services with other local authorities.

30. **Petition Scheme Review**

The Democratic Services Officer:

- a) presented a report regarding the Council's petition scheme.
- b) explained that the Council had originally introduced its petitions scheme in response to legislation which had since been repealed.
- c) invited councillors' views regarding the operation of the scheme, focussing upon the signature thresholds for debating petitions at Council meetings and the requirement for signatories to provide both their name and address.
- d) invited members' questions and comments.

Members:

- agreed that the Council's petition scheme was operating effectively and that no changes to it were required.
- emphasised the importance of the Council being open to receive petitions from residents.
- noted that the signatory thresholds remained at an appropriate threshold given the population of the city.
- stated that if a matter were of suitable importance the Council would be minded to debate a petition even it fell short of the required number of signatories.

RESOLVED that no changes be proposed to the Petition Scheme.

31. Member Development Update

The Democratic Services Officer:

- a) presented a report updating the Committee on member development.
- b) noted the member development events that had been undertaken since the previous update and those planned for the forthcoming year.
- c) drew members' attention to the Council's plans for the induction of any councillors newly elected in the forthcoming local elections.
- d) highlighted the Council's recently revised member induction pack and invited members' comments regarding any potential improvements or amendments to it.
- e) advised that officers were keen to receive any suggestions from members for future development areas.
- f) invited members' questions and comments.

Members welcomed the revised member induction pack, noting that the document was an excellent starting point for new councillors.

RESOLVED that the report be noted.

32. Work Programme Update

The Democratic Services Officer:

- a. presented the current Ethics and Engagement Committee work programme for consideration by members.
- b. invited members' questions and comments.

The Vice-Chair:

- a. presented a proposal to invite sixth-form students to attend a democracy event hosted by the Council.
- b. explained that the purpose of such an event would be to encourage young people's interest in democracy and to encourage people to register to vote.
- c. outlined the proposal for a session incorporating both education and debate for young people, including potential input from relevant guests.
- d. invited members' questions and comments.

Members:

- discussed the proposal and welcomed the intention to engage with young people.

- raised concerns regarding the potential challenges in arranging such an event at relatively short notice and questioned whether the event would be delivered more effectively if arranged for the summer of 2015.
- questioned whether the Council had sufficient resources to support the proposal.
- noted previous difficulties experienced in engaging with local schools.
- emphasised that any participation by members should be in accordance with political proportionality and that any external panel guests should not be political figures.

The Independent Person noted the forthcoming general election and suggested that it would be beneficial for any session to take place before rather than after the election.

RESOLVED that:

1. the work programme be approved.
2. work proceed on arranging an event for young people to take place before the start of the pre-election period.

SUBJECT: CODE OF CONDUCT: CASES REVIEW

DIRECTORATE: 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 South Tyneside District Council

Two councillors were found to have breached the Member Code of Conduct after party political emails relating to an election were distributed via the council's member support team. Noting that the cost associated with such an action was minimal and that the councillors had acknowledged their error, no action was taken against the councillors concerned.

2.4 Stratford District Council

Three councillors had been directors of a company established to fight plans for a housing development. However, while the company was no longer active on a day-to-day basis, it remained legally active at the time a planning application relating to the relevant area was considered. The councillors then took part in a planning committee vote relevant to the development while still formally in post as directors of the company. Once the councillors became aware of the situation, they resigned their positions as directors.

The company's auditors then took the decision that the dates of resignation should be recorded as pre-dating the planning decision date for administrative purposes. The councillors were therefore found to have acted properly as they were unaware the company was still active at the time of the decision

2.5 Tendring District Council

A councillor was found to have breached the Member Code of Conduct following her involvement in noise complaints regarding a resident's cockerel. The councillor had visited the cockerel owner's house and left a message with a neighbour regarding why she had visited. The councillor then visited again and was found to have acted in an overly confrontational manner with the cockerel owner. By acting in this manner and revealing personal information to a neighbour, the councillor was held to have breached the code and the committee's findings were forwarded for the attention of full council and published on the council's website.

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. **Organisational Impacts**

5.1 Finance

There are no direct financial implications arising from this report.

5.2 Legal Implications

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.

6. Recommendation

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

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SUBJECT: PLANNING COMMITTEE DISPENSATION

DIRECTORATE: DIRECTOR OF RESOURCES

LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose the granting of a dispensation for members of the Planning Committee in accordance with the Ethics and Engagement Committee’s terms of reference.

2. Background

2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made significant changes to the interests which members were required to register and declare in relation to Council business. Following the implementation of the Localism Act 2011 the Council adopted its own Member Code of Conduct, including provisions relating to dispensations for members to take part in business in which they have an proscribed interest.

2.2 As part of the Member Code of Conduct, the Ethics and Engagement Committee has the power to grant dispensations to members for the following reasons:

- (1) that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business”. In practice this means that the decision making body would be inquorate as a result.
- (2) That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
- (3) That the authority considers that the dispensation is in the interests of persons living in the authority’s area
- (4) That, without a dispensation, no member of the Executive would be able to participate on the matter, or
- (5) That the authority considers that it is otherwise appropriate to grant a dispensation.

