

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

## 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 Elmbridge Borough Council

As part of a *Daily Telegraph* investigation, councillors at a number of local authorities were secretly recorded discussing their work as consultants with regard to planning applications. The Audit and Standards Hearings Panel of Elmbridge Borough Council considered an external investigator's report into the conduct of one of its councillors in this matter. It was found that the councillor had breached the relevant Member Code of Conduct in two respects:

- failure to treat others with respect
- conducting himself in a manner contrary to the duty to maintain high standards of conduct

The Panel found no breach of the code regarding using his position as a councillor improperly to secure for himself an advantage. The following actions were agreed:

- Censure of the councillor for his conduct
- Accepting the apology offered by the councillor for communication to all members
- Recommending to the councillor's group leader that he be removed from the planning committee and its sub-committees, and not act as substitute in respect of those bodies while continuing with his business activities.

## 2.4 Oxford City Council

The former Lord Mayor of Oxford was accused of making an inappropriate comment to a female member of an under-13s sport team while acting in his official capacity.

The standards committee made a finding of fact that it was highly probable that the mayor did make the comment, which was found to be inappropriate and disrespectful, and therefore amounted to a failure to treat others with respect.

The inappropriate remark had also brought both the office of Lord Mayor and the city council into disrepute. The committee therefore decided that there had been a further breach with regard to the councillor conducting himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

The committee resolved that the councillor should be censured for the breach of the code and that the committee's decision should be reported to all members of council. The committee further agreed with the recommendation of the Independent Persons that there was no reason that the councillor should not continue to undertake the full range of his mayoral duties, although he has now resigned the post.

## 2.5 Stroud District Council

A complaint was made by one parish councillor against another in relation to the other's taking part in the public participation element of a planning matter while having a disclosable pecuniary interest. The site affected by the planning application backed onto the councillor's property and he had been advised by the parish clerk that he should not speak as a result of his interest. The councillor rejected this advice stating that his right to free speech overrode the usual effects of his disclosable pecuniary interest. This claim was rejected by the investigating officer, while the standards panel further found that the councillor had acted in a rude, abrasive, and potentially bullying manner towards the parish clerk, thereby constituting a breach of the code of conduct.

## 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.