

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 Haringey Council

The council's mayor was censured by its standards committee after sending personal letters on mayoral headed paper using her official title and email address. The committee resolved that this constituted a breach of the council's code of conduct in the following areas:

- Failing to use resources in accordance with reasonable requirements
- Attempting to secure an improper advantage
- Bringing the office of mayor into disrepute

In addition to the censure, the councillor was instructed to attend training on the code of conduct within three months. The committee also recommended to the leader of the councillor's political group that the decision be taken into consideration when making appointments to committees and outside bodies. A notice summarising the decision would be published in the council's local newspaper and website.

2.4 East Riding of Yorkshire Council

A councillor was found to have breached the council's code of conduct by failing to

treat others with respect during a planning committee meeting and risking bringing the council into disrepute.

The agreed sanctions included attending a training course and receiving a letter of censure from the council's monitoring officer.

The complaints were made by two planning applicants after the councillor made comments, contrary to officer advice, at a site visit regarding a boundary wall which was not relevant to the decision in hand, and then referred to 'half-truths, untruths and maybe no truths' at the committee meeting. The complainants felt that the councillor's comments were directed at them, although the councillor denied this.

2.5 Stockton-on-Tees Borough Council

A councillor was held by the council's standards panel to have breached the council's code of conduct by disclosing legally privileged exempt information by placing legal advice received by the planning committee on his website, contrary to a clear warning that this should not be done.

The panel determined that the Councillor should be asked to provide written reassurance that he would not repeat the failure to comply with the Council's Code of Conduct in the same or similar circumstances. In the absence of such written reassurance the Councillor should not be provided with any exempt, confidential, or legally privileged council information for the remainder of his term.

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.