



### **Ethics Committee**

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**Time and Date**

9.30 am on Wednesday, 20th November, 2019

**Place**

Diamond Rooms 1 and 2 - Council House

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1. **Apologies**
2. **Declarations of Interest**
3. **Appointment of Independent Chair**  
To appoint an Independent Chair for agenda item 4 below – “Hearing into Complaint Under Code of Conduct”
4. **Hearing into Complaint Under Code of Conduct** (Pages 3 - 112)  
Report of the Director of Finance and Corporate Services
5. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

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Martin Yardley, Deputy Chief Executive, Place, Council House Coventry

Tuesday, 12 November 2019

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett Tel: 024 7697 2299 Email: [suzanne.bennett@coventry.gov.uk](mailto:suzanne.bennett@coventry.gov.uk)

Membership: Councillors A Andrews, P Hetherington, J Mutton, S Walsh (Chair), D Welsh

Substitute Members:- Councillors R Bailey and M Mutton

Independent Persons:-S Atkinson, A Barton, R Wills and P Wiseman

Please note: a hearing loop is available in the committee rooms

**Suzanne Bennett**

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## Public report Ethics Committee

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Ethics Committee

20 November 2019

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Director of Finance and Corporate Services

**Ward(s) affected:**

None

**Title:** Hearing into Complaint under Code of Conduct

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**Is this a key decision?**

No

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**Executive Summary:**

This report sets out brief details of a complaint made by Mr Martin Yardley (“the Complainant”). The complaint is against Cllr Glenn Williams (the “Subject Member”) and relates to an exchange on Twitter between the Subject Member and a member of the public which took place on 31 January 2019.

The Complainant alleges that Subject Member breached the Council’s Code of Conduct for Elected and Co-opted Members by posting inappropriate comments on social media which amounted to accusing Planning staff of corruption by deliberately taking the Planning Portal down and engaging in, and encouraging, a situation where it was suggested that Planning staff should be assaulted. The Complainant alleged that this behaviour breached paragraphs 3(i), (j) and (k) of the Code of Conduct for Elected and Co-opted Members and the Member/Officer Protocol.

A Stage One review of the complaint concluded that an independent investigator should be appointed to investigate the complaint. David Kitson, a Senior Associate with Bevan Brittan, Solicitors was appointed to carry out the investigation. Mr Kitson concluded that the Subject Member’s Twitter post had the potential to undermine the Planning Department and cause distress to Officers. Further, although the subsequent discussion that took place between the Subject Member and the spoof account was most likely tongue in cheek, it was nonetheless inappropriate in the circumstances, particularly so on account of the contentious nature of the

planning application in question, as well as the wider issues with the increasing intimidation of those in public life. He concluded that on the balance of probabilities the Subject Member did fail to comply with paragraphs 3(i), (j) and (k) of the Council's Code of Conduct

In accordance with Paragraph 7.4 of the Council's Complaints Protocol, the Monitoring Officer has referred the complaint to a hearing of the Ethics Committee.

**Recommendations:**

The Committee is requested to:

- (1) Hear the complaint against the Subject Member and determine whether he has breached the Code of Conduct;
- (2) If the Committee considers that there has been a breach or breaches of the Code of Conduct, determine what sanction or sanctions, if any, should be applied; and
- (3) Authorise the Monitoring Officer, in consultation with the Chair of Ethics Committee, to publish the Full Decision on the Council's website at the same time that copies are made available to the parties to the hearing.

**List of Appendices included:**

**Appendix 1:** Member/Officer Protocol

**Appendix 2:** Complaints Protocol

**Appendix 3:** Hearings Procedure for 20 November, 2019

**Appendix 4:** Stage One Report

**Appendix 5:** Report of Investigating Officer

**Background papers:** None

**Other useful documents:** None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Report title: Hearing into Complaint under Code of Conduct**

### **1. Context (or background)**

- 1.1 The Council adopted the Code of Conduct for Elected and Co-opted Members (“the Code”) at its meeting on 3<sup>rd</sup> July 2012. A copy of the Code can be found at **Schedule 2 to the Investigator’s Report (Appendix 5 to this report)**. Also attached as **Appendix 1 to this report** is a copy of the Council’s Member/Officer Protocol which was adopted by the Council on 5 December 2017. In addition, the Ethics Committee on 17 March 2017 approved a Complaints Protocol for use when dealing with Code of Conduct complaints. This is attached at **Appendix 2 to this report**.
- 1.2 On 19 February 2019, Mr Martin Yardley (the Complainant) made a formal complaint to the Monitoring Officer. The complaint can be found at **Schedule 1 to the Investigator’s Report (Appendix 5 to this report)**.
- 1.3 The complaint is against Councillor Glenn Williams (“the Subject Member”) and relates to comments posted on social media on 31 January 2019. The complaint alleged that the Subject Member had breached paragraphs 3 (i), (j) and (k) of the Code.

**Full details of the Complainant’s complaint are set out in Schedule 1 to the Investigator’s Report (Appendix 5 to this report).**

### **1. Stage One Decision**

- 2.1 In accordance with the Complainants Protocol, the Monitoring Officer carried out an initial review of the complaint and recommended that an independent, external officer should be appointed to carry out to investigate the complaint. Her recommendations were accepted by the Independent Person and the Chief Executive on 24 March, 2019. A copy of the Stage One Report is attached at **Appendix 4**.

### **2. Investigation into the Complaint**

- 3.1 The Monitoring Officer instructed David Kitson, a Senior Associate with Bevan Brittan to conduct an independent investigation into the complaint (“the Investigating Officer”).
- 3.2 The Investigating Officer conducted interviews with the Complainant, one other officer and the Subject Member on 7 June 2019.
- 3.3 The Investigating Officer issued his report on 20 August 2019. He found that:
  - (a) in his original post the Subject Member had alleged that the Council’s Planning Department had purposefully taken down the Planning Portal so as to prevent objections being made to a particularly controversial planning application;
  - (b) although the exchange of comments between the Subject Member and the third-party account were likely to have been made tongue in cheek, that did not make them acceptable or appropriate;
  - (c) Both of the above findings were made in the context of:

- the significant increase in the intimidation of persons in public life throughout the country, concerning which social media has been a major catalyst;
- the contentious nature of the planning process, and in particular the high-profile nature of the application concerning which the tweets were made; and
- the duty of care the Subject Member owes towards the Council's Officers not to do anything that will or is likely to undermine the mutual duty of trust and confidence.

3.4 The Investigating Officer concluded that on the balance of probabilities the Subject Member did fail to comply with paragraphs 3(i), (j) and (k) of the Council's Code of Conduct.

**The full Report is attached at Appendix 5 together with the documents referred to in the Report.**

#### **4. Response to the Investigating Officer's Report**

4.1 Under the Council's Complaints Protocol, all parties have an opportunity to consider the Report and make a formal response to the Report, if they so wish.

4.2 In this case the Complainant did not make any comment on the Report.

4.3 The Subject Member made the following comments:

*"Thank you for the report which I have read in full.*

*I have no further comments to make other than to say I look forward to all the correspondence being in the public domain."*

4.4 The Council's Independent Person, Peter Wiseman, was provided with a copy of the Report and was asked to confirm his continuing agreement to act as the Independent Person, which he gave. Mr Wiseman will be present at the meeting.

#### **5. Hearings Procedure**

5.1 Attached to this report at **Appendix 3** is the Hearing Procedure that will be followed during the hearing into this complaint. The Chair will have the right to depart from the procedure where he or she considers it appropriate to do so.

#### **6. Options Available to the Committee**

6.1 At the end of the hearing, the Committee must consider whether the complaint has been upheld. The Committee may decide, on the information/representations before it that:

- The Subject Member has not failed to comply with the Code of Conduct
- The Subject Member has failed to comply with the Code of Conduct in whole or in part.

6.2 In the event that the Committee finds that the Subject Member has failed to comply with the Code of Conduct, it must consider what sanctions, if any, it should apply. The sanctions available to the Committee are to:

- decide to take no action;
- publish its findings in respect of the member's conduct;

- (iii) send a formal letter of censure to the member;
- (iv) report its findings to the Council either for information or to recommend censure of the member;
- (v) recommend to the member's Group Leader that the member be removed from any or all Committees or Sub-Committees of the Council (where applicable);
- (vi) recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities (where applicable);
- (vii) recommend the Monitoring Officer to arrange training for the member.

Any recommendation made under (v) to (vii) above will require the cooperation of all parties.

- 6.3 Where a Subject Member does not accept a sanction which has been imposed upon him/her by the Ethics Committee, the Monitoring Officer will submit a report to full Council which will then consider what action, if any, it should take as a result of the Subject Member's failure.

## **7. Results of consultation undertaken**

- 7.1 Both the Complainant and the Subject Member have been consulted at each stage of these proceedings.

## **8. Timetable for implementing this decision**

- 8.1 Any decisions of the Committee will be implemented within an appropriate time frame.

## **9. Comments from Director of Finance and Corporate Services**

- 9.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

- 9.2 Legal implications

The Council is required under Section 28 of the Localism Act 2011 to adopt a suitable Code of Conduct and to have in place arrangements under which allegations of failure to comply with the Code may be investigated and decisions on allegations can be made. The hearing into this complaint meets this requirement and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Act.

## **10. Other implications**

- a. How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?

Not applicable

**b. How is risk being managed?**

Failure to consider and deal appropriately with complaints about councillors' behaviour could lead to damage to the Council's reputation as well as that of individual councillors. The hearing into this complaint is designed to ensure that the Council discharges its duty to promote and maintain high standards of conduct.

**c. What is the impact on the organisation?**

The hearing is to consider whether the behaviour of the Subject Member breached the Code of Conduct and as such will have no direct impact on the organisation. Nevertheless, the conclusions reached by the Committee may be relevant to other councillors.

**d. Equality and Consultation Analysis (ECA)**

There are no public sector equality duties which are of relevance at this stage.

**e. Implications for (or impact on) climate change and the environment**

None

**f. Implications for partner organisations?**

None



**Report author:**

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Suzanne Bennett	Governance Services Officer	Place	8/11/19	11/11/19
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Graham Clark	Lead Accountant – Business Partnering	Place	11/11/19	11/11/19
Adrian West	Members and Elections Team Manger	Place	11/11/19	12/11/19
Director: Barry Hastie	Director of Finance and Corporate Resources	Place	11/11/19	11/11/19
Members: Cllr Walsh	Chair of Ethics Committee		12/11/19	12/11/19

This report is published on the council's website:  
[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

# Appendix 1: Member/Officer Protocol

## PART 4D: MEMBER OFFICER PROTOCOL

### 1. Status of this Code

- 1.1 This Protocol seeks to offer guidance on some of the issues which most commonly arise in relation to the relationships between Members and Officers.
- 1.2 The Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers.
- 1.3 The Protocol gives guidance only but it may be taken into account if there is a complaint about a Member or an Officer. Members must observe the Members' Code of Conduct. Any complaints received in relation to alleged breaches of the Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with the Code of Conduct for Employees. Any complaints received about Officers behaviour or conduct will be considered by the relevant managers.

### 2. Roles of Members and Officers

Officers and Members both serve the public but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Members and implement the policies of the Council to the best of their abilities. Members are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives. Employees are answerable to the Chief Executive, not to individual Members (whatever office they hold), but there should be good communication between senior officers and Members with special responsibility for their area of work.

### 3. Expectations

- 3.1 *What Members can expect from Officers:*
  - (a) A commitment to the authority as a whole, not to any political group;
  - (b) A working partnership;
  - (c) An understanding of and support for respective roles, workloads and pressures;
  - (d) Timely responses to enquiries and complaints in accordance with agreed standards: (see paragraph 7)
  - (e) Professional advice, not influenced by political views or preference;
  - (f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual responsibilities that they have and positions that they hold;

- (g) Awareness and sensitivity to the political environment;
- (h) Respect and courtesy;
- (i) Training and development in order to carry out their roles effectively;
- (j) Not to have personal issues raised with them by Officers outside the agreed procedures;
- (k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead; and
- (l) Compliance with the Employee Code of Conduct.

3.2 *What Officers can expect from Members:*

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) Political policy direction and leadership;
- (d) Respect and courtesy;
- (e) Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is the Chief Executive, Deputy Chief Executives, Directors or Heads of Service); Members should raise all queries on operational matters initially with Directors or Heads of Service who will ensure that Members receive a prompt response.
- (f) Members are encouraged to use regular briefings and/or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions;
- (g) Members should not pressure Officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- (h) Not to be subject to bullying, harassment or intimidation. Members should have regard to the seniority and experience of Officers in determining what constitutes a reasonable request. Members with special responsibilities should be particularly aware of this;
- (i) Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (j) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and
- (k) Members should at all times comply with the Member Code of Conduct.

**4. Limitations on behaviour**

The distinct roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

- (a) Personal relationships between individual Members and Officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions. In this situation, others may feel that a particular Member or Officer may be treated more favourably.
- (b) Personal relationships should be avoided. Where they do exist, the officer concerned must notify his or her manager.
- (c) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of Officers, both in relation to personal matters and party-political issues;
- (d) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Member or group above others.

## **5. Politeness and respect**

- 5.1 Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.
- 5.2 Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

## **6. Complaints about Members or Officers**

- 6.1 If an Officer feels a Member is not treating them with politeness and respect, they should consider talking to the Member directly. If they do not feel they can talk to the Member or talking to the Member does not help, they should talk to their Head of Service or Director immediately. The manager approached will talk to the Member or the Leader of their political group and may also tell other senior officers. The Officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.

## **7. Members' enquiries**

- 7.1 Officers should answer Members' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Where a Senior Officer considers that the enquiry received is inappropriate, the Member should be advised of this and the reason or reasons why the enquiry is considered to be inappropriate. Members should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to Members' enquiries.

### *Casework*

- 7.2 Where a Member is making an enquiry of Officers as part of their ward casework, Officers will normally assume that they have the implicit consent of an individual to disclose personal information about them to the Member but only where:
  - the Member represents the ward in which the individual lives;

- the Member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
- the information is necessary to respond to the individual's complaint.

In all other cases Officers may need to seek the explicit consent of the individual to share their personal data with the Member in order to comply with the Data Protection Act 1998.

7.3 Personal information about third parties (i.e. individuals who have not sought the Member's assistance) may only be shared with a Member where the law permits this. See also paragraphs 8.1.3 and 8.1.4 below.

## **8. Information and advice**

### *8.1 Requests for written information*

8.1.1 Members should be provided with adequate information about services or functions on which they may be called upon to make decisions or to scrutinise the decisions of others, or which affect their constituents. This information will normally be made routinely available by Officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.

8.1.2 Written information supplied to a Member regarding the implications of current Council policies or containing statistical information about Council services may be copied to the relevant Cabinet Member.

8.1.3 The Leader of the Council or Leader of any other political group may request the Chief Executive or the relevant Deputy Chief Executive, or other designated Officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services.

