

Ethical Standards and Member Development Committee

25 September 2020

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

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the case at Appendix 1 and 2 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

A Lancaster City councillor has been sanctioned for twice breaching the members' code of conduct

Councillor Darren Clifford was found to have brought the council into disrepute by members of the council's Standards Committee.

The first allegation concerned him voting on a future increase in council tax despite being in arrears with his own.

This is a breach of section 106 of the Local Government and Finance Act 1992, which makes it an offence for a councillor to be more than two months in arrears with their council tax and take part in votes on financial matters.

An investigation found that Councillor Clifford had given assurances he was up to date with his payments before a Cabinet meeting on January 15 last year. During the meeting he took part in a vote which recommended the city council's increase in council tax for 2019/20.

Further investigations, however, found that he had only cleared the balance after the meeting had taken place, which was substantiated by CCTV and electronic evidence.

The second breach of the code of conduct concerned him conducting a private tour of Lancaster Town Hall, despite being previously warned not to do so following similar incidents.

Evidence showed that Councillor Clifford had granted access to restricted areas of the town hall to two people last August. Neither of his visitors had been signed into the building.

Members of the Standards Committee decided that the breaches warranted his exclusion from council offices, with the exception of meeting rooms as necessary for attending meetings of council/committees, for six months.

A report will also be provided to Full Council outlining the investigations into both complaints.

Extract taken from www.lancaster.gov.uk – updated 22 January 2020

Councillor cleared of Code of Conduct breach

A Bembridge parish councillor — who said residents should not be kept in the dark about council business — has been cleared of breaching the members' code of conduct after he published a confidential agenda online.

Cllr Steane posted the meeting agenda — which included details due to be discussed in a private session, relating to the controversial sale of the former parish building in the High Street — on the Open Bembridge Facebook page.

However, the Isle of Wight Council's appeals sub committee found the agenda should not have been marked confidential in the first place.

Although the committee found Cllr Steane did knowingly and deliberately disclose the information, the chair said: "His actions were in all circumstances reasonable, made in the public interest and in good faith. The requirement for the council to treat the agenda as confidential was not reasonable."

Investigating officer said he had tried to determine why the public and private meeting agendas were both marked confidential, but the response he had received from the parish council clerk had been inconclusive.

He said: "The public interest in this matter tips in the balance of favour of disclosure and, in this case, no breach was found."

Cllr Steane said his actions were in the public interest and, further, alleged the 'vast majority' of parish council business was conducted in private.

He said: "I thought long and hard before putting anything online for the obvious reason of the confidentiality markings. The item under discussion had been in the press for two years. It was a very serious issue and I deemed it to be in the public interest so I went ahead and published it because I thought it was important people knew."

Committee member Cllr Lyons said the 'extreme confidentiality measures' taken by the parish council were unusual.

He said: "Whether or not something is confidential is a decision that should be made by the chair and the clerk on reasonable grounds. I do not see how a parish council can make something confidential for its own convenience. They have to have some sort of reason to make it confidential."

Extract taken from onthewight.com dated 28th February 2020