

### Ethics Committee

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**Time and Date**

10.30 am on Thursday, 4th March, 2021

**Place**

This meeting will be held remotely. The meeting can be viewed live by pasting this link into your browser: <https://www.youtube.com/watch?v=boe-p8KQH-c&feature=youtu.be>

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1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
  - a) To agree the Minutes of the previous meeting held on 21 January, 2021
  - b) Any matters arising
4. **Outcome of a Code of Conduct Investigation** (Pages 7 - 22)

Report of the Director of Law and Governance
5. **Revised Code of Conduct for Elected and Co-opted Members** (Pages 23 - 40)

Report of the Director of Law and Governance
6. **Review of Members' and Officers' Declarations of Gifts and Hospitality 1 July to 31 December, 2020** (Pages 41 - 44)

Report of the Director of Law and Governance
7. **Code of Conduct Update** (Pages 45 - 52)

Report of the Director of Law and Governance
8. **Ethics Committee Work Programme 2021/22** (Pages 53 - 58)

Report of the Director of Law and Governance
9. **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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Julie Newman, Director of Law and Governance, Council House Coventry

Wednesday, 24 February 2021

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 P Hetherton, J Mutton, S Walsh and D Welsh

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

Named Substitute Members: Councillor M Mutton

**Suzanne Bennett**

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**Coventry City Council**  
**Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 21**  
**January 2021**

Present:

Members: Councillor S Walsh (Chair)  
Councillor A Andrews  
Councillor P Hetherton  
Councillor J Mutton (Chair for the meeting)  
Councillor D Welsh

Employees:- S Bennett, Law and Governance  
C Bradford, Law and Governance  
S Harriott, Law and Governance  
J Newman, Director of Law and Governance and  
Monitoring Officer  
M Rose, Law and Governance

Independent Persons: S Atkinson, A Barton and P Wiseman

Apologies:- R Wills

## **Public Business**

**25. Chair**

In the absence of the Chair, Councillor S Walsh, at the start of the meeting, the meeting was Chaired by Councillor J Mutton.

**26. Declarations of Interest**

There were no declarations of interest.

**27. Minutes**

The Minutes of the meeting held on 3 December, 2020 were agreed and signed as a true record, subject to the inclusion of P Wiseman, Independent Person, in the list of attendees.

There were no matters arising.

**28. New Code of Conduct for Elected and Co-opted Members**

The Committee considered a report of the Director of Law and Governance which indicated that the Local Government Association (LGA) has published a new Model Code of Conduct for Members which follows on from a consultation held in the summer of 2020. The LGA has produced the new Model Code of Conduct on the recommendation of the Committee on Standards in Public Life in its report on

local authority standards published in January 2019. The Ethics Committee made representations to the LGA on the wording of the proposed Code.

The report asked the Committee to consider the new Model Code of Conduct, a copy of which was appended to the report, with a view to the Council adopting the Code, either in whole or with modifications. As any new Code will need to be included in the Council's Constitution, any views of the Committee will be reported to the Constitutional Advisory Panel, the Cabinet Member for Policing and Equalities and full Council when those bodies consider the matter.

The main points of the Model Code of Conduct are:

- (a) The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor. The current Code only applies where a Councillor is acting in their official capacity.
- (b) The Code gives examples of what amounts to treating others with respect but also how to deal with disrespectful behaviour from others. The term "respect" is favoured over "civility".
- (c) Definitions of bullying and harassment are included and there is an express requirement to promote equalities and to not discriminate unlawfully.
- (d) Councillors must not bring their role or local authority into disrepute
- (e) Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed
- (f) There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain
- (g) Gifts or hospitality of £50 or more in value must be registered as must any that have been refused
- (h) In addition to the statutory Disclosable Pecuniary Interests, there is a requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion. This only applies to bodies to which the Councillor has been appointed by the Council and mirrors those memberships that were required to be registered under the 2007 national Code of Conduct. Under the current Code of Conduct members are required to declare membership of any body whose rules of membership could be regarded as suggesting a degree of loyalty to that organisation. This is regardless of whether the appointment is made through the Council or a private matter.

The Model Code includes three Appendices:

- (a) Appendix A: The Seven Principles of Public Life (Nolan Principles)
- (b) Appendix B: The Registration and Declaration of Interests
- (c) Appendix C: The Committee on Standards in Public Life (including the 15 Best Practice recommendations)

The Committee made a number of comments in relation to the Model Code and its adoption by the City Council, in particular:-

- The Committee welcomed the favouring of the term “treating other with respect” rather than “with civility”, together with the definitions provided in the Model Code
- That the threshold for the registration of gifts and hospitality should be set at £50 in line with the national threshold
- That the Council should extend the obligation to declare membership of outside bodies to include those which currently must be declared
- That appropriate training to new and existing Members should be provided following the adoption of the new Code
- That the Member Complaints Protocol should be strengthened and updated to reflect any new changes to the Code
- That the Model Code should be amended to be more user friendly and easier to reference, to include using the second person, to remove unnecessary preamble, to be numbered, and to include the Nolan Principles at the forefront of the document, rather than as an Appendix

**RESOLVED:-**

- 1) That officers be requested to amend the Model Code of Conduct as outlined above and that the amended Model Code be recommended to the Constitutional Advisory Panel for consideration**
- 2) That the Model Code of Conduct be further considered by the Ethics Committee at its meeting on 4 March, 2021, prior to its adoption by Council on 16 March, 2021.**

**29. Any Other Items of Urgent Public Business**

There were no other items of urgent public business.