8.1.4 Wherever possible, such requests will be met. However, if the Officer considers that the cost of providing the information, or the nature of the request is unreasonable or inappropriate, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups. Requests will also only be met where they comply with data protection or other legal requirements.

8.1.5 Officer reports to political groups should be limited to a statement of relevant facts, identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter.

### *8.2 Briefings*

8.2.1 In order for them to discharge their responsibilities Cabinet Members will be briefed by senior officers (Deputy Chief Executives, Directors or Heads of Service) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the Member involved.

8.2.2 The other political party groups may also have nominated Shadow Cabinet Members

and, if those so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues. The other political party groups should be aware that at times the amount of information that officers can share with them may be limited due to issues of confidentiality.

8.2.3 The content of these informal briefing sessions shall remain confidential as between Officers and the political group concerned.

### 8.3 *News items*

When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

### 8.4 *Ward Members*

8.4.1 Senior officers should ensure that Ward Members are given information relevant to their ward where appropriate. As well as letting Ward Members know when there has been a significant incident in their ward, Ward Members should be notified about the following types of issue:

- Public consultation events affecting their wards;
- Proposed changes to services sited within their wards;
- Applications and proposals in their wards

8.4.2 Ward Members should be invited by Officers to public events, such as openings, festivals etc., in their wards regardless of political affiliation.

8.4.3 The Media and Communications Team will advise Cabinet Members of 'photo shoots' taking place. The team will aim to give 48 hours' notice of any photo shoot to the Cabinet Member.

8.4.3 If Officers organise a public meeting about a specific ward issue, all the Ward Members should be invited and given as much notice as possible.

8.4.4 If Officers undertake consultation about specific ward issues they should consult the Members for that ward at the start of the consultation.

8.4.5 Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial.

### 8.5 *Officer attendance at Group Meetings*

8.5.1 The Leader of the Council or Leader of any other political group may ask the Chief Executive or relevant Deputy Chief Executive to give or arrange a private briefing for the party group on a matter of relevance to the Council.

8.5.2 Any briefings offered to or requested by a party group will be offered to the other party groups.

8.5.3 While Officers may attend political group meetings at which individuals who are not elected Members may be present, Members need to understand that those Officers' ability to share confidential information with the Group may be limited. In particular

Officers will not be able to share personal information with third parties present if to do so would cause the Council to breach the Data Protection Act 1998.

8.5.4 Decisions at group meetings are not Council or Cabinet decisions and party groups do not have any delegated authority to make formally binding decisions.

#### 8.6 *Advice for Members with special responsibilities*

8.6.1 The Lord Mayor, Cabinet Members and Committee Chairs can ask the Chief Executive, Deputy Chief Executives, Directors and Heads of Service for extra background information and advice on different courses of action.

8.6.2 Although these Members have additional responsibilities and different relationships because of their more frequent contact with Officers, these Members must still respect the impartiality of Officers. This includes not asking them to undertake work of a party-political nature, or to do anything which would prejudice that impartiality.

8.6.3 The Leaders of minority political groups can ask the Chief Executive, Deputy Chief Executives, Directors or Heads of Service for background information or more details about items coming to the next meeting of a Committee or Cabinet. The appropriate Chair or Cabinet Member will be entitled to receive the same information.

8.6.4 Party Group Leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

### **9. Members' briefings on agendas and reports**

#### 9.1 *Briefings on agendas*

Deputy Chief Executives, Directors and Heads of Service will give briefings on full Council, Cabinet and Committee agendas to the Leader and Deputy Leader and Committee Chairs as appropriate.

#### 9.2 *Consultation on agendas*

The Leader will be consulted on agendas for the Cabinet. Committee Chairs will be consulted on agendas for their Committees.

#### 9.3 *Requests for reports*

9.3.1 Instructions for reports to come to Cabinet or Committees can only come from the Leader, Cabinet, a Cabinet Member in respect of the Cabinet and a Committee or a Committee Chair in respect of Committees. Cabinet Members may ask for reports to come to their Cabinet Member meetings.

9.3.2 Whilst Cabinet Members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Cabinet Member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

**10. Support services to Members and Political Groups**

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

**11. Correspondence**

*11.1 Between Members and Officers*

If emails or letters between Officers and Members are copied to someone else, they should say so. Blind copies should not be sent. Members should not forward information received from an Officer to a constituent or member of the public if that information is expressed to be private or confidential.

*11.2 Letters on behalf of the Council*

Letters on behalf of the Council will normally be sent by Officers rather than Members. The Leader or Committee Chairs may write some letters on behalf of the Council, for example representations to government ministers. Members must never send letters that create obligations or give instructions on behalf of the Council.

**12. The Council as an Employer**

The Council as a whole employs its Officers. The appointment and dismissal of Officers and any disciplinary or grievance proceedings will be carried out in accordance with the Employment Procedure Rules and any other agreed policies and procedures.

**13. Responsibility for this Code**

The Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.



# **Appendix 2: Complaints Protocol**

## **COVENTRY CITY COUNCIL**

### **ETHICS COMMITTEE**

#### **COMPLAINTS PROTOCOL**

#### **1. INTRODUCTION**

1.1 This protocol sets out how a complainant (“Complainant”) may make a complaint (“Complaint”) that an elected Councillor or co-opted member of this Council, or of a parish council within its area, (“Councillor”) has failed to comply with their council’s Code of Conduct for Councillors (“Code”).

1.2 The protocol also sets out how the Council will deal with a Complaint.

#### **2. THE CODES OF CONDUCT**

2.1 The Council has adopted a Code of Conduct for Elected and Co-opted Members, which is available on the Council’s website.

2.2 Each parish council is also required to adopt a Code of Conduct. The parish councils’ Codes are available:

- (a) on any website operated by the respective parish council;
- (b) on the City Council’s website (if we have been given a copy); or
- (c) on request from the respective parish clerk (“Clerk”).

#### **3. MAKING A COMPLAINT**

3.1 In order to ensure that we have all the information which we need to be able to process a complaint, Complaints must be submitted on the standard Complaint Form, which can be downloaded from the Council’s website.

3.2 Complaints must be sent to the Monitoring Officer (see contact details below).

3.3 If a Complaint is received other than on the standard Complaint Form, we will not consider it but we will send the Complainant a copy of the form for completion. If anyone needs assistance completing the form, they can contact the Monitoring Officer.

3.4 Complainants should give us their name and a contact address or email address, so that we can acknowledge receipt of the Complaint and keep them informed of its progress. If a Complainant wants to keep their name and address confidential, they should indicate this on the standard Complaint Form. In this case we would not disclose their name and address to the Councillor without the Complainant’s prior consent. However, the Council does not

normally investigate anonymous complaints or complaints where the Complainant wishes their details to remain confidential, unless there is a clear public interest in doing so.

3.5 Within 5 working days of receiving a Complaint, the Monitoring Officer will usually:

- (a) acknowledge receipt to the Complainant;
- (b) send a copy of the Complaint to the Councillor, unless the Monitoring Officer considers that this may prejudice any investigation;
- (c) send a copy of the Complaint to the Clerk (where the complaint relates to a parish councillor).

3.6 The Monitoring Officer will also notify the Councillor that they have the right to seek the views of the Independent Person (see paragraph 11 below). The Independent Person's contact details can be obtained from the Monitoring Officer (see contact details below).

3.7 The Monitoring Officer will keep the Complainant, the Councillor and the Clerk (where appropriate) informed of the progress of the Complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

#### **4. WILL THE COMPLAINT BE INVESTIGATED?**

4.1 Where possible and appropriate, the Monitoring Officer will seek to resolve the Complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council or the respective parish council.

4.2 The Monitoring Officer will review every Complaint received and, in conjunction with the Chief Executive, take a decision as to whether it merits formal investigation. They will have regard to, but are not bound to follow, the guidelines set out in Appendix 1. This decision will normally be taken within 15 working days of receipt of the Complaint. Before making the decision, the Monitoring Officer and Chief Executive will consult with the leader of the political group to which the Councillor belongs (if appropriate) and will also consult with the Independent Person as to whether an investigation is appropriate. The Independent Person will be given an opportunity to review and comment on allegations which the Monitoring Officer and Chief Executive are minded to dismiss as being without merit, vexatious or trivial.

When the Monitoring Officer has taken a decision, they will inform the Complainant, the Councillor and the Clerk (where appropriate) of their decision and the reasons for that decision.

4.3 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask the Complainant, the Councillor or the Clerk (where appropriate) for such information. Where a Complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the respective parish council before deciding whether the Complaint merits formal investigation.

4.4 If the Complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to call in the Police and/or other regulatory agencies. In such cases it may be necessary to postpone consideration of the Complaint until the Police or other action has been concluded.

4.5 If the Monitoring Officer decides not to investigate a Complaint, they will nevertheless report this to the next ordinary meeting of the Ethics Committee and to the relevant parish council (where appropriate) for information.

## **5. HOW IS AN INVESTIGATION CONDUCTED?**

- 5.1 If the Monitoring Officer decides that a Complaint merits formal investigation, they will, where appropriate after consultation with the Independent Person, appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Council or an appropriately experienced external investigator.
- 5.2 The Investigating Officer will decide whether they need to meet or speak to the Complainant to understand the nature of the Complaint and so that the Complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who they need to interview.
- 5.3 The Investigating Officer would normally write to the Councillor and ask them to provide their explanation of events, and to identify what documents the Investigating Officer needs to see and who they need to interview. In exceptional cases, the Investigating Officer may delay notifying the Councillor until the investigation has progressed sufficiently.
- 5.4 At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Councillor, to give them both an opportunity to identify any matter in that draft report with which they disagree or which they believe requires more consideration.
- 5.5 Having received and taken account of any comments on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

## **6. WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS NO EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?**

- 6.1 The Monitoring Officer will review the Investigating Officer's report. If they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will send a copy of the Investigating Officer's final report to the Complainant, the Councillor, the Independent Person and the clerk of the parish council (where appropriate) and notify them that they are satisfied that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he or she may ask the Investigating Officer to reconsider their report.
- 6.2 The outcome of such investigations will be reported to the next ordinary meeting of the Ethics Committee and the relevant parish council (where appropriate) for information.

## **7. WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?**

- 7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing by the Ethics Committee or, after consulting the Independent Person, seek Summary Resolution (see below).

### *Summary Resolution*

- 7.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the Complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the Councillor accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the relevant parish council (where appropriate).

7.3 If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Ethics Committee and the relevant parish council (where appropriate) for information, but will take no further action.

#### *Referral for Hearing*

7.4 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the Councillor does not comply with any suggested resolution, then the Monitoring Officer will refer the Investigating Officer's report to the Ethics Committee for a hearing to decide whether or not the Councillor has failed to comply with the respective Code of Conduct and, if so, whether to take any action in respect of the Councillor.

#### *Hearing Procedure*

7.5 The Monitoring Officer will conduct a "pre-hearing process", requiring the Councillor to give their written response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.

7.6 The Chair of the Ethics Committee may issue directions as to the manner in which the hearing will be conducted.

7.7 The procedure for hearings is set out in Appendix 2: Hearing Procedure.

7.8 The Investigating Officer may ask the Complainant to attend the hearing to give evidence. The Complainant does not otherwise have the right to speak at the hearing but they may usually attend as a member of the public.

### **8. WHAT ACTION CAN THE STANDARDS COMMITTEE TAKE WHERE A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?**

8.1 The Council has delegated to the Ethics Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct.

8.2 The sanctions available to the Ethics Committee are set out in Appendix 2: Hearing Procedure.

### **9. WHAT HAPPENS AFTER A HEARING?**

9.1 As soon as reasonably practicable, the Monitoring Officer will prepare a formal decision notice, in consultation with the Chair, and send a copy to the Complainant, the Councillor and the clerk of the parish council (where appropriate). They will also make that decision notice available for public inspection on the Council's website for at least 12 months after the hearing.

### **10. WHO ARE THE ETHICS COMMITTEE?**

10.1 The Ethics Committee is a committee of the City Council. It is appointed by the City Council and comprises five Councillors and must reflect the political make-up of the council.

### **11. WHO IS THE INDEPENDENT PERSON?**

11.1 The Independent Person is a person who has been appointed by a majority of all the Councillors on the City Council.

11.2 A person cannot be the Independent Person if they:

- (a) are, or have been within the past 5 years, a Councillor, co-opted member or officer of the Borough Council;
- (b) are or have been within the past 5 years, a Councillor, co-opted member or officer of a parish or town council within the Council's area, or
- (c) are a relative, or close friend, of a person within (a) or (b) above.

11.3 In 11.2(c) above, "relative" means:

- (a) A spouse or civil partner;
- (b) Someone living with the other person as husband and wife or as if they were civil partners;
- (c) A grandparent of the other person;
- (d) A lineal descendent of a grandparent of the other person;
- (e) A parent, sibling or child of a person within sub-paragraphs 11.3(a) or (b);
- (f) A spouse or civil partner of a person within sub-paragraphs 11.3(c), (d) or (e); or
- (g) Someone living with a person within sub-paragraphs 11.3 (c), (d) or (e) as husband and wife or as if they were civil partners.

11.4 The Independent Person is invited to attend all meetings of the Ethics Committee. Their views are sought and taken into consideration:

- (a) before the Monitoring Officer decides whether to investigate a Complaint in the circumstances set out in paragraph 4.2 above;
- (b) before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution;
- (c) before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the respective Code of Conduct; and
- (d) as to any action to be taken following a finding of failure to comply with the respective Code of Conduct.

11.5 The Independent Person can also be consulted by the Councillor.

## **12. APPEALS**

12.1 There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer or of the Ethics Committee.

12.2 If someone feels that the City Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which that complaint had been handled.

## **13 REVISION OF THESE ARRANGEMENTS**

13.1 The Ethics Committee may amend these arrangements, and has delegated to the Chair of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **14 CONTACT DETAILS**

14.1 The Council's Monitoring Officer is:

Julie Newman  
Coventry City Council  
Council House  
Earl Street  
Coventry  
CV1 5RR

Tel: 024 7683 31606

Email: [julie.newman@coventry.gov.uk](mailto:julie.newman@coventry.gov.uk)

## Appendix 1

### ASSESSMENT GUIDELINES

**The Monitoring Officer will have regard to these guidelines when deciding whether or not a Complaint should be investigated but they are not bound to follow them.**

#### **1. CIRCUMSTANCES WHERE THE MONITORING OFFICER MAY DECIDE TO ARRANGE A FORMAL INVESTIGATION**

1.1 Where the allegation discloses a potential breach of the Code that the Monitoring Officer considers sufficiently serious to justify the time and cost of an investigation.

#### **2. CIRCUMSTANCES WHERE THE MONITORING OFFICER MAY DECIDE THAT A COMPLAINT SHOULD NOT BE FORMALLY INVESTIGATED**

2.1 Where it is possible and appropriate to resolve the Complaint informally, without the need for a formal investigation.

