

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 Chelmsford City Council

A parish councillor was found to have breached his council's member code of conduct by trespassing on land owned by a person applying for planning permission. The councillor claimed that he believed he had permission to be on the land for a second visit, but it was determined that he had been aware he should not have been on the land and so breached the code. The councillor was ordered to make a public apology to the landowner.

2.4 Dorset County Council

The former council leader has been charged with three offences relating to a failure to declare a disclosable pecuniary interest in relation to decisions taken while acting as a non-executive director for Zebra Property Solutions Ltd. The former leader entered not guilty pleas in relation to the alleged offences. The case will be considered at Bournemouth Magistrates' Court on 24 April 2015. Further details regarding this will be reported to the Committee when they become available.

2.5 St Helens Metropolitan Borough Council

A resident alleged that a councillor had been offensive to her in an online exchange on Facebook. Among other allegations, the councillor was alleged to have invited the resident to a ward surgery held on Tuesday, before writing 'C U Next Tuesday then...' This was judged to have been intended to spell out an offensive word,

although the councillor denied this was the case. The councillor was censured by the committee and advised to write a letter of apology to the complainant.

2.6 Stoke-on-Trent City Council

A councillor who received direct payments from residents of his ward for council services which were not delivered was reprimanded by the council's hearings panel and referred for additional training as a result of breaching the code of conduct. The councillor had been charged with theft and had pleaded not guilty, but the case was withdrawn following the death of one witness and the withdrawal of two others. The councillor was also requested to pay an outstanding sum to the estate of the deceased witness.

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.