

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 East Devon District Council

The proposed sale of an asset drew specific public criticism which the assistant chief executive regarded as being 'unworthy of even vaguely intelligent debate'. A dual-hatted member wrote to a local newspaper criticising this comment and questioning the officer's competence. While the letter had been signed in the member's role as a county councillor, it was investigated by the district council. The district council's standards committee found that the criticism of the officer's comment had not breached the member code of conduct but that the suggestion of incompetency had. The councillor was censured, and all members were requested to undergo training regarding the member-officer protocol, Officers were further requested to review procedures regarding their contributions to the local press.

2.4 Kirklees Council

A councillor using a tablet computer during a committee meeting was allegedly criticised by the chair of the committee in such a manner that caused 'unnecessary distress and embarrassment' to the councillor who had been using the computer. The councillor confirmed that the tablet computer had been used to view information relevant to the matter under consideration. The chair had been responding to a concern raised by a member of the public. The councillor who had been using the tablet computer complained to the monitoring officer regarding the

chair's conduct, who determined that no further action was required.

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.