

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 However, while the company was no longer active on a day-to-day basis, it remained legally active at the time a planning application relating to the relevant area was considered.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.