

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 Enfield Council

A councillor has been found to have breached the member code of conduct after disclosing confidential information to the media. The councillor found documents at the town hall regarding child abuse cases, deaths of children in care, medical records, mental health reports and financial accounts which were then publicised in a local newspaper. A further publication included a copy of one letter disclosing the name of an officer. The complaints committee agreed he had deliberately disclosed information of a very personal nature, which had come into his possession by means of his position as an elected member, to the media.

2.4 Kirklees Council

A councillor who took part in voting on matters relating to council tax while having an outstanding council tax liability contrary to section 106 of the Local Government Finance Act 1992 has been cleared of wrongdoing by a court. The councillor had been unaware of the restrictions placed upon a councillor whose council tax liability was in arrears and that she had also been unaware that a direct debit payment to clear the arrears had been reversed.

2.5 Worcester City Council

The council's standards committee has determined that a councillor breached the member code of conduct by using council headed paper to campaign against a

lap-dancing club and urge people to contact a political campaigner for advice if they shared his concerns. The campaigner in question was a former council director with knowledge of the relevant law. The investigation found that although there was a breach of the code of conduct, the council did not have a policy in place for politicians using personalised letter headings.

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.