

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 Cornwall Council

A former parish councillor was found to have breached the member code of conduct when he took part in a decision to appoint himself to act as contracts manager for the parish council to oversee work for a fee of £10,000. The following breaches were found to have occurred:

- using his position to gain an advantage or disadvantage
- conducting himself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
- failing to declare a personal interest
- failing to remove himself from the room or chamber where a matter in which he had a prejudicial interest was being discussed
- failing to register interests within 28 days of taking office or becoming aware of them
- participating in discussions or any vote taking place on a matter in which he had a disclosable pecuniary or non registerable interest.

The council's principal legal officer advised that he did not consider it to be in the public interest to pursue legal action against the councillor for any breach of the duties to declare interests under the Localism Act 2011.

2.4 East Staffordshire Borough Council

A councillor withdrew a judicial review claim against the council following a finding of its standards committee in 2012, reportedly having made a contribution to the legal costs of the council. The finding was in relation to the disclosure of confidential information. The councillor had claimed that the committee was not independent and impartial (thereby breaching the Human Rights Act 1998), that the information disclosed had not been confidential, and that the decision of the committee interfered with his freedom of speech. As such, the councillor had sought a declaration that the Localism Act 2011 was incompatible with the European Convention on Human Rights.

2.5 Pembrokeshire County Council

The deputy leader of the council, operating under Welsh law, was suspended after using Council IT equipment to produce party political election materials. A report from the Public Service Ombudsman found that the councillor accepted he had used the council's computer system inappropriately on 16 occasions, including the creation of electoral posters.

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.