

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 Ealing Council

Ealing Council's standards committee determined that a councillor had breached its previous code of conduct in relation to an internet blog posting in early March 2012 discussing local residents. Specifically the councillor was found to have breached the articles referring to the need to treat others with respect, and as having conducted himself in a manner which could reasonably be regarded as bringing his office or the council into disrepute. The blog post in question referred to the number of illegal immigrants in the councillor's ward as being a 'constant on [sic] the public purse' and that 'criminality is endemic' in the area, with particular reference to the role of the 'Indian community'.

The standards committee considered that the blog post raised a number of 'important and legitimate issues for debate [but that] the tone and much of the content had been inappropriate and unnecessarily provocative.' The committee received evidence that a number of residents had been offended by the blog post; the councillor had also refused to offer an apology. The standards committee therefore requested that an apology be issued. According to a response issued in the local media, the councillor did not intend to apologise and considered that the investigation had not offered good value for money and was politically motivated.

2.4 Basingstoke and Deane Borough Council

The development plans for land held jointly by the district and county council caused a number of complaints regarding behaviour by councillors in relation to the decision-making process. A portfolio holder was accused by another councillor of participating in decision making despite having a personal and prejudicial interest through previous involvement with a group campaigning to withdraw the land from the area draft core strategy. The complaint was found not to be valid on the grounds that the councillor had taken part in the group's campaigning several years prior to the actual decision and had done so in his capacity as a ward member rather than a portfolio holder.

A second complaint was made in relation to an accusation made by a member of the controlling political group regarding the conduct of two opposition group councillors, who she had alleged to have colluded as part of a conspiracy relating to the outcome of an independent investigation into the original decision. This charge was upheld with the councillor censured for failing to treat others with a lack of respect.

2.5 Worcestershire County Council

Following the resignation of a newly-elected councillor after negative publicity relating to racist material found on his Facebook page, Worcestershire County Council is re-launching the section of its website relating to councillor standards and complaints. The re-examination of the content provided for prospective councillors and the public appears to have been prompted by the cost of holding an additional by-election soon after the initial elections.

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.