

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 Coventry City Council

A councillor made a series of comments in a private internet conversation making reference to not 'wanting to be a minority in my own country', immigrants being a 'drain on resources', and stating that multi-culturalism had not been successful. While the councillor was found to have made the comments in a private capacity, his later discussion of them in the media meant that the comments were being repeated in his role as a councillor. The comments were therefore found to have breached the member code of conduct as a result of a failure to 'take active steps to challenge discrimination, harassment and victimisation and allocate resources to promote social justice, equality of opportunity and community cohesion'. Other comments regarding Enoch Powell being a hero to the councillor were found to be legitimate free expression.

2.4 East Devon District Council

A town councillor was found to have breached the member code of conduct by making unfounded allegations of impropriety against the town clerk. The relevant district council recommended a number of sanctions be applied against the town councillor. The town council applied those sanctions but also added its own more severe sanctions, including blocking his rights to access or take part in meetings until the councillor had attended relevant training. The town councillor brought an action for judicial review of the town council's decision. The High Court quashed the town council's decision finding that while a councillor could be required to attend training as a sanction, the only means of enforcing the sanction was the threat of

publicity rather than removing the town councillor's democratic rights.

2.5 North Hertfordshire District Council

A former councillor was found to have breached the member code of conduct in relation to bullying behaviour, failing to show respect and consideration, bringing the Council into disrepute, and failing to cooperate with an investigation. The councillor had been a director of a charitable company linked to the council and had been critical of the company's operation. He had also repeatedly disregarded officers' advice to make declarations of interest in related item and had been abrasive in his dealings with officers. The finding was referred to a council meeting to censure the councillor. The motion to censure the councillor was carried after debate and criticism made relating to the cost of the investigation.

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.