3. Proposed Dispensation

3.1 A planning application was scheduled for consideration by the Planning Committee in relation to Grafton House on Newland in Lincoln. Grafton House acts as the headquarters for Lincoln’s Labour Party. The planning application principally covers

the following areas:

- alterations to the existing entrance doors to form new entrance doors suitable for disabled people
- the removal of a step and the creation of ramped access
- repairs to an existing timber window

As a result of the link with the Labour Party, a large number of Planning Committee members are likely to have personal and pecuniary interests which would preclude them from considering the item.

- 3.2 In accordance with political proportionality rules, the Planning Committee's membership comprises 11 members, with 9 drawn from the Labour Group and 2 from the Conservative Group. The Planning Committee's quorum is 3 members. In the event that each member of the Labour Group had to declare a personal and pecuniary interest the meeting would become inquorate and so no decision could be reached.
- 3.3 In order to ensure that the business of the Council can be transacted in relation to this matter it is recommended that the Committee grant a dispensation for the members who would otherwise be affected by the need to declare a personal and pecuniary interest.
- 3.4 If members were minded to grant such a dispensation, it is recommended that the dispensation be granted for the reason that the authority considers that it is 'otherwise appropriate to grant a dispensation', specifically to avoid a meeting becoming inquorate through the personal and pecuniary interests of members.
- 3.5 The planning application is likely to be considered by the Planning Committee in April 2015. As such a dispensation period of three months is recommended, which will cover the period between the scheduled meetings of the Ethics & Engagement Committee, removing the need for the Ethics & Engagement Committee to meet separately to grant an extension to the dispensation should the application be delayed.

4. Organisational Impacts

4.1 Finance

There are no direct financial implications arising from this report.

4.2 Legal Implications

As established within the report, any dispensations must be granted in accordance with the provision of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

5. Recommendation

- 5.1 It is recommended that the Ethics and Engagement Committee agree a dispensation for all elected members for a period of three months in relation to the planning application detailed in paragraph 3.1 for Grafton House on Newland.

SUBJECT: WORK PROGRAMME 2015-16

REPORT BY: DIRECTOR OF RESOURCES

LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

1.1 To put forward a proposed Ethics and Engagement Committee 2015-16 work programme for consideration by members.

2. Work Programme Summary

2.1 The work programme attached as **Appendix A** is put forward as a framework around which members can build any additional business the Committee wishes to carry out. As a number of recurring items from previous years have either been resolved or have not been recently progressed these have been provisionally removed from the timetable.

2.2 Members are encouraged to put forward any proposals for relevant matters of concern or interest to them or the residents of their ward which the Ethics and Engagement Committee may be able to consider.

3. Organisational Impacts

3.1 Finance

There are no direct financial implications arising from this report.

3.2 Legal Implications

Any additions to the work programme should be made in accordance with the scope of the Committee as established within its terms of reference.

4. Recommendation

4.1 That the Committee consider the work programme and propose any suitable changes if necessary.

4.2 That the Committee consider items scheduled for the next meeting and any necessary arrangements relating to them.

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Ethics and Engagement Committee Work Programme 2015/16**8 June 2015**

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> ▪ To note the issues raised and consider a suitable response if required.
Member Induction Review	Following consideration of the plans for the induction of any newly-elected councillors in May 2015, this will provide an opportunity for members to consider the outcome of the induction provided to new members.	<ul style="list-style-type: none"> ▪ To consider the delivery of member inductions and to offer any recommendations for future improvement.
Local Democracy Week Update	To update members on the plans for Local Democracy Week 2015.	<ul style="list-style-type: none"> ▪ To consider the arrangements made and recommend any suitable changes.
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> ▪ To agree the work programme. ▪ To consider the arrangements for the next meeting.

21 September 2015

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> ▪ To note the issues raised and consider a suitable response if required.
Local Democracy Week Review	To update members on the plans for Local Democracy Week 2015.	<ul style="list-style-type: none"> ▪ To consider the arrangements made and recommend any suitable changes.
Member Development Update	Member development has become increasingly important in recent years as the Council seeks to ensure elected members have the skills and knowledge to	<ul style="list-style-type: none"> ▪ To consider the current provision of member development and offer guidance on its future operation.

	perform their roles as effectively as possible.	
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> ▪ To agree the work programme. ▪ To consider the arrangements for the next meeting.

7 December 2015

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> ▪ To note the issues raised and consider a suitable response if required.
Individual Electoral Registration	Individual electoral registration (IER) is being introduced across the country, shifting the process for registering electors from a household to an individual basis.	<ul style="list-style-type: none"> ▪ To consider the manner in which IER is being implemented within Lincoln and the potential impact upon voter registration.
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> ▪ To agree the work programme for 2015/16. ▪ To consider the arrangements for the next meeting.

21 March 2016

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> ▪ To note the issues raised and consider a suitable response if required.
Member Development Update	Member development has become increasingly important in recent years as the Council seeks to ensure elected members have the skills and knowledge to perform their roles as effectively as possible.	<ul style="list-style-type: none"> ▪ To consider the current provision of member development and offer guidance on its future operation.

Work Programme 2016/17	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none">▪ To agree the work programme for 2016/17.▪ To consider the arrangements for the next meeting.
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