2.2 Where the Complaint is about someone who is no longer a Councillor.

2.3 Where the Complaint does not disclose a potential breach of the Code.

2.4 Where the information provided by the Complainant is insufficient to enable the Monitoring Officer to make a decision as to whether the Complaint should be referred for investigation or other action. In this case, the Complainant will be advised that it is possible to resubmit the Complaint with further information.

2.5 Where a substantially similar allegation has previously been made by the Complainant, or the Complaint has been the subject of an investigation by another regulatory organisation. In this case, the Monitoring Officer will only refer the Complaint for investigation or other action if they consider that there is a compelling reason to do so.

2.6 Where the Complaint is about something that happened more than 6 months ago, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, or there are other good reasons for the delay, it may still be appropriate to refer the Complaint for investigation or other action.

2.7 Where the Complaint is anonymous or where the Complainant wishes to remain confidential unless the Monitoring Officer considers that there is a compelling reason to do so.

2.8 Where the Complaint discloses a potential breach of the Code of Conduct, but the Monitoring Officer considers that the Complaint is not serious enough to warrant further action.

2.9 Where the Complaint appears to be malicious, politically motivated or tit-for-tat, unless a serious matter is raised in the Complaint.

## **Appendix 2**

### **HEARING PROCEDURE**

#### **1. BACKGROUND**

- 1.1 This document sets out the procedure which the Ethics Committee will follow in hearing and determining allegations that a Councillor or co-opted member of the Council, or of a parish council within Coventry, has breached the respective council's Code of Conduct.
- 1.2 The purpose of the hearing is to decide whether or not a Councillor has failed to follow the respective Code and, if so, to decide whether or not any sanction should be imposed and what form any sanction should take.
- 1.3 The purpose of this document is to provide an efficient and effective hearing process that will help the Committee to deal with all the issues that need to be resolved in a way that is appropriate and fair to the Complainant and the Councillor. It will thereby promote public confidence in the Council's ability to deal fairly and properly with alleged breaches of the Codes of Conduct.
- 1.4 The procedure has been prepared with regard to relevant legislation, including the Localism Act 2011.
- 1.5 If there is any inconsistency between this procedure and the requirements of legislation the latter will prevail. Any matter not covered in this procedure will be determined by the Committee with regard to the relevant legislation.

#### **2. INTERPRETATION**

- 2.1 "Code" means the Code of Conduct for Councillors/Members of the respective Council.
- 2.2 "Councillor" means the councillor who is the subject of the allegation being considered by the Ethics Committee, unless stated otherwise. It also includes the Councillor's nominated representative (if any).
- 2.3 "Independent Person" means the Independent Person appointed by the Council for this purpose (see paragraph 11 of the Complaint Procedures).
- 2.4 "Investigating Officer" means the person appointed by the Monitoring Officer to carry out the investigation. It also includes the Investigating Officer's nominated representative (if any).
- 2.5 "Legal Adviser" means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.

#### **3. REPRESENTATION**

- 3.1 The Councillor and/or the Investigating Officer may be represented or accompanied during the meeting by another person. However, a party to the hearing will only be permitted to be legally represented with the permission of the Committee.

#### **4. LEGAL ADVICE**



- 4.1 The Committee may take legal advice, in private if necessary, from its Legal Adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Complainant, the Councillor and the Investigating Officer if they are present.

## **5. INTRODUCTIONS**

- 5.1 The Chair will formally introduce all the members of the Ethics Committee and everyone else involved in the hearing.

## **6. PRELIMINARY MATTERS**

- 6.1 The Legal Adviser will explain how the Committee is going to run the hearing and how witnesses will be dealt with (if any).
- 6.2 The Legal Adviser will also seek to resolve any preliminary issues before the hearing starts. If these cannot be agreed, the Committee shall decide them.

## **7. THE INVESTIGATING OFFICER'S CASE**

- 7.1 The Investigating Officer will briefly describe the essence of the Complaint by reference to their report (including exactly what was alleged to have been said or done) and point out any significant disagreement as to the facts. The Investigating Officer may only introduce new matters with the agreement of the Committee.
- 7.2 With the Committee's permission, the Investigating Officer may then call such witnesses as are necessary to substantiate their conclusion that the Councillor has failed to comply with the respective Code.
- 7.3 The procedure for each witness shall be:
- (a) The Investigating Officer shall ask them questions;
  - (b) The Councillor may ask them questions;
  - (c) The Committee may ask them questions;
  - (d) The Investigating Officer may ask them further questions to clarify matters raised by the Councillor and/or the Committee during their questioning.

- 7.4 The Committee may ask the Investigating Officer questions.

## **8. THE COUNCILLOR'S CASE**

- 8.1 The Councillor will then have the opportunity to state their case by reference to their written response to the Investigating Officer's report. The Councillor may only introduce new matters with the agreement of the Committee.
- 8.2 With the Committee's permission, the Councillor may then call such witnesses as are necessary to substantiate their case.
- 8.3 The procedure for each witness shall be:
- (a) The Councillor shall ask them questions;
  - (b) The Investigating Officer may ask them questions;
  - (c) The Committee may ask them questions;
  - (d) The Councillor may ask them further questions to clarify matters raised by the Investigating Officer and/or the Committee during their questioning.

8.4 The Committee may ask the Councillor questions.

## **9. SUMMING UP THE CASES**

9.1 The Investigating Officer will then sum up their case.

9.2 The Councillor will then sum up their case.

## **10. THE INDEPENDENT PERSON'S VIEW ABOUT BREACH OF THE CODE**

10.1 The Committee must take advice (orally or in writing) from the Independent Person before making a decision about whether or not the Councillor has breached the respective Code.

## **11. DECISION**

11.1 The Committee will then decide whether or not they believe that the Councillor has failed to follow the respective Code.

11.2 The decision of the Committee will be announced in public and short reasons for the decision given.

## **12. IF THE COUNCILLOR HAS NOT FAILED TO FOLLOW THE CODE**

12.1 If the Committee decides that the Councillor has not failed to follow the Code, the Committee may then consider whether to make any recommendations to the respective Council with a view to promoting high standards of conduct among councillors.

## **13. IF THE COUNCILLOR HAS FAILED TO FOLLOW THE CODE**

13.1 If the Committee decides that the Councillor has failed to follow the Code, the Investigating Officer will be asked to make any representations about:

- (a) whether the Committee should apply a sanction; and, if so,
- (b) what form any sanction should take.

13.2 The Councillor will then be asked to make any representations about these matters.

13.3 The Committee may question the Investigating Officer and the Councillor to make sure that they have the information they need in order to make an informed decision.

13.4 The Committee must take advice (orally or in writing) from the Independent Person before making a decision about any sanction.

13.5 The Committee may impose one or more of the following sanctions:

- (a) Publish its findings in respect of the Councillor's conduct;
- (b) Report its findings to the Council or to the respective parish council (where appropriate) for information;
- (c) Recommend to the Councillor's political group leader (or in the case of councillors who are not part of a political group, recommend to the respective Council or Committees) that they be removed from any or all Committees or Sub-Committees of the respective Council;
- (d) Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular portfolio responsibilities;
- (e) Recommend to the Council that the Leader of the Council should be removed as Leader;

- (f) Instruct the Monitoring Officer, or recommend the respective parish council (where appropriate), to arrange training for the Councillor and/or other councillors;
- (g) Recommend to the Council, or to respective parish council, that the Councillor be removed from all outside appointments to which they have been appointed or nominated by the Council or by the respective parish council;
- (h) Withdraw, or recommend to the respective parish council that it withdraws, facilities provided to the Councillor by the relevant Council, such as a computer, website and/or email and internet access; or
- (i) Exclude, or recommend to the respective parish council that it excludes, the Councillor from the relevant Council's offices or other premises, with the exception of meeting rooms which are necessary for attending Council, Committee and Sub-Committee meetings.

13.6 The Council has no power to suspend or disqualify the Councillor nor to withdraw councillors' basic or special responsibility allowances.

13.7 The Committee may impose a sanction to begin immediately or within a period of six months after the imposition of the sanction.

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## **Appendix 3: Hearings Procedure for 20 November, 2019**

### **Hearing Procedure for Ethics Committee on 20 November 2019 –Councillor G Williams**

1. The Independent Chair will confirm that the Committee has the report before them and has read the report and appendices. The Chair will confirm the attendance of the Independent Investigator (David Kitson) and the Independent Person, Peter Wiseman
2. The Independent Chair will invite the Independent Investigator, Mr Kitson, to outline his investigation.
3. The Independent Chair will then invite Councillor Williams to ask any questions of the Independent Investigator. The Committee will then be asked if they have any questions for Mr Kitson.
4. Councillor Williams will then be invited to state his case. The Independent Chair will then invite Mr Kitson to ask any questions of Councillor Williams. The Committee will then be asked if they have any questions for Councillor Williams.
5. The Independent Chair will invite Mr Kitson to sum up.
6. The Independent Chair will invite Councillor Williams to sum up.
7. The Independent Chair will ask the Independent Person, Peter Wiseman, for his advice.
8. The Committee will adjourn to make a decision about whether or not Councillor Williams has breached the Code and will provide reasons for the formal decision notice.
9. The Committee will return to the room and advise the Independent Chair of their decision who will then announce the decision with short reasons for the decision.
10. If the Committee decides that the Councillor has not failed to follow the Code, the Committee may then consider whether or not to make any recommendations to Council with a view to promoting high standards of conduct amongst councillors.
11. If the Committee finds that Councillor Williams has breached the Code of Conduct then the Committee will move on to consider whether or not any sanctions should be imposed.
12. The Independent Chair will ask Councillor Williams to make any representations on the question of sanctions.
13. The Committee can ask for more information from either the Councillor or the Investigating Officer in relation to the imposition of sanctions. .
14. The Independent Chair will ask the Independent Person, Peter Wiseman, for his views on the imposition of sanctions.

15. The Committee will adjourn to consider whether or not any sanctions should be imposed and what they should be
16. The Committee will advise the Independent Chair of their decision on sanctions and the Independent Chair will announce the decision.

# Appendix 4: Stage One Report



## **Member Code of Conduct: Consideration of a Complaint**

**Complaint by:** Martin Yardley

**Complaint against:** Councillor Williams

**Enclosures to this memo are:-**

- (a) Complaint dated 19<sup>th</sup> February 2018
- (b) Tweet images
- (c) Email from Tracy Miller
- (d) Email from Martin Yardley
- (e) Officer/member protocol

### **Introduction**

Under the Council's Complaints Protocol, Stage 1 of the Protocol relates to how a complaint made against an elected member should be dealt with. The review must be carried out by the Monitoring Officer and the Chief Executive (or their respective nominees) as appropriate in consultation with the Group Leader of the Subject Member's party or in the case of an Independent Member the City Council's independent person.

### **1. Summary of Complaint**

Martin Yardley (Deputy Chief Executive (Place)) alleges that Councillor Williams tweeted a comment on social media which accused officers of "seeking to corrupt the planning system" and engaging in social media correspondence with an individual who said that an officer should have "his head kicked in".

## 2. Background and detail regarding the Complaint

On the 30<sup>th</sup> January 2019 Councillor Williams tweeted the following comment:

“With the deadline for comments on a major planning application in Keresley coming up on Monday, the @coventrycc planning portal has been down for over 12 hours! Is this an attempt to stop people from objecting?? I’ll be asking for an extension to the deadline.”

In response to this tweet Councillor Williams entered into a twitter conversation with a “spoof account” named “[REDACTED]” that commented:

“Just tell head of planning to do it or you’ll kick his head in. Bullying seems to be the preferred approach in CC these days!”

Councillor Williams answered this tweet saying:

“An interesting approach, but she’s a lady and I would never condone any sort of violence towards women.”

Tracy Miller, the Head of Planning, raised her concerns with Councillor Williams about the content of the tweets via email.

On the 1<sup>st</sup> February 2018 Tracy Miller emailed the Monitoring officer to raise her concerns that the tweets were inappropriate. She commented “it just shows that inappropriate, derogatory and disrespectful posts from Elected Members can result in people feeling they can resort to violence”. She asked that this be considered as a breach of the officer’s/members protocol.

On the same day the Deputy Chief Executive (Place) Martin Yardley wrote to the Councillor Williams copying in the Monitoring Officer raising concerns about the tweets and commented “You have by your actions not only accused my staff of corruption but you have also engaged and encouraged a situation where someone is suggesting that my staff are assaulted”

On the 19<sup>th</sup> February 2019 Martin Yardley raised a formal complaint that Councillor Williams had breached the Code of Conduct for Elected Members.

Councillor Williams does not accept the concerns raised by Martin Yardley and raised his own concerns about the content of the email from Martin Yardley; this complaint was considered under a separate process and Councillor Williams concerns were found to be unsubstantiated.



### **3. Analysis of Complaint**

In his complaint Martin Yardley identifies the following alleged breach to the Code of Conduct:

Part 4a of the constitution - Code of Conduct for Elected and Co-opted members.

(i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good Local Government.

(j) Always treat people with respect including the organisations and public I engage with and those I work alongside.

(k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council

It is also alleged that Councillor William breached the officer/member protocol

Councillor Williams was acting in his capacity as a Councillor and the Code of Conduct for Elected and Co-opted Members therefore applies to his actions which are subject of this complaint.

I am conscious that there has been a history of complaints raised to the Monitoring Officer in respect of Councillor Williams use of social media and that training on the appropriate use of social media has been provided to Councillor Williams.

Councillor Williams's comments on Twitter caused distress to officers of the Council and have given rise to a potential breach of the Code of Conduct for Elected Members. I therefore recommend that this matter moves to an independent investigation at Stage 2 of the complaints process.

### **4. Options Available**

4.1 The options for dealing with the complaint are:

- (a) referring the matter to an internal or external Investigating Officer for investigation
- (b) taking no further action on the complaint;
- (c) resolving the matter by informal resolution; or
- (d) any other way deemed appropriate.

4.2 The factors to be taken into account when determining how to deal with a complaint may include, but are not limited to, whether:

- (a) the complaint relates to an existing member of the Council or Parish Council;
- (b) the member was in office at the time and bound by the Code of Conduct at the time;
- (c) the member was acting in his or her official capacity;
- (d) the complaint is considered serious or significant in substance
- (e) the complaint would be in the public interest to pursue
- (f) the complaint is vexatious, malicious, politically motivated or inappropriate;
- (g) the complaint is substantially similar to a complaint already made to Standards for England, the Ethics Committee (or its predecessor the Standards Committee) or any other regulatory authority;
- (h) the complaint is unreasonable;
- (i) the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible.

## **5. Recommended Action**

This stage 1 investigation is recommending that the complaint proceeds to Stage 2 of the complaints process and that an independent investigation is undertaken.

