

Member contact with Licensing section

Purpose

- 1.1 On 22 July 2015, Council approved a reporting system for councillor contact with officers within the Licensing section as part of changes arising from the Casey Review. The system involves member contact being reported to a Lawyer within Legal Services, who subsequently makes a recommendation to the Monitoring Officer on whether the reported activity has the potential to constitute a Code of Conduct breach.
- 1.2 The system was established to restrict the likelihood of the following:
 - Contact from members where the purpose is to influence the processing of individual applications;
 - Members making representations on behalf of the trade or individual drivers at sub-committee hearings;
 - The dilution of regulatory standards after representations with the trade.
- 1.3 Two referrals have been made by the Lawyer within Legal Services which identify potential breaches for the period from mid-August 2018 to mid-January 2019, and this is reported to the committee for information. Given that no complaint has been made about the councillors in question, they are anonymised for the purpose of this report.

Recommendations

- 2.1 To note the issue in relation to Councillor X, in which I agree that the summary provided does give rise to a potential breach of the Members' Code of Conduct and that the referral was consistent with the principles upon which this system was established.
- 2.2 To note the issue in relation to Councillor Y, in which I agree that the summary would have the potential to give rise to a potential breach of the Members' Code of Conduct, but do not consider that the referral was consistent with the principles upon which this system was established.

Reason(s)

- 3.1 There is a separate report to the committee which recommends changes to our procedures which would, potentially, result in an issue such as that detailed at recommendation 2.1 being referred to the Independent Person Advisory Panel. That

proposed change to the complaint procedures has not been adopted and so the current arrangements are applicable in these cases. For the avoidance of doubt, the committee therefore does not currently have the power to refer the issues highlighted in either of the recommendations to the Independent Person Advisory Panel. These issues would only be treated as complaints in the event that a complaints form was received.

Supporting information

Councillor X

- 4.1 This matter was referred to Legal Services after it was suggested interaction between Councillor X and the Licensing section could be perceived as an attempt to gain an advantage for a driver by enabling a document which was contrary to legislative requirements to be accepted. The contact between Councillor X and the Licensing Section took place on 5 November 2018.
- 4.2 I agree with the view of the Lawyer who considered this matter that, if proven, the alleged behaviour of Councillor X would constitute a breach of Paragraph 6.1(a) of the Members' Code of Conduct.
- 4.3 As explained in paragraph 3.1, the committee does not, at present, have powers to refer this matter for investigation as no complaint has been received. This may change if a report before the committee on this procedure is approved and then further ratified by Council.
- 4.4 I have spoken to Councillor X about the issue and explained why such an approach is inappropriate and goes beyond what is acceptable in terms of councillors undertaking a representative role on behalf of their constituents.

Councillor Y

- 4.5 It is alleged that Councillor Y was rude to officers within the Licensing section and implied that they were being unhelpful. This is alleged to have arisen after Councillor Y contacted the Licensing section in relation to immigration checks on 20 December 2018.
- 4.6 I fundamentally agree with the view referred by Legal Services that this has the potential to be a breach of the Code of Conduct under paragraph 3.1 (treating others with respect). However, I do not agree that its referral was consistent with the principles upon which this referral system is based (detailed in paragraph 1.2 of this report). On that basis and in my view, the issue that has arisen sits outside of this referral system.
- 4.7 Nonetheless, on the basis that an instance of alleged rudeness has been recorded, I have spoken to Councillor Y and reminded him of his responsibility to treat others with respect.

Other referrals

4.7 Thirteen other instances of councillor contact were recorded by the Licensing service during this period, none of which suggested inappropriate behaviour or breaches of the Code of Conduct.

Public/stakeholder engagement

5.1 Not applicable.

Other options

6.1 None under the current procedure. As detailed in this report, the committee's options would be greater if proposed changes to the procedure are approved by Council.

Financial and value for money issues

7.1 None.

Legal implications

8.1 None.

Other significant implications

9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Emily Feenan, Interim Director of Legal, Procurement and Democratic Services and Monitoring Officer	
Finance	Not applicable	
Service Director(s)	Not applicable	
Report sponsor	Not applicable	

Other(s)

**Background papers:
List of appendices:**