(Meeting closed at 10.55 am)

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Ethics Committee

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Ethics Committee

4 March 2021

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

Not applicable

**Title:**

Outcome of Code of Conduct Investigation

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**Is this a key decision?**

No

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**Executive Summary:**

This report provides the outcome of a Code of Conduct Investigation in respect of allegations that Councillor Williams breached the Code of Conduct for Elected Members.

The Ethics Committee's complaints protocol sets out how a complaint that an Elected Councillor has failed to comply with the Council's Code of Conduct is dealt with. The protocol requires that where an investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct but the Monitoring Officer considers that the matter can reasonably be dealt with without the need for a hearing then, following discussion with the Independent Person and liaison with the complainants and the Councillor who is subject of the complaint, the Monitoring Officer will report the matter to the Ethics Committee for information.

**Recommendations:**

The Ethics Committee is recommended to note the outcome of the investigation attached as Appendix 1.

**List of Appendices included:**

Investigation Report – NB the Appendix referred to in the Investigation Report contains confidential information and has therefore not been disclosed.

**Other useful background papers:**

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



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

- 1.1 In August 2020 Councillor Williams made comments on his social media sites that related to the potential arrival of several asylum seekers which were to be placed by the Home Office in one of the hotels within Coventry. His comments resulted in four separate complaints being submitted alleging that Councillor Williams had breached the Code of Conduct for Elected and Co-opted Members.
- 1.2 The City Council's Monitoring Officer, supported by one of the Committee's Independent Persons, considered that the complaints merited a formal investigation and instructed Ms Olwen Brown as an appropriately experienced external investigator to undertake the investigation.
- 1.3 Ms Brown produced a draft report that was shared with the Complainants and Councillor before forwarding her final report to the Council's Monitoring Officer.
- 1.4 Ms Brown found that there was sufficient evidence in this matter to justify a finding that Councillor Williams had breached the Council's Code of Conduct for Elected Members.

## **2. Options considered and recommendations**

- 2.1 Having considered the report of Ms Brown and following discussions with Independent Person in this matter (Mr Steve Atkinson) the Monitoring Officer concluded that the matter should be resolved summarily, without a hearing, before the Ethics Committee.
- 2.2 This decision was made on the basis that on the 8<sup>th</sup> October 2020 the Ethics Committee held a hearing in respect of previous posts Councillor Williams had made on social media, in which they found that he had breached the Code of Conduct. This matter was then considered by a full Council meeting on the 8<sup>th</sup> December 2020, at which the Council voted to send a formal letter of censure to Councillor Williams.
- 2.3 Councillor Williams was admonished for failing to demonstrate leadership by example and to treat others with respect and that his behaviour had again fallen well below the standard that the Council expects of its elected members.
- 2.4 Councillor Williams has therefore been recently censured for his inappropriate use of social media and the Ethic Committee is recommended to note the outcome of this investigation.

## **3. Results of consultation undertaken**

None

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

- 4.1 Not applicable

## **5. Comments from Director of Finance and Director of Law and Governance**

### **5.1 Financial implications**

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

### **5.2 Legal implications**

There are no specific legal implications arising from this report, however reporting on the outcome of this investigation and provide the investigation report in full supports the duty to promote high standards of ethical conduct.

## **6. Other implications**

None

### **6.1 How will this contribute to the Council Plan?**

Not applicable.

### **6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report.

### **6.3 What is the impact on the organisation?**

The investigation supports the promotion of high standards amongst elected members in accordance with the Localism Act.

### **6.4 Equality Impact Assessment / EIA**

The public sector equality duties require that the City Council in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Protected characteristics includes a person's sexual orientation.

### **6.5 Implications for (or impact on) Climate change and the environment?**

None

### **6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Julie Newman**

**Name and job title: Monitoring Officer, Director of Law and Governance**

**Directorate: Law and Governance**

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<b>Contributor/approver name</b>	<b>Title</b>	<b>Service Area</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Suzanne Bennett	Governance Services Officer	Law and Governance	23.02.21	23.02.21
Adrian West		Law and Governance		
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Phil Helm	Finance	Finance	23.02.21	23.02.21
Governance: Adrian West				
Legal: Julie Newman	Director of Law and Governance	Law and Governance	17.02.21	17.02.21
Cllr Walsh	Chair: Ethics Committee		22.02.21	22.02.21