## **6. Consultation with Group Leaders/Independent Persons**

*(As there is no Group Leader of the party to which the Subject Member belongs this matter has been referred to one of the City Councils Independent Persons.)*

“ I’ve considered the documentation which you have forwarded concerning the complaint against the above named. On the face of it the Councillor, without first checking his facts, has made, at best, an unsubstantiated allegation, at worst, a deliberately scurrilous allegation against Council officers, which it was foreseeable risked bringing the Council and those officers into disrepute. I believe there is evidence of a prima facie breach of the Code of Conduct of sufficient seriousness and importance as to justify a stage 2 investigation.”

Peter Wiseman

Signed:

[Redacted]

Independent Person

Dated: 24 March, 2019

[Redacted] ..... Martin Reeves, Chief Executive

..... [Redacted] .....Julie Newman, Monitoring Officer

Date: 24 March, 2019

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**COVENTRY CITY COUNCIL**  
**Investigation Report**  
**Complaint against Councillor Williams**  
**20 August 2019**

## 1 EXECUTIVE SUMMARY

- 1.1 On 19 February 2019 a complaint was made by Mr Martin Yardley (“the Complainant”) against Councillor Glenn Williams (“the Councillor”). The Complainant is the Deputy Chief Executive for Place at Coventry City Council (“the Council”).
- 1.2 The Complainant alleged that on 31 January 2019 the Councillor posted a comment on Twitter in which he made the allegation that the Council’s Planning Department had purposefully taken down the Council’s Planning Portal so as to stop the public from objecting to a particular planning application. He further alleges that the Councillor then engaged in correspondence relating to that tweet in which a member of the public suggested that the Head of Planning and Regulation be assaulted, rather than instead stopping the conversation or pointing out that this was not appropriate, and reporting the threat to the Council.
- 1.3 Members must act, and must also be seen to be acting, in accordance with the high standards of conduct required by those in public office. A judgment as to whether an elected member has breached the Council’s Code of Conduct must be made on the balance of probabilities.
- 1.4 All appropriate witnesses have been interviewed as part of the investigation process.
- 1.5 It is common ground that the Councillor did post a comment on Twitter and engaged in the exchange of comments about that post with a third party. The content of that post and the comments are not in issue.
- 1.6 On the balance of probabilities we have found that:
  - 1.6.1 in his original post the Councillor had alleged that the Council’s Planning Department had purposefully taken down the Planning Portal so as to prevent objections being made to a particularly controversial planning application; and
  - 1.6.2 although the exchange of comments between the Councillor and the third party account were likely to have been made tongue in cheek, that did not make them acceptable or appropriate;
- 1.7 Both of the above findings were made in the context of:
  - 1.7.1 the significant increase in the intimidation of persons in public life throughout the country, concerning which social media has been a major catalyst;
  - 1.7.2 the contentious nature of the planning process, and in particular the high profile nature of the application concerning which the tweets were made; and
  - 1.7.3 the duty of care the Councillor owes towards the Council’s Officers not to do anything that will or is likely to undermine the mutual duty of trust and confidence.
- 1.8 Having carefully considered the issues, the available documentation, the information gathered by way of interviews with the Complainant, the Councillor and other relevant witnesses, and information available publicly (such as on the Council’s website), we conclude that on the balance of probabilities the Councillor did fail to comply with paragraphs 3(i), (j) and (k) of the Council’s Code of Conduct.

## 2 MEMBER DETAILS

- 2.1 Councillor Glenn Williams (“the Councillor”) was elected as a Councillor for Coventry City Council in May 2016. He is one of 3 Councillors representing the Bablake Ward, and is currently an independent member.
- 2.2 The Councillor states that he is aware of the Council’s Members’ Code of Conduct and the standards of behaviour expected of Members when acting in that capacity, and is a former vice-chairman of

Warwick District Council's Standards Committee (where he was a member for 8 years prior to joining the Council).

2.3 The Councillor holds no appointments to Council committees.

### 3 THE COMPLAINT

3.1 On 19 February 2019 a complaint was made by Mr Martin Yardley ("the Complainant") alleging that Councillor Glenn Williams ("the Councillor") had breached the Members' Code of Conduct. A copy of the Complainant's complaint is attached to this report as **Schedule 1**.

3.2 The complaint can be summarised as follows:

3.2.1 On 31 January 2019 the Complainant had been copied into an email from the Council's Head of Planning and Regulatory Services, Ms Tracy Miller, to the Councillor, in response to an email the Councillor had sent Ms Miller stating that the Planning Portal had been down, and requesting that the deadline for representations and comments concerning an application for permission at Keresley be extended.

3.2.2 Ms Miller had responded to inform the Councillor that the process could not be extended, and that the Head of ICT and Digital had checked and then confirmed that the Planning Portal had not been down and that representations had been received from others during that time.

3.2.3 Ms Miller also referred to a post that the Councillor had made on Twitter, attaching a copy of this to the email. She stated that his comments were unhelpful and that she did not welcome accusations about her team.

3.2.4 The Complainant (having read through the emails and the Tweets) then wrote an email to the Councillor (copying in the Council's Monitoring Officer) expressing how extremely concerned he was about the Councillor's behaviour, in particular that the Councillor had accused Council staff of corruption, and had also encouraged a situation where a third party was suggesting that Council staff should be assaulted.

### 4 RELEVANT PARTS OF THE CODE OF CONDUCT

4.1 The Council's Members' Code of Conduct ("the Code") is attached to this report as **Schedule 2**.

4.2 On the basis of the complaint, the following parts of the Code are most likely to be relevant:

3. *As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will...*

(i) *Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*

(j) *Always treat people with respect, including the organisations and public I engage with and those I work alongside.*

(k) *Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*

### 5 PROCESS OF INVESTIGATION AND EVIDENCE GATHERED

5.1 Following receipt of the complaint and in accordance with the Council's "Complaints Protocol", the complaint underwent an initial assessment by the Monitoring Officer and the Chief Executive (in

consultation with the Council's Independent Person) which resulted in a decision to refer the complaint for investigation.

- 5.2 The Council appointed David Kitson, Senior Associate at Bevan Brittan LLP, to investigate the complaint, providing him with relevant documentation.
- 5.3 Arrangements were then made to speak separately to the following individuals. Notes of those conversations are attached to this report as indicated:
- 5.3.1 The Complainant **Schedule 3**;
- 5.3.2 The Council's Head of Planning and Regulatory Services Ms Tracy Miller **Schedule 4**; and
- 5.3.3 The Councillor **Schedule 5**;
- 5.4 The notes of interview are not a verbatim record and are not intended to capture everything that was discussed. They are intended to be a note capturing the key points raised.
- 5.5 All of the interviewees have confirmed by email that they are happy with the content of their respective interview notes.

## 6 EVIDENCE

- 6.1 In order to determine whether the Councillor has breached the Code, this report will draw upon the evidence set out in the notes of the interviews as set out above, the complaint form and screenshots of Twitter, other publicly available information such as documents on the Council's website, and any other information provided by those interviewed.

## 7 OFFICIAL CAPACITY

- 7.1 It is necessary to consider whether the Councillor was acting in his official capacity as a member of the Council at the time of the allegations.
- 7.2 Section 27(2) of the Localism Act 2011 further supports that the Code only applies to Members when they are acting in that capacity, and which provides:

*In discharging its duty under subsection (1) [promotion and maintenance of high standards of conduct], a relevant authority must, in particular, adopt a code dealing with the conduct that is expected by members and co-opted members of the authority **when they are acting in that capacity**.*

- 7.3 Although the Councillor's Twitter account handle does not contain anything that would on the face of it indicate that he is an elected member of the Council, his biography (which is visible on his account) states the following:

*"Councillor for Bablake ward, Coventry. True Brexit. Working hard to protect our Greenbelt. Persona non grata. Making Bablake great again."*

- 7.4 Although the above is not of itself determinative, it adds weight to the argument that when posting on Twitter the Councillor intends to do so in his capacity as a member of the Council, or in the knowledge that a reasonable person would have this impression.
- 7.5 The Councillor (by his own admission) often uses his Twitter account to promote his activities as an elected member of the Council, for political activity, and to provide constituents with information and updates. It would therefore be reasonable to say that many of those who have signed up to receive notifications of any posts that he makes have done so on account of his role as an elected member, and in order to receive information relevant to the Councillor's role and activities.



- 7.6 The Councillor's tweet directly concerns the Council's planning functions – and it would be reasonable to think that he states that he will be asking for an extension to the deadline on account of his position as an elected member of the Council and on behalf of residents.
- 7.7 On the balance of probability we find that the Councillor was acting in his capacity as a member of the Council in relation to the posts on Twitter, and that the Council's Code of Conduct applied.

## 8 FINDINGS

- 8.1 All Members must uphold high standards of conduct and behaviour and act in accordance with the Committee on Standards in Public Life's seven principles of public life ("the Nolan principles"), which are reflected in section 28 of the Localism Act 2011 and at Paragraph 2 of the Council's Code.
- 8.2 Any judgment as to whether an elected member has failed to act accordingly and has breached the Code must be made on the balance of probabilities.
- 8.3 The Complainant alleges that on the basis of the Councillor's post and the subsequent related posts on Twitter, the Councillor has breached three parts of the Code of Conduct.
- 8.4 It is common ground that the Councillor did post his comment on Twitter, and that he engaged in a subsequent exchange of replies to that post with a third party. Further, the content of that post and the replies to it are also not in issue.
- 8.5 It is also common ground that the Complainant and Ms Miller (the Council's Head of Planning and Regulation) are in a relationship with each other outside of work. This is not a secret, and the Complainant and Ms Miller were both open and forthcoming about this. The Councillor believes that their relationship is totally inappropriate, particularly so on account of Ms Miller's service area falling within the Complainant's overall control – he believes that the complaint has been made because of that relationship. The Complainant and Ms Miller on the other hand state that their professional roles at the Council are separate from their private lives, and the Complainant further states that their relationship was not the reason why he made the complaint.
- 8.6 For ease of reference we set out the text of the posts on Twitter, which are as follows:


### **Glenn Williams**

*With the deadline for comments on a major planning application in Keresley coming up on Monday, the @coventrycc planning portal has been down for over 12 hours! Is this an attempt to stop people from objecting?? I'll be asking for an extension to the deadline.*

  
*Presume the deadline is extended?*

### **Glenn Williams**

*Head of Planning has refused before but I shall be asking today. I feel another email to Cllr Ruane coming on!*

  
*Just tell head of planning to do it or you'll kick his head in. Bullying seems to be the preferred approach in CCC these days!*

### **Glenn Williams**

*An interesting approach, but she's a lady and I would never condone any sort of violence towards women.*



<https://www.gov.uk/government/publications/government-response-to-the-committee-on-standards-in-public-life-review-of-intimidation-in-public-life>

- 8.14 In that response, the Government were very supportive of the recommendations being made by the CSPL. On page 5 of the response, the following was stated:

*“All those in public life have a responsibility to challenge and report intimidating behaviour wherever it occurs. We must all seek to uphold the highest standards of conduct. We must set a tone in public discourse which is neither dehumanising nor derogatory and which recognises the rights of others to participate and have different views.*

*The Government takes this issue extremely seriously. We already have codes of conduct to ensure all those in Government observe the highest standards of behaviour and conduct...”*

- 8.15 Further, the Council has a duty of care towards its employees, both through the implied duty of mutual trust and confidence, and under the Health and Safety at Work etc. Act 1974.

- 8.16 In the case of *Heesom v The Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin)* (which was an appeal by a Welsh Councillor against findings that he had been in breach of the Code of Conduct because of his behaviour towards officers), Mr Justice Hickinbottom (referring to the case of *Janowski v Poland (1999) 29 EHRR 705*) stated the following at paragraph 42 of the judgment:

*“...Civil servants are, of course, open to criticism, including public criticism; but they are involved in assisting with and implementing policies, not (like politicians) making them. As well as in their own private interests in terms of honour, dignity and reputation..., it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration. Therefore, in the public interest, it is a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, that adverse effect on good administration...”*

- 8.17 Case law also recognises that every Councillor is under a duty not to do anything which is likely to damage the relationship of trust and confidence between the Council and its employees, and that this extends to situations where a Councillor makes allegations against officers via social media (or otherwise). At paragraph 82 of the *Heesom* case Mr Justice Hickinbottom stated:

*“In *Moore v Bude-Stratton Town Council [2001] ICR 271*, a council employee resigned because of abuse and allegations of dishonesty at the hands of a backbench member of the council for whom he worked. The councillor was censured by the council at its next meeting, and the employee asked to reconsider; but he refused, and pursued a claim for unfair dismissal. It was argued on his behalf that there was a duty on every local councillor arising out of his or her position as councillor not to do anything calculated and likely to destroy or damage the relationship of confidence and trust between council and the council's employees (page 277D-E)...the majority accepted that argument, and held that councillors were under a duty of trust and confidence for breach of which the council would be liable...”*

- 8.18 Further, section 2(1) of the Health and Safety at Work etc Act 1974 states that:

*It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

- 8.19 Following the rationale of the *Heesom* case above, this duty might also be said to extend to Councillors so that they are required to ensure, so far as is practicable the health, safety and welfare of the Council's employees.

#### Allegations of corruption

- 8.20 As stated above, the first limb of this complaint concerns the Councillor's allegation that the Council's Planning Portal had been taken down in order to stop people making representations against a particular planning application in Keresley. This application was controversial in the sense that it was

proposing the building houses on green belt land. There was a lot of interest and the public had strongly held views about it, particularly those members of the public within the Ward who in the Councillor's opinion already particularly disliked the Council and were mistrustful of the Planning Department.

- 8.21 The Complainant states that the allegation made by the Councillor is an allegation against the Council and in particular the Planning Department of corrupt practice, and that in making such an allegation he is further aggravating the increasingly difficult environment in which Officers work, as well as causing distress to those Officers. Ms Miller states that in making these comments the Councillor showed a lack of respect for the Planning Department and the difficult job Officers undertake. Alleging that they had intentionally taken down the Planning Portal amounted to a very public slur against the professionalism of the Planning Department and its Officers. She states that the Councillor holds a position of influence, and his comments lowered the public's view of the Council and the Planning Department, increasing the risk of Officers being subject to abuse and intimidation.
- 8.22 The Councillor phrased his allegation as a rhetorical question. When asked who it was that he was alleging had taken the Planning Portal down intentionally, the Councillor stated that it was not for him to suggest what residents should think, that Twitter involved a lot of banter, and that he was being provocative. He also states that he was not accusing the Planning Department of corruption or acting inappropriately, and in the subsequent emails between himself and Ms Miller he states that he had recently praised the Planning Officer who was dealing with the application as being both professional and helpful.
- 8.23 The Councillor's Tweet is unavoidably a direct comment concerning the Keresley application and the availability of the Planning Portal through which representations can be made about that application. The planning process is the statutory responsibility of the Council as planning authority, and in relation to which it has control of the Planning Portal. On the balance of probability it would therefore be reasonable to suppose that the Councillor did mean that it was the Council against whom he was raising his rhetorical question.
- 8.24 It therefore follows that on balance we have found that the Councillor was implying that the Council and more particularly the Planning Department may have purposefully and improperly taken down the Planning Portal to stop objections being made to the Keresley planning application. Even if the Councillor was doing so in a tongue in cheek manner, this would be unlikely to be evident objectively. In any case the Councillor's own belief that residents within the Keresley area had a particular mistrust and dislike of the Council and the planning process should have made him think carefully about the tweet.

