

SUBJECT:	CODE OF CONDUCT: CASES REVIEW
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
LEAD OFFICER:	CAROLYN WHEATER, CITY SOLICITOR

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 Any 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 any cases below are provided for the purpose of discussion and may not give the full picture in every regard.

2.3 Saddleworth Parish Council

A parish councillor convicted of offences relating to child pornography but not given a custodial sentence has continued in his role as a councillor despite protests from fellow councillors and the public. The councillor was refused entry to a recent meeting but has refused to resign from his post. A spokesperson for the Secretary of State for Communities and Local Government confirmed that the rules relating to such a situation under the Localism Act 2011 were being reviewed.

2.4 Shropshire Council

The leader of Shropshire Council resigned after it was found he had breached the member code of conduct by failing to declare a conflict of interests in board meetings of a wholly-owned council company. The councillor was a non-executive director of the company and had taken part in decisions to appoint the company's auditor without making any declaration of interest. It was later discovered that one of the auditing company's shareholders held shares in a small private company in which the councillor also held shares.

While the councillor sought to present his company as being effectively dormant, it was found that his failure to declare an interest meant the councillor had failed to meet the standards of honesty, integrity and leadership expected of him. The councillor had offered to apologise and attend training, which was considered to be a suitable outcome.

2.5 Wiltshire Council

A decision to grant planning permission was quashed by the High Court in a judgment which found evidence of bias by a councillor member. The councillor was a director of an affordable housing company which was particularly well-positioned to contract with the developer of the relevant site to develop the affordable housing element of the plans.

The judge found that the councillor did not have an automatic pecuniary interest in the decision, but did find that the councillor's behaviour met the test for potential bias as a fair-minded and informal observer having considered the facts would conclude that there was a real possibility of bias.

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.