

Ethical Standards and Member Development Committee

19 March 2019

Subject:	National Cases
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the cases at Appendix 1 and consider any issues for the Council.

1 PURPOSE OF THE REPORT

- 1.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.

3 STRATEGIC RESOURCE IMPLICATIONS

3.1 There are no resource implications arising from this report.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

4.1 By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.

Surjit Tour

Director of Law and Governance and Monitoring Officer

City councillor breaches code of conduct after making racial slurs

Leicester City Council's Standards Committee has made public the findings of its investigation into a complaint against a councillor.

The council's monitoring officer called for the investigation after receiving a complaint about inappropriate and disrespectful language used by the councillor, in relation to another councillor, at a pre-meeting of the Police and Crime Panel.

The councillor was accused of stating that another councillor had "only been appointed to the Police and Crime Panel because he was black". It was also alleged that the councillor had complained about the City Mayor appointing "all these brown/black faces".

The committee found that the councillor did act as alleged, and breached the city council's code of conduct.

In a report to the monitoring officer, the investigator said that, while recognising that the councillor's comments were made during a private discussion involving only two other people, it was considered that his offensive remarks seriously risked damaging the reputation of his authority.

The Standards Committee found that the councillor breached the code by acting in a disrespectful manner; failing to uphold and promote the authority's discharge of its equality obligations; conducting himself in a manner which is likely to bring the authority into disrepute; and for all of these reasons failed to uphold and promote these principles by leadership and example, and act in a way that secures and preserves public confidence.

Leicester City Council's Monitoring Officer said that the Standards Committee had no hesitation in concluding that the councillor's remarks went way beyond permissible criticism and were in fact offensive and disrespectful. Whilst the law grants few powers to the committee once it finds that the code has been breached, it does retain the power to censure publicly, in an effort to expose misconduct and send a message to others in public office that high standards are expected and will be enforced.

The councillor did not attend the meeting but submitted a letter of apology to the Standards Committee.

The Standards Committee recommended that the councillor be withdrawn from any appointments to any outside bodies where he serves as a representative of the council.

Taken from East Midlands Business Link 22 November 2018

Wisbech councillor guilty of breaching code of conduct faces a formal reprimand over expenses claims

A Wisbech councillor has been found guilty of breaching Fenland Council's code of conduct.

Fenland's conduct committee agreed with an independent investigation into the councillor's mileage claims over a seven year period, and unanimously agreed he did not use council resources in a reasonable way and made numerous claims outside the members allowance scheme.

As a result the committee concluded his actions did bring his position as councillor and also the authority into disrepute.

Despite the committee's findings the councillor will face only limited punishment - a formal letter of reprimand - as the sanctions available are very limited.

However, the hearing also threw up the fact that the current members mileage scheme is open to different interpretation and so the committee has recommended, to ensure clarity, that future councillors are given better training and that examples of typical claims they are likely to make are included in the induction programme.

A Barrister argued the councillor had not made mileage claims capriciously nor had he try to do them secretly. He said all the claims had been made openly and he also pointed out the councillor had queried why some of his claims had been rejected and had argued the mileage policy was being misinterpreted by officers.

However, the councillor had not taken the matter further by raising it formally but had carried on submitting claims that were regularly rejected for being outside the policy's guidelines.

The hearing heard there was insufficient evidence in the bulk of journeys highlighted by Fenland's monitoring officer, who had first raised the issue of the councillor's inflated mileage claims and accused the councillor of playing cat and mouse with officers by submitting claims to see what they would pay and said the councillor had attempted to misuse the system.

The committee chairman said it was not about the amount of money involved - an overpayment of £1,511.10 over six years - but public perception. She said members must be open and transparent and must not misuse the public purse.

Taken from Fenland Citizen 31 October 2018

DUP councillor suspended over serious breach of code of conduct

A DUP councillor has been suspended for three months for deliberately attempting to circumvent rules on the disclosure and declaration of interests in what was found to be a serious breach of the local government code of conduct.

The investigation for the Local Government Commissioner for Standards also noted that the councillor had refused to attend a second interview with investigators and did not co-operate fully with the probe into his actions.

At the hearing the Commissioner was informed that the councillor had a significant non-financial interest in a church.

The council had been renting a car park from the church for a number of years and in September 2016 it considered a rationalisation of parking in the town including ending its lease with the church.

Ahead of a discussion on the matter the councillor declared his interest and left the council chamber in accordance with the code. However he was found to have asked another councillor to raise issues and ask questions relating to the lease.

The commissioner found the action of asking another councillor to ask questions on his behalf was a deliberate attempt to circumvent the rules on disclosure and declaration of interest and represented a serious breach of the code.

At a meeting later that month the councillor did not declare his interest, commented on the matter and voted in favour of extending the lease with the church.

The motion approved ending the lease, however, it was noted that there would have been a significant financial benefit to the church if it had been agreed.

The Commissioner noted the previous good conduct of the councillor and exemplary public service record, as well as his willingness to learn from the events.

However, she stated that these were outweighed by the deliberate nature of the breaches. Given the requirement to uphold public confidence in the conduct of local councillors, and the importance of discouraging similar conduct by others, she believed that a three month suspension was a proportionate sanction.

Taken from Belfast Telegraph 14 December 2018