#### Threat of assault

- 8.25 The second limb of the complaint concerns the suggestion by the third party that the Councillor should tell the Head of Planning to extend the consultation or otherwise threaten to "kick his head in", and the response the Councillor made to this in which he stated that the Head of Planning was a lady, and that he would not condone any sort of violence towards women.
- 8.26 The Complainant states that instead of responding to the third party whose replies incited assault against Council Officers, the Councillor should have challenged this as being inappropriate, and that by engaging with the third party the Councillor was adding to and aggravating the situation. The Complainant also states that the Councillor's comment helped to identify Ms Miller, and that by stating that he did not condone any sort of violence towards women he was implying that he would condone violence against men.
- 8.27 The Complainant also states that there is an increasing incidence of threats, intimidation and violence towards Council Officers, and that his concern about the influence of the Councillor's comments is supported. He states that the Councillor is in contact with individuals who have already accosted Officers in the street, and that his use of social media increases the risk of further abuse, intimidation and violence.

- 8.28 The Councillor states that the reply he received to his post was from a spoof account of which he was already aware, that the spoof account often poked fun at the Council, its Officers and Councillors, and that the posts made by the account were generally amusing. He states that the spoof account's reply was made in the context of there being a significant and widely known about problem with bullying at the Council, and that this was very much topical and in the news at the time (he refers to an article from the Coventry Telegraph published the day after the Tweet).
- 8.29 The Councillor does acknowledge that the Council's Planning Officers have a tough job, and that Councillors have a duty of care towards them (and other Officers).
- 8.30 The Councillor believes that the spoof account's reply was tongue in cheek and in response to the prevailing news at that time. The Councillor also adds that if he had not already known of the spoof account and its usual activity, he would have ignored the reply, but because he knew that the spoof account enjoyed engaging in banter, he did reply. In other words the Councillor is stating that had he not known that the spoof account's replies were tongue in cheek or poking fun at the Council, he would not have engaged. This may be down to the Councillor simply not responding to comments by users that he did not know, but it could also be that without the 'poking fun' context and taken on face value, the series of replies might have taken on a different context.
- 8.31 Twitter is one of the most popular social media platforms with millions of active users, and the potential audience for posts made on Twitter is global. Where a post is made on Twitter, it is published to the world at large. The average Twitter user is unlikely to know the context in which most posts are made, and therefore posts of the type which are the subject of this complaint might be interpreted differently. In any case it is often difficult to ascertain tone and context from written messages.
- 8.32 The same principle about context applies to the Councillor's comment that the Head of Planning was a lady and that he would not condone any sort of violence against women. Even with the context applied, it is in itself an unusual comment to make and it is ripe for the inference to be drawn that the Councillor did instead condone violence against men. That is not however to say that this inference is correct, in fact we believe the Councillor when he states that he does not condone violence against any person and we suspect that the comment was written and posted without too much thought, as is often the case with social media.
- 8.33 We do not believe that the Councillor himself thought that the spoof account's reply or his subsequent comment in relation to violence against women would cause distress or undermine Officers. It is however how the comments sit in the context of increasing levels of abuse, intimidation and violence towards not only Officers but also elected members and other public figures, as more extensively referred to in the CSPL report mentioned above, that is of concern. Further, the evidence of the Complainant that Officers have already been accosted whilst undertaking their duties also raises concern.
- 8.34 We accept that the Councillor believed he was responding to the spoof account in a satirical context, however, even where the comments on social media are obviously "poking fun" at Council Officers, this does not of itself make those comments acceptable or fair. As was stated in the *Heesom* case, *"...Civil servants are, of course, open to criticism, including public criticism; but they are involved in assisting with and implementing policies, not (like politicians) making them. As well as in their own private interests in terms of honour, dignity and reputation..., it is in the public interest that they [Officers] are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration."*
- 8.35 As was stated by Ms Miller, if it had been an Officer who had made similar comments regarding an elected member, they would likely be subject to disciplinary proceedings. Although Officers of the Council operate under contracts of employment and a separate Code of Conduct, both Councillors and Officers are required to comply with the Protocol on Member and Officer relations, and to treat each other with respect.
- 8.36 As acknowledged by the Councillor, Officers have a difficult job to undertake and Councillors are under a duty of care towards Officers not to do anything calculated to or likely to destroy or damage the relationship of confidence and trust between the Council and its Officers. Councillors hold positions of

responsibility within their communities, and in that respect hold positions of influence. Councillors are also required to maintain high standards of behaviour under the Localism Act 2011 and the Council's Code of Conduct.

The relationship between the Complainant and Ms Miller

- 8.37 The Councillor has stated that the Complainant's complaint was motivated by the fact that he is in a relationship with the Officer whose department was being criticised (Ms Miller), and that the complaint was "hot-headed" and "outrageous".
- 8.38 The Councillor stated that it was totally inappropriate for Council Officers to be involved in relationships with each other, particularly where one of the Officer's service areas falls within the overall control of the other Officer. He referred to his previous work in a bank, stating that if any of the staff in the bank became involved romantically, one of them would be transferred to another branch.
- 8.39 The Councillor had raised a complaint against the Complainant with the Council's Chief Executive, which included issues about the Complainant's relationship with Ms Miller, however the Chief Executive had rejected the complaint in full, and about which the Councillor was very unhappy.
- 8.40 We found that both the Complainant and Ms Miller were very open about their relationship, and it is our understanding that it is also public knowledge. The Complainant stated clearly that his relationship with Ms Miller was not the reason why he made his complaint. He states that she deserves his support as an Officer of the Council regardless. Not only was he concerned about the impact on Ms Miller, but also in relation to Officers generally.
- 8.41 Although certainly not the norm it is not unheard of for Councils to employ individuals who are in relationships with other Officers, whether that be a relationship existing prior to one (or both) of the Officers being employed, or where that relationship has developed after employment commenced. In these circumstances it is however essential that there are effective governance arrangements in place to avoid issues arising, to ensure transparency, and to protect not only the Council and its functions, but also the employees themselves.
- 8.42 As far as we understand matters the Council does have appropriate governance measures in place to ensure propriety and to guard against and deal with any issues arising.
- 8.43 Putting aside the fact that the Complainant and Ms Miller are in a relationship, and looking at the circumstances objectively, we are of the view that there was justification for the complaint being made, and in consequence the relationship between the Complainant and Ms Miller is not relevant.

Conclusion on breach

- 8.44 On the balance of probability and for the reasons set out above, we are of the opinion that the Councillor's Twitter post had the potential to undermine the Planning Department and cause distress to Officers. Further, although the subsequent discussion that took place between the Councillor and the spoof account was most likely tongue in cheek, it was nonetheless inappropriate in the circumstances, particularly so on account of the contentious nature of the planning application in question, as well as the wider issues with the increasing intimidation of those in public life.
- 8.45 On this basis, we find that on the balance of probability the Councillor did breach paragraphs 2(i), (j) and (k) of the Council's Code of Conduct for Members.

**9 SANCTIONS**

- 9.1 When asked what outcome he would expect should there be a finding of breach, the Complainant stated that he would like for the Councillor to stop personalising issues to Officers, and to realise that by behaving in this manner he is increasing the risk of Officers being subject to abuse, intimidation and violence.

- 9.2 Ms Miller stated that if there was a finding of breach, she would want the Councillor to understand that he holds an influential position and that by making allegations of this type he is putting Officers and the Council at risk. Ms Miller also stated that she would like for the Councillor to apologise via Twitter for suggesting that the Planning Department would purposefully take down the Planning Portal in order to stop objections to an application being made.
- 9.3 As the Council will be aware, section 28(11) of the Localism Act 2011 states that:
- If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—*
- (a) *whether to take action in relation to the member or co-opted member, and*
- (b) *what action to take.*
- 9.4 The Localism Act 2011 does not prescribe what that action might be, or in other words what sanctions are available, upon a finding that a breach of the Code has occurred.
- 9.5 The case of [R \(Taylor\) v Honiton Town Council \[2016\] EWHC 3307 \(Admin\)](#) ("the Honiton case") provides some guidance as to available sanctions, and the following excerpts from paragraphs 39 to 43 of the judgment are of relevance:
39. *...Parliament clearly contemplates that a relevant authority may take "action" following a finding of non-compliance with a code, and does not seek to define or limit what action that may be. The abolition of the old regime carries with it, as Hickinbottom J observed, the abolition of the power to disqualify and suspend but otherwise the powers appear to be undefined, at least where the breach does not involve any impropriety in relation to pecuniary interests...*
40. *...Provided that it is lawful, which in this context includes fully respecting the important right to freedom of expression enjoyed by members of local authorities in the interests of effective local democracy, a sanction may be imposed which requires a member of a local authority to do something. It must be proportionate to the breach. In Bank Mellat v HM Treasury (No 2) [2014] AC 700, the test of proportionality was stated as follows by Lord Sumption JSC at 770, para 20, as follows:*
- "the question depends on an exacting analysis of the factual case advanced in defence of the measure, in order to determine (i) whether its objective is sufficiently important to justify the limitation of a fundamental right; (ii) whether it is rationally connected to the objective; (iii) whether a less intrusive measure could have been used; and (iv) whether, having regard to these matters and to the severity of the consequences, a fair balance has been struck between the rights of the individual and the interests of the community. These four requirements are logically separate, but in practice they inevitably overlap because the same facts are likely to be relevant to more than one of them."*
41. *...The existence of a code of conduct is regarded by Parliament as an important aspect of the maintenance of standards. It appears to me to be proportionate to a significant breach of it for a relevant authority to require the person in breach to be trained in its meaning and application. There is no point in having a code of conduct if members of the authority are not aware of its meaning and effect and where a member has demonstrated by his conduct that this is the case, a reasonable amount of training appears to be a sensible measure. A local authority should be able to require its members to undertake training which is designed to enable them to fulfil their public functions safely and effectively.*
42. *It was reasonably open to the decision maker to conclude that this was a serious breach of the Code. There is no finding as to the claimant's motives and it may be that he acted in good faith, believing that his statement about the Town Clerk was justified. However, it was not. He accused her of criminal conduct when there was not the slightest justification for doing so. This was a very serious error of judgement. Therefore, a requirement of training was proportionate.*

43. ...I consider that it is open to a relevant authority exercising its power as contemplated by s.28(11) to take action following a failure to comply with a code of conduct to require the member to undertake training. That decision will usually be published and it will be open to the authority to publish what happens as a result of the requirement.

9.6 The rationale from the Honiton case is that a sanction can be imposed that requires a Councillor found in breach of the Code to do something. In the Honiton case the requirement to undertake training was held to be lawful and proportionate.

9.7 As stated above, we are of the opinion that the Councillor does not currently appreciate that posting items of this nature could undermine the Council and its Officers, cause distress, potentially result in a breach of trust and confidence between the Council and its Officers, and increase the risk of abuse, threats and actual violence occurring. Awareness of the potential consequences is particularly important on account of the wider issue of threats and intimidation towards those in public office.

9.8 Where a member's lack of appreciation or understanding appears to be contributing to the issues being complained about, a rational means of addressing this is to provide the member with appropriate training. We understand that the Councillor has previously received training on the use of social media in the context of standards, although we are not aware of the specific content of that training. We consider that it would nonetheless be a fair and proportionate outcome that the Councillor be required to undertake further training (either delivered externally or in-house) on the appropriate use of social media for Councillors, which specifically focuses on the current issues of intimidation in public life, the particular impact and influence that posts on social media can have, a Councillor's duties of care towards Officers, and the potential for a Councillor to be personally liable in certain circumstances. This training could also be opened up to other Councillors.

9.9 Notwithstanding whether the Councillor intended to allege impropriety on the part of the Planning Department, or whether he was aware that his actions might cause distress or increase the risk of intimidation of Officers, we have found that this was a likely consequence, and it has quite clearly damaged Officer and Member relations, at the very least between the Councillor, the Complainant and the Planning Department. We would therefore suggest that it might also be a proportionate and fair outcome for the Councillor to formally acknowledge that his behaviour was not appropriate, and to apologise to Ms Miller and the Planning Department. This could be delivered in writing or verbally at a meeting of Council, or by the Councillor posting the same on social media, but should be subject to being provided by a specific deadline as well as being subject to prior approval by the Council's Monitoring Officer.

## 10 COMMENTS ON DRAFT REPORT

10.1 A draft version of this report was sent to both the Complainant and the Councillor with a request that they provide their comments (if any) by 19 August 2019.

10.2 The Complainant has not provided any comments.

10.3 The Councillor provided the following comment:

*"Thank you for the report which I have read in full.*

*I have no further comments to make other than to say I look forward to all the correspondence being in the public domain.*

*Best wishes,*

*Glenn"*



**11 NEXT STEPS**

- 11.1 As per Part 7 of the Council's Complaints Protocol, the report will now be provided to the Council's Monitoring Officer for review. The Monitoring Officer will then determine whether the complaint should be dealt with via summary resolution or by referral for hearing.

**Bevan Brittan LLP**  
**20 August 2019**

Bevan Brittan 

**SCHEDULE 1 – COMPLAINT**

The form **Councillor complaint** has been submitted.

The reference number is **FS106334770**.

This form was created by the E-Communications team. If you'd like to make any changes to this form, please email [webeditors@coventry.gov.uk](mailto:webeditors@coventry.gov.uk).

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### Form details

**Title:** Mr.

**First name:** Martin

**Surname:** Yardley

**Address:** Friargate

**Postcode:** CV21 2GN

**Daytime telephone:** 02476 832100

**Evening telephone:**

**Email address:** [martin.yardley@coventry.gov.uk](mailto:martin.yardley@coventry.gov.uk)

**Please consider the complaint I have described in this form and in the evidence attached. I understand and accept that the details will normally be disclosed to the Member, particularly if the matter goes forward for investigation. I understand the complaint will be processed in accordance with the Council's Complaints Protocol. Please tick to confirm.: Yes**

**Date:** 19/02/2019

**Name of individual(s) :** Councillor Williams

**Name of their Authority(ies):** Coventry city Council

**Do you work for the Authority(ies) listed above? :** Yes

**Are you are a Member of the Authority(ies) listed above?:** Yes

**1. WHO is the complaint about? - if it is more than one person name them all. :**  
Councillor Williams

**2. WHY are you complaining about them? - say what went on, how you felt about it and why you think it is unacceptable or inappropriate. :** Following your email to my Head of Planning and Regulatory Services I have now had the opportunity of viewing the exchange that you have had on social media. I have to say how extremely concerned I am as to your behaviour, as an elected member. Not only would you appear to be accusing Council staff of in some way seeking to corrupt the planning system by deliberately taking down the planning portal, when in fact the system was at no time inactive as confirmed by the Head of ICT, but you appear to have entered into exchange of correspondence with an individual who following your post suggested that a member of my staff should have "his head kicked in" Rather than immediate stopping correspondence and reporting this threat you then usefully pointed out to this individual that the "he" he was suggesting had his head kicked in was in fact a woman, which will not only of course assist with her identification, but you appear to have no issue with the assault if it was made on to a male member of my staff.

