

<b>SUBJECT:</b>	<b>CODE OF CONDUCT: CASES REVIEW</b>
<b>DIRECTORATE:</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 Frodsham Town Council

In a meeting, a councillor expressed the view that the town council was 'worse than the second world war and Hitler' which a number of other members considered to be offensive. A written apology was felt to be insufficiently expansive and so a further request for an apology was made. The councillor explained that, having been five years old at the close of the war he was qualified to discuss it and so stood by his comments. The Council resolved to remove him from all committees in the absence of a further apology.

### 2.4 Pendle Borough Council

Six councillors who approved a planning application a year after their political party received a £20,000 donation from a company associated with the application were found not have breached the code of conduct. An officer investigation found that the funds were not likely to have been spent on the councillors' election expenses. While it was considered that the disclosure of a non-pecuniary interest could have been made, it was concluded to be a matter for individual councillors to determine.

### 2.5 Stoke-on-Trent City Council

A standards hearings panel has recommended that a former deputy leader of the council should be excluded from the council's cabinet for the remainder of the municipal year. The councillor had admitted sending text messages to a local radio station under a false name. The panel determined that the councillor had been

acting in an official capacity and had brought his office into disrepute. It was further recommended that the councillor should receive appropriate training regarding future 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.