You have by your actions not only accused my staff of corruption but you have also engaged and encouraged a situation where someone is suggesting that my staff are assaulted. You are in my opinion in clear breach of standards and I am formally requesting Julie Newman to commence an investigation into this matter

**3. WHICH part of the Member's Code of Conduct are you alleging has been broken? Please be specific and if necessary, reference the paragraph. :** The relevant section of the code of conduct is 3(i), 3(j) & 3(k) and a breach of the Officer Member protocol.

**4. WHAT did they do? If it relates to their language or behaviour write down what they actually said/did as you need to say what they did that was unacceptable to you :** They posted on social media inappropriate comments of member of the Council Planning Portal.

**5. WHEN did this take place? Be specific on the dates and times otherwise it becomes very difficult to investigate (if that is what happens) :** 31st January 2019

**6. WHERE? - be specific where it all took place - give the address and also the details of the venue - was it in a meeting room/corridor/in the street/in the pub etc. :** This was tweet by Councillor Williams account name @Glenn\_Williams1

**7. WITNESS - who else was there and heard what went on - you need to name the persons who can potentially be asked questions about the incident :** It was via social media and we have hard copies of Councillor Williams plus the responses

**8. Evidence (if this applies). Attach to this form copies of any correspondence, documents, names and details of witnesses and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint. :** Complaint about Councillor Williams - Tracy Miller.msg

**Your ethnic origin:** White

**SCHEDULE 2 – MEMBERS’ CODE OF CONDUCT**

**PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS**  
**COVENTRY CITY COUNCIL**

I ..... being a duly elected Councillor/Co-opted Member for Coventry City Council hereby declare that I will undertake my duties as follows:

1. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:
  - a. **Selflessness:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
  - b. **Integrity:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
  - c. **Objectivity:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
  - d. **Accountability:** I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.
  - e. **Openness:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
  - f. **Honesty:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
  - g. **Leadership:** I will promote and support these principles by leadership and example.
3. As a Member of Coventry City Council, I will act in accordance with the principles in paragraph 2 and, in particular, I will
  - (a) Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.

#### **4A- Code of Conduct for Elected and Co-opted Members**

- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- (c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City of Coventry or the good governance of the Council in a proper manner.
- (d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- (f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- (g) Contribute to making the City Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
- (h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- (i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- (j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
- (l) Not disclose information given to me in confidence by anyone or information acquired by me, which I believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

#### **4. Gifts and Hospitality**

- 4.1 I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.



#### **4A- Code of Conduct for Elected and Co-opted Members**

4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

4.3 I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

#### **5. Register of Interests**

5.1 I will:

(a) register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and

(b) register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and

(c) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

5.2 I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at Coventry City Council. I will keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

#### **6. Disclosable Pecuniary Interests Entered on the Register**

6.1 I understand that if I am present at a meeting of the Council and

(a) I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and

(b) the interest is entered in the Council's register

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest; and I will leave the room where the meeting is held while any discussion or voting takes place.

**7. Disclosable Pecuniary Interests NOT Entered on the Register**

7.1 I understand that if I am present at a meeting of the Council and

(a) I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; **and**

(b) the interest is not entered in the Council's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

7.2 I also understand that if an interest referred to in 7.1 above is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.

7.3 If I am a member who has the power to discharge a council function acting alone, I understand that if I am aware that I have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by me in the course of discharging that function:

(a) I may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by me); **and**

(b) If the interest is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

**8. Other Relevant Interests**

8.1 I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

(a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 5.1(b) or 5.1(c) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area; **and**

(b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

**4A- Code of Conduct for Elected and Co-opted Members**

8.2 I acknowledge that if I have an Other Relevant Interest as described in 8.1. above,—

- (a) I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**
- (b) I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:.....

Full name:

Date:

**SCHEDULE 3 – COMPLAINANT INTERVIEW NOTE**

**File Ref: 77047.13**

**Coventry City Council**

**Standards Investigation – Yardley v Councillor Glenn Williams**

**Interview with Martin Yardley on Friday 7 June 2019**

Martin Yardley (MY) is the Deputy Chief Executive for Place at Coventry City Council (“the Council”) and is responsible for delivering highways, transportation, waste and street services, planning, inward investment and regeneration.

1. One of the services for which MY is responsible is the Planning and Regulation Service. The Head of this service is Tracy Miller (TM), who is also MY’s partner.
2. On Thursday 31 January 2019 MY was copied in to an email from TM in response to an earlier email sent to TM by Coventry City Councillor Glenn Williams (GW). A copy of these emails are attached as **Schedule 1** to this note. GW’s email had referred to the planning portal being down for over 12 hours, and requested that the deadline for comments in relation to a particularly high profile planning application be extended. In response TM had explained that having undertaken checks the system had not been down. TM also referred to a post that GW had made that morning on the social media website Twitter, a copy of which is attached as **Schedule 2** to this note.
3. In the post GW suggested that the alleged unavailability of the planning portal was an attempt by the planning department to stop people from objecting to the high profile planning application the deadline for which was the following Monday.
4. A Twitter user with the name “[REDACTED]” then engaged in conversation with GW via a number of replies to the original post. A copy of the conversation is attached as **Schedule 3** to this note. Having suggested that the deadline might be extended, and GW having stated that he would be asking the Head of Planning about the same, the third party suggested that GW should “...tell the head of planning to do it or you’ll kick his head in. Bullying seems to be the preferred approach in CCC these days!”
5. In response to the above, GW had then stated “An interesting approach, but she’s a lady and I would never condone any sort of violence towards women.”
6. MY was particularly concerned about the post and the conversation between GW and the third party, and on 1 February 2019 sent an email to GW expressing the same, pointing out that not only had GW initially implied that the planning service was corrupt, but he had also engaged in a discussion in which the third party had suggested that the Head of Planning be subject to assault, and instead of challenging this as being inappropriate, had stated that the Head of Planning was female and he would not condone violence against a female. MY queried whether GW would have condoned violence if the Head of Planning had instead been male (which could certainly be implied from the content of the tweet), and reported GW’s behaviour to the Monitoring Officer.
7. MY states that although GW’s Twitter name does not overtly make reference to him being a Councillor, MY was posting his comments and engaging with the third party in his capacity as a Councillor, and therefore the Members’ Code of Conduct applied to his actions. GW clearly uses Twitter to communicate with constituents.
8. MY states that the incidence of threats, intimidation and actual violence against Council Officers has continued to increase significantly in recent times. MY felt that by firstly making unfounded allegations of corruption, and then failing to tackle inappropriate comments inciting assault against Officers, GW was adding to and aggravating the situation. Rather than making inappropriate posts on Twitter GW should have picked up the telephone and spoken with the IT department if he believed that the planning portal was not working, or alternatively he could have spoken with MY or TM.

9. MY states that his relationship with TM is not the reason why he made his complaint, and that TM deserves his support regardless as an Officer of the Council. Not only was MY concerned about the impact upon TM, but also in relation to the threat to Officers generally, including TM.
10. MY states that this sort of behaviour is typical of GW, and that he has a history of complaining about Officers, winding them up and making allegations of corruption. MY has no issue with Councillors using social media to communicate with the public, however when doing so they must be mindful that they hold public office and that there are likely to be members of the public upon whom they exert influence, and who look to them for information about the Council.
11. MY's concerns about the influence GW's comments have upon the behaviour of constituents and the public are justified, for example he is aware that GW is in contact with individuals who have already accosted Officers in the street whilst undertaking their lawful duties. GW's inappropriate use of social media simply stokes the fires and increases the real risk to the health and safety of Council Officers, who are owed a duty of care by the Council.
12. In terms of outcomes MY would like GW to stop personalising issues to Officers. MY would like GW to realise that his behaviour is not acceptable, and that by continuing to behave in this manner GW is increasing the risk of Officers being subject to abuse, intimidation and violence.

I confirm that this note sets out a fair record of the key points raised during the conversation.

---

Martin Yardley

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Dated

**SCHEDULE 1 – EMAILS BETWEEN TM AND GW**

Archived: 08 July 2019 11:19:47

From: Williams, Glenn (Cllr)

Sent: Fri, 1 Feb 2019 07:52:47

To: Miller, Tracy

Cc: [REDACTED]; Yardley, Martin

Subject: RE: Planning Portal

Sensitivity: Normal

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Good morning Tracy,

Thank you for the clarification. The reason I sent you the email was because Wednesday night I was going to a residents' meeting and wanted to check on a particular application before I went. I tried two separate devices (one personal, one Council) and I couldn't get onto the planning portal. I kept trying until mid-morning yesterday. If other residents have been able to make comments then I'm pleased about that.

Please be assured there is no intention on my part to question the professionalism of your team; in fact at last month's public meeting of Keresley Parish Council I stood up and told them how helpful and professional I have always found [REDACTED]. I subsequently invited him to a private meeting with them.

Best wishes,

Glenn

Sent from my Windows Phone

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From: Miller, Tracy

Sent: 31/01/2019 18:25

To: Williams, Glenn (Cllr)

Cc: [REDACTED]; Yardley, Martin

Subject: RE: Planning Portal

Dear Glenn

I apologise but the information provided by [REDACTED] is not correct. As you are aware from previous discussions we have had the Statutory process cannot be extended officially, but as with other applications all comments received up to the date of decision are taken into consideration.

Just to confirm I have had the portal checked and [REDACTED], Head of ITC and Digital has confirmed it has been working with no interruptions. I can also confirm that we received other comments through the system yesterday evening again showing that the system was indeed working.

I am aware of the social media post on Twitter (attached) and I do not find it helpful for you to make comments alluding to the system being taken down in an attempt to stop people objecting. We are professional officers carrying out a professional role and accusations about my team are not welcome.

Regards

**Tracy Miller**

Head of Planning and Regulation  
Place Directorate  
Coventry City Council  
One Friargate  
COVENTRY  
CV1 2GN

[tracy.miller@coventry.gov.uk](mailto:tracy.miller@coventry.gov.uk)

Click the image below to find out if you need building regulations to extend your home:







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**From:** Williams, Glenn (CIr) <Glenn.Williams@coventry.gov.uk>  
**Sent:** 31 January 2019 16:36  
**To:** Miller, Tracy <Tracy.Miller@coventry.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** Planning Portal

Hi Tracy,

I noticed that yesterday at around 6pm approx. the planning portal was not working and continued not to work for over 12 hours. Evenings are a time when a lot of residents will come home from work and want to look at the documents for major planning applications and make their representations. As the deadline for comments on OUT/2019/0022 is Monday 4<sup>th</sup> Feb, could this be extended a few days to help residents?

I have copied in the relevant planning officer and Cabinet Member.

Best wishes,

Glenn

Bevan Brittan 

**SCHEDULE 2 – TWITTER POST**



# Tweet



**Glenn Williams**  
@Glenn\_Williams1



With the deadline for comments on a major planning application in Keresley coming up on Monday, the @coventrycc planning portal has been down for over 12 hours! Is this an attempt to stop people from objecting?? I'll be asking for an extension to the deadline.



Tweet your reply



**SCHEDULE 3 – TWITTER POST REPLIES**



[Redacted] · 3h ▾

Replying to @Glenn\_Williams1 and @coventrycc

Presume the deadline is extended?

💬 1 ↺ ❤️ 📤



**Glenn Williams** @Glenn\_Williams1 · 3h ▾

Head of Planning has refused before but I shall be asking today. I feel another email to Cllr Ruane coming on!

💬 1 ↺ ❤️ 📤



[Redacted] .. · 1h ▾

Just tell head of planning to do it or you'll kick his head in. Bullying seems to be the preferred approach in CCC these days!

💬 1 ↺ ❤️ 📤



**Glenn Williams** @Glenn\_Williams1 · 1h ▾

An interesting approach, but she's a lady and I would never condone any sort of violence towards women.

💬 1 ↺ ❤️ 📤



[Redacted] · 1h ▾

Sexist!!!!!!

Tweet your reply



Bevan Brittan 

**SCHEDULE 4 – TRACY MILLER INTERVIEW NOTE**

**File Ref: 77047.13**

**Coventry City Council**

**Standards Investigation – Yardley v Councillor Glenn Williams**

**Interview with Tracy Miller on Friday 7 June 2019**

The following is not a verbatim record and is not intended to capture everything that was discussed during the interview. It is intended to be a note of the discussion that captures the key points.

1. Tracy Miller (TM) is the Head of Planning and Regulation at Coventry City Council (“the Council”), which falls under the directorate of the Deputy Chief Executive for Place, Martin Yardley (MY). MY is also TM’s partner.
2. On 31 January 2019 a member of TM’s team had made her aware of a post by Councillor Glenn Williams (GW) on Twitter in which he stated that the planning portal (through which people can make representations about planning applications) had been unavailable for over 12 hours, and suggesting that the Council had done this intentionally in order to stop objections being made against a particularly high profile application for housing in the green belt. A copy of the tweet is attached to this note as **Schedule 1**.
3. There then followed a number of replies to this tweet in the form of a conversation between [REDACTED] and GW. A copy of those replies is attached to this note as **Schedule 2**. TM was particularly concerned to see that following the initial replies in which GW had stated that he would be asking the Head of Planning to extend the deadline for representations, the third party had written “...tell the head of planning to do it or you’ll kick his head in. Bullying seems to be the preferred approach in CCC these days!”
4. Instead of replying to state that this was not acceptable, GW replied “An interesting approach, but she’s a lady and I would never condone any sort of violence towards women.”
5. GW had also emailed TM later on 31 January 2019 stating that he had noticed that the planning portal had not been working for over twelve hours, and requested that the deadline for the green belt housing application be extended in order to assist residents. A copy of this email is attached as **Schedule 3** to this note.
6. TM responded to GW’s email during the evening of 31 January 2019 to state that the Head of ITC and Digital had undertaken system checks and had confirmed that the portal had been working without interruption, and that comments had in fact been received during the specific period that the portal was alleged by GW to be out of action. TM also stated that she was aware of GW’s social media post and that this was not helpful. A copy of this email is attached to this note as **Schedule 4**.
7. On the morning of 1 February 2019 GW replied to TM explaining that he had sent his email because he was going to a residents’ meeting and wanted to check on particular planning applications, only to be unable to access the portal. He stated that he was not questioning the professionalism of the planning team, referring to having previously stated publicly that they were helpful and professional. A copy of this email is attached to this note as **Schedule 5**.
8. TM was concerned that GW did not appreciate that his post and the ensuing conversation were unacceptable or that they showed a lack of respect for the planning department and the already difficult jobs that Officers within the service undertake. The fact that GW used Twitter to allege that the planning department had purposefully taken the portal down made this a very public slur against the professionalism of TM and the planning team for all to see. TM forwarded GW’s email to the Council’s Monitoring Officer requesting that GW’s conduct be investigated. A copy of this email is attached to this note as **Schedule 6**.
9. TM states that this sort of behaviour is typical of GW, who often makes allegations which he personalises to Council Officers. TM states that the planning process can often be contentious, and

there have been vociferous complaints made about a number of developments. TM has gone out of her way to talk to those who have raised complaints, including GW. GW is a Councillor in a part of Coventry where there is a lot of development and the public's view of the Council and the planning process in this area is already low. TM states that it is bad enough when a member of the public seeks to make inappropriate allegations and comments against Officers, however when this is done by a Councillor this is a different thing. GW is a public figure and has a degree of influence over members of the public, particularly those in his area. GW's comments lower the public's view of the Council and the planning process, and increase the risk of Officers being subject to further inappropriate and unreasonable behaviour.

10. TM states that she has worked at a number of Councils but has never seen public hatred towards a Council like there is in Coventry however Councillors never seem to stand up against this. GW's comments stir up that hatred, and if an Officer had behaved in a similar manner towards a Councillor, this would have resulted in disciplinary proceedings.
11. TM would like GW to understand that he holds an influential position and that by making allegations of this type he is putting Officers and the Council at risk. TM would like for GW to apologise on Twitter for indicating that the planning department would intentionally take down the planning portal in order to stop representations being made against the green belt housing application.

I confirm that this note sets out a fair record of the key points raised during the conversation.

---

Tracy Miller

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Dated



**SCHEDULE 1 – GW TWITTER POST**



# Tweet



**Glenn Williams**  
@Glenn\_Williams1



With the deadline for comments on a major planning application in Keresley coming up on Monday, the [@coventrycc](#) planning portal has been down for over 12 hours! Is this an attempt to stop people from objecting?? I'll be asking for an extension to the deadline.



Tweet your reply



**SCHEDULE 2 – TWITTER POST REPLIES**



[Redacted] · 3h ▾

Replying to @Glenn\_Williams1 and @coventrycc

Presume the deadline is extended?

🗨️ 1 ↺ ❤️ 📤



**Glenn Williams** @Glenn\_Williams1 · 3h ▾

Head of Planning has refused before but I shall be asking today. I feel another email to Cllr Ruane coming on!

🗨️ 1 ↺ ❤️ 📤



[Redacted] · 1h ▾

Just tell head of planning to do it or you'll kick his head in. Bullying seems to be the preferred approach in CCC these days!

🗨️ 1 ↺ ❤️ 📤



**Glenn Williams** @Glenn\_Williams1 · 1h ▾

An interesting approach, but she's a lady and I would never condone any sort of violence towards women.

🗨️ 1 ↺ ❤️ 📤



[Redacted] · 1h ▾

Sexist!!!!!!

Tweet your reply

**SCHEDULE 3 – CLLR WILLIAMS EMAIL**

**From:** Williams, Glenn (Cllr) <[Glenn.Williams@coventry.gov.uk](mailto:Glenn.Williams@coventry.gov.uk)>  
**Sent:** 31 January 2019 16:36  
**To:** Miller, Tracy <[Tracy.Miller@coventry.gov.uk](mailto:Tracy.Miller@coventry.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** Planning Portal

Hi Tracy,

I noticed that yesterday at around 6pm approx. the planning portal was not working and continued not to work for over 12 hours. Evenings are a time when a lot of residents will come home from work and want to look at the documents for major planning applications and make their representations. As the deadline for comments on OUT/2019/0022 is Monday 4<sup>th</sup> Feb, could this be extended a few days to help residents?

I have copied in the relevant planning officer and Cabinet Member.

Best wishes,

Glenn

**SCHEDULE 4 – TM EMAIL TO GW**

**From:** Miller, Tracy <Tracy.Miller@coventry.gov.uk>  
**Sent:** 31 January 2019 18:26  
**To:** Williams, Glenn (Cllr) <Glenn.Williams@coventry.gov.uk>  
**Cc:** [REDACTED]

[REDACTED] Yardley, Martin <Martin.Yardley@coventry.gov.uk>

**Subject:** RE: Planning Portal

Dear Glenn

I apologise but the information provided by [REDACTED] is not correct. As you are aware from previous discussions we have had the Statutory process cannot be extended officially, but as with other applications all comments received up to the date of decision are taken into consideration.

Just to confirm I have had the portal checked and [REDACTED], Head of ITC and Digital has confirmed it has been working with no interruptions. I can also confirm that we received other comments through the system yesterday evening again showing that the system was indeed working.

I am aware of the social media post on Twitter (attached) and I do not find it helpful for you to make comments alluding to the system being taken down in an attempt to stop people objecting. We are professional officers carrying out a professional role and accusations about my team are not welcome.

Regards

**Tracy Miller**

Head of Planning and Regulation  
Place Directorate  
Coventry City Council  
One Friargate  
COVENTRY  
CV1 2GN

[tracy.miller@coventry.gov.uk](mailto:tracy.miller@coventry.gov.uk)

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**Coventry receives 96% of planning applications online**  
[www.coventry.gov.uk/planning](http://www.coventry.gov.uk/planning)



Think before you print!



**SCHEDULE 5 – EMAIL GW TO TM**

Archived: 08 July 2019 11:33:11

From: Williams, Glenn (Cllr)

Sent: Fri, 1 Feb 2019 07:52:47

To: Miller, Tracy

Cc: [REDACTED] Yardley, Martin

Subject: RE: Planning Portal

Sensitivity: Normal

---

Good morning Tracy,

Thank you for the clarification. The reason I sent you the email was because Wednesday night I was going to a residents' meeting and wanted to check on a particular application before I went. I tried two separate devices (one personal, one Council) and I couldn't get onto the planning portal. I kept trying until mid-morning yesterday. If other residents have been able to make comments then I'm pleased about that.

Please be assured there is no intention on my part to question the professionalism of your team; in fact at last month's public meeting of Keresley Parish Council I stood up and told them how helpful and professional I have always found [REDACTED]. I subsequently invited him to a private meeting with them.

Best wishes,

Glenn

Sent from my Windows Phone

---

From: Miller, Tracy

Sent: 31/01/2019 18:25

To: Williams, Glenn (Cllr)

Cc: [REDACTED] Yardley, Martin

Subject: RE: Planning Portal

Dear Glenn

I apologise but the information provided by [REDACTED] is not correct. As you are aware from previous discussions we have had the Statutory process cannot be extended officially, but as with other applications all comments received up to the date of decision are taken into consideration.

Just to confirm I have had the portal checked and [REDACTED], Head of ITC and Digital has confirmed it has been working with no interruptions. I can also confirm that we received other comments through the system yesterday evening again showing that the system was indeed working.

I am aware of the social media post on Twitter (attached) and I do not find it helpful for you to make comments alluding to the system being taken down in an attempt to stop people objecting. We are professional officers carrying out a professional role and accusations about my team are not welcome.

Regards

Tracy Miller

Head of Planning and Regulation

Place Directorate

Coventry City Council

One Friargate

COVENTRY

CV1 2GN

[tracy.miller@coventry.gov.uk](mailto:tracy.miller@coventry.gov.uk)

Click the image below to find out if you need building regulations to extend your home:





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**From:** Williams, Glenn (CIr) <Glenn.Williams@coventry.gov.uk>  
**Sent:** 31 January 2019 16:36  
**To:** Miller, Tracy <Tracy.Miller@coventry.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** Planning Portal

Hi Tracy,

I noticed that yesterday at around 6pm approx. the planning portal was not working and continued not to work for over 12 hours. Evenings are a time when a lot of residents will come home from work and want to look at the documents for major planning applications and make their representations. As the deadline for comments on OUT/2019/0022 is Monday 4<sup>th</sup> Feb, could this be extended a few days to help residents?

I have copied in the relevant planning officer and Cabinet Member.

Best wishes,

Glenn

**SCHEDULE 6 – EMAIL TM TO MO**

**Archived:** 08 July 2019 11:34:22

**From:** Miller, Tracy

**Sent:** Fri, 1 Feb 2019 09:54:52

**To:** Newman, Julie

**Cc:** [REDACTED]

**Subject:** Complaint about Councillor Williams

**Sensitivity:** High

**Attachments:**

IMG\_0163.jpeg.msg; IMG\_0164.jpeg.msg; RE\_ Planning Portal.msg; RE\_ Planning Portal.msg;

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Hi Julie

I became aware yesterday of a post that Glenn Williams made on social media about my team and I, which I attach (in 2 parts).

The first one implied that we had taken down the portal system in order that people could not object to an application in the run up to the expiry of the consultation period. He comments he will be asking me for an extension to the deadline. The post, then attracted comments (second attachment), whilst I have no real care about the comments from this individual it just shows that inappropriate, derogatory and disrespectful posts from Elected Members can result in people feeling they can resort to violence.

Glenn did email me and I responded – also attached and I have raised with him that his post was inappropriate to which he has responded, again attached. He clearly sees nothing wrong with his original post saying he stood up at a public meeting and said nice things. I obviously can't confirm whether he did or didn't but honestly I don't care as it is not the case that if you say a nice thing in a meeting you can then say a negative derogatory thing on social media for a much wider audience to see.

Planning has a very contentious job to do as someone is nearly always unhappy with the outcome but having an Elected Member posting such nonsense is not welcomed and should be stopped. Officers are employed to do a professional job and we work for the same council he represents and therefore I would like this inappropriate behaviour to be investigated as I consider he is in breach of the members code of conduct as follows:

1. His post shows he is working against members of staff rather than as he is required to 'work constructively with our staff'
2. He is required to behave in a manner that is consistent with the principles a to g – I do not consider his post was him acting in the public interest (a), he needs to be held accountable for the nonsense post (d); his post did not seek to resolve conflicts but instead sought to start conflict (f); he is not promoting the principles by example (g).
3. b) he was not acting impartially; g) his post did the exact opposite of contributing to making the city council's decision making process as open and transparent by indicating we had taken the system down intentionally; i) his post certainly shows he has no respect for staff in planning; j) his post did not treat people with respect.

Happy to discuss further.

Regards

**Tracy Miller**

Head of Planning and Regulation

Email: [tracy.miller@coventry.gov.uk](mailto:tracy.miller@coventry.gov.uk)

Bevan Brittan 

**SCHEDULE 5 – COUNCILLOR INTERVIEW NOTE**

**File Ref: 77047.13**

**Coventry City Council**

**Standards Investigation – Yardley v Councillor Glenn Williams**

**Interview with Councillor Glenn Williams on Friday 7 June 2019**

The following is not a verbatim record and is not intended to capture everything that was discussed during the interview. It is intended to be a note of the discussion that captures the key points relevant to the complaint.

1. Councillor Glenn Williams (GW) has been an elected member of Coventry City Council (“the Council”) for 3 years. Prior to this time he was a Councillor at Warwick District Council for 8 years, which included 2 years as vice-chairman of their Standards Committee.
2. GW is aware of the Council’s Code of Conduct and the standards of behaviour required of elected members and those in public life.
3. GW makes frequent use of the social media platform Twitter as part of his role as a Councillor, often using it to engage with and inform constituents about his political activity and the work he undertakes as a Councillor. He states that he tries to be factual with any posts he makes, and that his posts are often political in nature. GW also states that the Council does not tell him anything or provide him with information, so he often uses Twitter in order to find out information.
4. GW states that it is his role to represent the Council’s residents, in whose eyes the Council and the planning team are corrupt. They have a particularly strong dislike of the Council and the planning team on account of the Council wanting to build over rural and green belt areas of the city, and in relation to which there have been a number of planning applications.
5. One such application was a proposed development on green belt land at Keresley. The deadline for representations to be submitted to the Council in relation to this application was Monday 4 February 2019. On 30 January 2019 GW was on his way to a meeting with residents, and wanted to access the Council’s planning portal to retrieve information. GW states that he attempted to access the planning portal from two devices and each time the planning portal was stated to be down.
6. After his meeting with residents, GW again tried to access the planning portal but still could not do so. GW tried again the following morning but the problem remained, at which time he took a screen shot of the URL ‘Not Found’ page. GW states that it was around lunchtime that he was finally able to access the planning portal.
7. GW was not happy that the planning portal had been unavailable for such a long period of time, particularly when the deadline for comments on the Keresley application was only days away. GW decided that he would post the screenshot he had taken on Twitter, and that he would be asking that the Head of Planning at the Council extend the deadline. A copy of the tweet and the replies to it are attached as **Schedule 1** to this note.
8. GW states that in relation to the part of his tweet in which he rhetorically asks “Is this an attempt to stop people from objecting??” he was not accusing the planning team of corruption or acting in an underhand manner. GW states that Twitter involves a lot of banter, that he was being provocative, and that he would not suggest what residents should think.
9. GW states that he received a reply to his post from a spoof Twitter account with the handle [REDACTED]. GW was already aware of this account because it often poked fun at the Council, its Officers and Councillors. GW states that the posts made by the account are generally amusing.
10. The reply received from the spoof account suggested that GW tell the Head of Planning to extend the deadline or he would “kick his head in” and further that “Bullying seems to be the preferred approach at CCC these days!” GW states that it is important that this comment is placed in context. GW alleges that

there is a significant and widely known ongoing problem with bullying within the Council, and refers to a news article published by the Coventry Telegraph the day after his tweet, a copy of which is attached as **Schedule 2** to this note. GW says that there is no willingness amongst staff to challenge senior management because there is a belief that doing so would result in them losing their jobs, or being subjected to bullying.

11. GW believes that the suggestion made by the spoof account was tongue-in-cheek and a joke in response to the news at that time. GW adds that if he did not know of the spoof account and its usual activity, he would have ignored the reply, but he knew the account was a spoof account that enjoyed having banter which is why he replied.
12. GW responded to the spoof account's reply, stating "An interesting approach, but she's a lady and I would never condone any sort of violence towards women." GW says that the suggestion that this meant that he did condone violence against men is a ridiculous suggestion to make, and that he does not condone violence towards anyone. Further, suggesting that by identifying the Head of Planning as female places her at risk of harm is irrelevant, because her identity is no secret. GW states that there was no risk of harm to any officer, and that to say that the tweet and replies had caused distress was simply rubbish.
13. GW states that he also sent an email to the planning officer who was dealing with the Keresley application to inform them of the issue, and asking that there be an extension. The planning officer had responded to say that they would have the deadline extended.
14. Also on 31 January 2019 GW sent an email to the Council's Head of Planning Tracy Miller (TM), copying in the relevant planning officer as well as the relevant cabinet member, pointing out that the planning portal had been down during the previous evening and into the following day. GW stated that evenings were a time when a lot of residents came home from work and wanted to look at planning application documents and make representations. GW requested that the deadline be extended to help residents. A copy of this email is attached as **Schedule 3** to this note.
15. TM had then responded by email on the same date, a copy of which is attached as **Schedule 4** to this note. GW states that this response was brusque and hot headed. In the first instance GW believes that TM's response belittles the planning officer who had said that the deadline could be extended, and that this was unprofessional. TM stated that the system had been checked by the Head of IT who had confirmed that there had been no issues, and that the Council did receive comments during the period in which GW stated that it was unavailable. TM also made reference to GW's tweet (and the replies) stating that accusations being made about her team were unacceptable.
16. GW responded to TM's email the following day, a copy of which is attached as **Schedule 5** to this note. In that email GW explains why he had sent his email about the planning portal, and that he was pleased that other residents had been able to make comments during the period in which he could not gain access. GW also states that he had no intention of questioning the professionalism of the planning team, referring to the planning officer with whom he had corresponded as being both helpful and professional.
17. GW acknowledges that Council officers have a tough job, particularly in planning where they are very stretched for resource, and in social services. GW also states that Councillors have a duty of care towards officers and that he would step in if members of the public did take things too far.
18. Later on 1 February 2019 the Council's Deputy Chief Executive for Place, Martin Yardley (MY), emailed GW regarding the twitter post and the replies to that post, a copy of which is attached as **Schedule 6** to this note. MY is the line manager of TM on account of the planning service falling within his remit. MY and TM are also in a relationship together. GW believes that it is totally inappropriate for Council officers to be involved in relationships with each other, particularly where one of them is the line manager of the other. GW referred to previously working for a bank, stating that if any of the staff in the bank became involved romantically, one of them would be transferred to another branch.
19. In his email MY expresses his extreme concern about GW's post and the replies to it, stating that GW had both accused the planning team of corruption, and encouraged a situation where the suggestion of assault against members of staff had been made. MY believed that GW should have stopped correspondence and reported the threat, and that by identifying TM as a woman he was assisting in her



identification. MY also suggested that GW appeared to have no issue with assault if this was against a male member of staff at the Council.

20. GW states that MY's email to him was outrageous and hot headed (because GW had criticised his girlfriend). GW had then forwarded the email to the Council's Chief Executive in order to make a complaint against MY. The Chief Executive had rejected the complaint, about which GW was particularly unhappy. GW had shown MY's email to other Councillors and Councillor's secretaries, all of whom had said that MY would not have spoken to any other Councillor in such a manner.
21. GW states that he does not expect this sort of behaviour from senior officers at the Council, and that if MY had spoken with him personally to say that he was offended by the tweet, he would have apologised, however instead MY had got together with his girlfriend and has sought to bully and discriminate against him.
22. GW also states that he would rather parachute out of the windows on the 7<sup>th</sup> floor of the Council's office than apologise to MY or TM.

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Councillor Glenn Williams

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Dated

**SCHEDULE 1 – TWITTER POST AND REPLIES**



# Tweet



**Glenn Williams**  
@Glenn\_Williams1



With the deadline for comments on a major planning application in Keresley coming up on Monday, the [@coventrycc](#) planning portal has been down for over 12 hours! Is this an attempt to stop people from objecting?? I'll be asking for an extension to the deadline.





[Redacted] · 3h ▾

Replying to [@Glenn\\_Williams1](#) and [@coventrycc](#)

Presume the deadline is extended?



**Glenn Williams** [@Glenn\\_Williams1](#) · 3h ▾

Head of Planning has refused before but I shall be asking today. I feel another email to Cllr Ruane coming on!



[Redacted] · 1h ▾

Just tell head of planning to do it or you'll kick his head in. Bullying seems to be the preferred approach in CCC these days!



**Glenn Williams** [@Glenn\\_Williams1](#) · 1h ▾

An interesting approach, but she's a lady and I would never condone any sort of violence towards women.



[Redacted] · 1h ▾

Sexist!!!!!!

**SCHEDULE 2 – COVENTRY TELEGRAPH ARTICLE**

- 1. [Home](#)
- 2. [News](#)
- 3. [Coventry News](#)
- 4. [Coventry City Council](#)

News

# Alleged bullying victims at council speak out

The staff have issued a plea for help

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BY [Tom Davis](#) Local Democracy Reporter

- 15:07, 13 MAY 2019

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Coventry Council House (Image: Maureen Davies)

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Employees of Coventry City Council who say they are victims of bullying at the hands of the authority have called for more to be done to protect staff, and issued an emotional plea for help.

The staff members, who currently work for the authority, have spoken out about their experiences and how they believe the council – and councillors – have failed them.

The employees, who have asked for their identity to remain anonymous, said the situation has caused them ill-health, panic attacks and depression as the problem still exists.

They said previous attempts to reach out have failed and left them feeling as if they are not being listened to.

They also criticised how a formal grievance was dealt with, adding speaking to the media was “their last resort”.

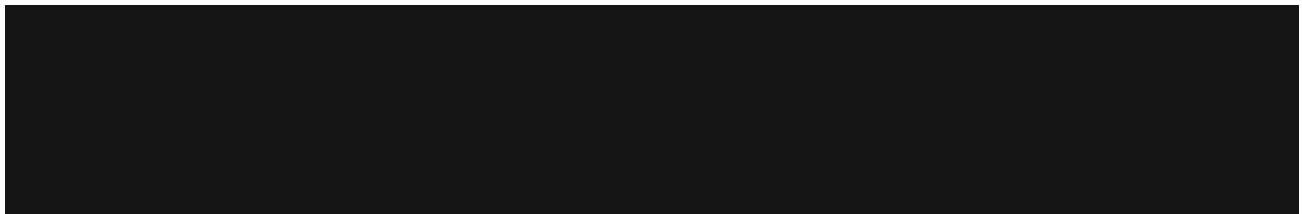


(Image: Gerry/Billy Hustace)

But a spokesman for the council said that the allegations by the staff members were dealt with through the authority's "strong" grievance procedures, which "ensure fairness to all parties".

He added bullying is not tolerated at the authority and any allegation is taken seriously.

Speaking to the Local Democracy Reporting Service, the employees, who have made separate allegations against other staff, said the issues have led to mental health problems.







[Fresh bullying inquiry call after pleas](#)



[Alleged bullying victims cry for help](#)



[Bullying inquiry rejected](#)



[Bullying complaints rise](#)

One employee said: “My GP is very concerned about my well-being as I am on antidepressants and crying all the time.

“I am normally a very confident person and think I’m good at my job. Because of all of this I think I’m no good at my job and now lack confidence.”

Another said: “I have always been extremely confident. I know the council inside out yet now I feel like I know nothing. I feel terrified.

“I do think horrible dark things as that’s how it gets you and I have no-one to talk to.”



Flags flying at Coventry Council House. Now the city is set to get its very own flag in a competition organised by the BBC.

The employees said they know of other staff who have suffered bullying, including one who left last year because of how the bullying affected their mental well-being.

One said they know of others who have been bullied but said they “are suffering in silence” as “they are too frightened” to make the issue known.

They added: “I know a lot of Coventry City Council employees that work in several different departments.

“I have yet to find anyone who is happy working for the council these days.”

“There are issues but people feel like there’s no point speaking out as it doesn’t get them anywhere,” another said.

One added: “Between us we have reached out to about 15 councillors, senior cabinet members, an MP, union representatives and the chief executive.

“We are just being ignored. Nobody is listening.”

One employee claimed the city council has not followed its own procedures to protect employees in these circumstances.

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They added: “There has been no duty of care – the council has failed us.”

Another said: “The council keep on saying they do not tolerate any form of bullying whatsoever but I beg to differ because I’m living it right now.”

Allegations of bullying were brought to a previous full council meeting in March when the Conservatives submitted a motion calling for an independent investigation into allegations of ‘institutional bullying’.

The call followed on from the findings of a survey carried out by union GMB, which found 85 per cent of respondents at the council had experienced bullying in the past year.

But during the meeting, calls for an independent investigation were overruled by Labour councillors, who said the survey was not representative as it was only based on ‘dozens’ of staff.

Council leader Cllr George Duggins went on to state the council’s own policies could handle the issues.

In response to the survey, a council spokesman at the time said a previous survey found bullying was not a significant issue and that 90 per cent of staff said they had felt “valued”.

But the staff have criticised the council’s response, claiming their grievances are being discounted and not taken seriously as they are a minority.

One said: “You’re talking about it only being a minority, but I’m one of those minority.”

Another said: “We are that handful who are being bullied and the council is not supporting us. Surely the council wouldn’t even want one member of staff to be bullied?”

The employees have called for an independent investigation to be carried out as they believe the council’s system for complaints has ‘totally failed them’, and urged for other employees who are suffering from bullying to speak out.

“This will hopefully show the council that this figure is higher than the 10 per cent they claim and would then allow an independent investigation to go ahead as requested by the leader of the opposition Cllr Gary Ridley at March’s full council meeting,” they said.

Another added: “We just want to be listened to and treated fairly.

“We have tried all of the channels. Please listen to us and help rectify the failings of the systems that are in place so that this does not happen to anyone else who speaks up when being bullied.

“If we were looked after, believed and listened to, and people had the time to sit with us and say ‘this is out of character for you, what can we do to help you, be assured we are going to sort this out’ – we have had none of this.

“There has to be light at the end of the tunnel.”

In response to the staff members' allegations, a spokesman for the council said: "Bullying will not be tolerated in this organisation and any allegation is taken seriously.

"We believe we have strong processes in place to hear and deal with any concerns, which is key to ensure fairness to all parties.



Coventry Council House (Image: Maureen Davies)

"When any allegation is made, Coventry City Council endeavours to resolve the issues as soon as possible.

"Any allegation is taken seriously and the council's previous comment regarding the GMB union's findings was simply one about context.

"It was claimed that 85 per cent of staff experienced bullying but this was based on just a few dozens of responses and not representative of the approximate 5,500 people we employ.

"An independent and anonymous survey of our staff commissioned by the council last year saw more than 1,650 take part.

"From this far more representative sample that was benchmarked nationally; bullying, intimidation and harassment was not highlighted as a problem.

“In fact, 90 per cent of staff stated that they felt “valued” in their current teams either ‘always’ or ‘some of the time’.

"This high rate of satisfaction was greater than many comparative organisations.”

**SCHEDULE 3 – EMAIL GW TO TM**



**From:** Williams, Glenn (Cllr) <[Glenn.Williams@coventry.gov.uk](mailto:Glenn.Williams@coventry.gov.uk)>  
**Sent:** 31 January 2019 16:36  
**To:** Miller, Tracy <[Tracy.Miller@coventry.gov.uk](mailto:Tracy.Miller@coventry.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** Planning Portal

Hi Tracy,

I noticed that yesterday at around 6pm approx. the planning portal was not working and continued not to work for over 12 hours. Evenings are a time when a lot of residents will come home from work and want to look at the documents for major planning applications and make their representations. As the deadline for comments on OUT/2019/0022 is Monday 4<sup>th</sup> Feb, could this be extended a few days to help residents?

I have copied in the relevant planning officer and Cabinet Member.

Best wishes,

Glenn

**SCHEDULE 4 – EMAIL TM TO GW**

**From:** Miller, Tracy <Tracy.Miller@coventry.gov.uk>  
**Sent:** 31 January 2019 18:26  
**To:** Williams, Glenn (Cllr) <Glenn.Williams@coventry.gov.uk>

**Cc:** [REDACTED]; Yardley, Martin <Martin.Yardley@coventry.gov.uk>

**Subject:** RE: Planning Portal

Dear Glenn

I apologise but the information provided by [REDACTED] is not correct. As you are aware from previous discussions we have had the Statutory process cannot be extended officially, but as with other applications all comments received up to the date of decision are taken into consideration.

Just to confirm I have had the portal checked and [REDACTED], Head of ITC and Digital has confirmed it has been working with no interruptions. I can also confirm that we received other comments through the system yesterday evening again showing that the system was indeed working.

I am aware of the social media post on Twitter (attached) and I do not find it helpful for you to make comments alluding to the system being taken down in an attempt to stop people objecting. We are professional officers carrying out a professional role and accusations about my team are not welcome.

Regards

**Tracy Miller**

Head of Planning and Regulation  
Place Directorate  
Coventry City Council  
One Friargate  
COVENTRY  
CV1 2GN

[tracy.miller@coventry.gov.uk](mailto:tracy.miller@coventry.gov.uk)

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Think before you print!

**SCHEDULE 5 – EMAIL GW TO TM**

**From:** Williams, Glenn (Cllr) <Glenn.Williams@coventry.gov.uk>

**Sent:** 01 February 2019 07:53

**To:** Miller, Tracy <Tracy.Miller@coventry.gov.uk>

**Cc:** [REDACTED]

[REDACTED] Yardley, Martin <Martin.Yardley@coventry.gov.uk>

**Subject:** RE: Planning Portal

Good morning Tracy,

Thank you for the clarification. The reason I sent you the email was because Wednesday night I was going to a residents' meeting and wanted to check on a particular application before I went. I tried two separate devices (one personal, one Council) and I couldn't get onto the planning portal. I kept trying until mid-morning yesterday. If other residents have been able to make comments then I'm pleased about that.

Please be assured there is no intention on my part to question the professionalism of your team; in fact at last month's public meeting of Keresley Parish Council I stood up and told them how helpful and professional I have always found [REDACTED]. I subsequently invited him to a private meeting with them.

Best wishes,

Glenn

Sent from my Windows Phone

**SCHEDULE 6 – EMAIL MY TO GW**

**From:** Yardley, Martin <Martin.Yardley@coventry.gov.uk>  
**Sent:** 01 February 2019 12:11  
**To:** Williams, Glenn (Cllr) <Glenn.Williams@coventry.gov.uk>  
**Cc:** Newman, Julie <Julie.Newman@coventry.gov.uk>  
**Subject:** Complaints regarding planning  
**Importance:** High

Cllr Williams

Following your email to my Head of Planning and Regulatory Services I have now had the opportunity of viewing the exchange that you have had on social media. I have to say how extremely concerned I am as to your behaviour, as an elected member. Not only would you appear to be accusing Council staff of in some way seeking to corrupt the planning system by deliberately taking down the planning portal, when in fact the system was at no time inactive as confirmed by the Head of ICT, but you appear to have entered into exchange of correspondence with an individual who following your post suggested that a member of my staff should have "his head kicked in" Rather than immediate stopping correspondence and reporting this threat you then usefully pointed out to this individual that the "he" he was suggesting had his head kicked in was in fact a woman, which will not only of course assist with her identification, but you appear to have no issue with the assault if it was made on to a male member of my staff.

You have by your actions not only accused my staff of corruption but you have also engaged and encouraged a situation where someone is suggesting that my staff are assaulted. You are in my opinion in clear breach of standards and I am formally requesting Julie Newman to commence an investigation into this matter

**Martin Yardley**  
Deputy Chief Executive (Place)  
Place Directorate  
Coventry City Council  
One Friargate  
Coventry  
CV1 2GN

Tel: 024 7683 1200

[martin.yardley@coventry.gov.uk](mailto:martin.yardley@coventry.gov.uk)

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