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# **INVESTIGATION REPORT IN RELATION TO FOUR COMPLAINTS MADE UNDER THE CODE OF CONDUCT AGAINST COUNCILLOR GLENN WILLIAMS**

**COVENTRY CITY COUNCIL**

January 2021

1. This is the report of an investigation into complaints made against Cllr Glenn Williams by four persons following some comments he made on social media in August 2020. These related to the potential arrival of a number of asylum seekers who were to be placed, by the Home Office, in one of the hotels within Coventry.
2. I am a solicitor of the Senior Court of England and Wales and a partner in the firm of Anthony Collins Solicitors LLP where I am Head of Local Government. I qualified as a solicitor in 1985 and have had a career in the public sector, mainly in local authorities from then until 2010. During that time, I held positions such as Monitoring Officer, Head of Legal Services, Corporate Director and Chief Executive. In 2011 I returned to private practice where I specialise in local government law. During my career I have carried out many investigations into Code of Conduct and other matters for local authorities.
3. This report was sent out in draft to Cllr Williams and to the four complainants separately- giving them the opportunity to make comments before it was finalised.
4. The complainants have all confirmed that they are content and do not wish to make any comments. Cllr Williams replied ;

*"I totally reject the findings of the investigating officer. Her belief that the complainants being identified would result in their victimisation is also highly offensive, yet she is perfectly happy to besmirch my name. The Council leadership will be only too happy with her findings and use it as a stick to beat me, but I'm used to double standards."*

I have not changed any of my findings as a result of the responses I received.

## BACKGROUND

5. This is an investigation into four complaints which were received by the Monitoring Officer of Coventry City Council in respect of comments on social media made by Cllr Williams. I am most grateful to Cllr Williams and the complainants for the cooperation which I received into my investigation. This was much appreciated.
6. During the course of my investigation I interviewed Cllr Williams and the complainants; due to the Covid pandemic this was all carried out by telephone or Zoom call. Notes of the interview were sent to all of those involved and all have confirmed that they accept the versions which are attached to this report.
7. Cllr Williams was first elected to the Council in 2016 and would have been up for election again this year had Covid 19 not intervened to cancel the elections. He was a member of the Conservative Group upon election but left the group after two months

and has since sat as an Independent; the only Independent member of the Council. He is one of three councillors who represent Bablake ward.

8. This is a somewhat unusual matter in the sense that, whilst it is usual for complainants' names and contact details to be provided to the member they are complaining about, in this case they have been kept from him and the complaints are therefore anonymous. However, I accept that when these complaints were made, the Monitoring Officer of the Council, particularly given the high level of emotions about these issues at the time, felt that if Cllr Williams was able to know the identity of those complainants, there was a chance that they could be victimised or otherwise vilified by those who did not agree with their political stance.
9. This was heightened by the fact that at the time of the events complained of, there was a lot of activity across the country in relation to asylum seekers and refugees who were being placed by the Government in hotels. Indeed, at around the same time that the events leading to the complaints were made, there were violent clashes between members of Far-Right groups and the police at various hotels both in Coventry and in the surrounding region and more widely .
10. Therefore, whilst I know that Cllr Williams is extremely aggrieved by the fact that the identity of the complainants was withheld from him, and that he has complained this is against the Council's arrangements in dealing with Code of Conducts complaints and in certain cases, against the Councils' Constitution of which the Code of Conduct is of course part; I cannot but agree with the Monitoring Officer that this was a sensible course of action in the circumstances.
11. The situation which gave rise to these complaints is not in dispute.
12. On 27 August Cllr Williams was in his office at the Council when a friend, who hasn't been identified; spoke to him and asked him if he knew that the Royal Court Hotel, in his ward was going to *"receive 17 coaches of asylum seekers that weekend who are being sent there by the Home Office"*. Cllr Williams said that he also received, on the same day, a voicemail from a resident in a neighbouring ward who gave him further information about this from which he identified that *"approximately 200 separate asylum seekers across the 17 coaches"* would be sent to stay at the Royal Court and the hotel was closing as a result.
13. Cllr Williams investigated this by telephoning the hotel purporting to book rooms but was told that *"the hotel was closed that weekend for refurbishment"*. Cllr Williams explained to me that he knew *"the Home Office have a contract with the Britannia Hotel"*

*Group to house asylum seekers and I also knew that there was another hotel in my ward where asylum seekers were being housed where there were loads of problems; and which had been visited the previous weekend by the right-wing group Britain First".* He went on to say that he used social media as a quick way of getting messages out to residents and that *"I knew that the fact that another hotel was now to be used in this way would not go down well with residents and thought I should let residents know that it was about to happen".*

14. Cllr Williams said that, that same evening in the light of what he had found out, he put out a tweet on Twitter which said *"Breaking news: C.17 coaches will arrive at the Royal Court Hotel in Coventry Friday a.m. with asylum seekers (source verified). Second hotel in Bablake Ward to be used like this. I am on the case".*
15. Both local MPs and Nigel Farage were copied into the tweet. Cllr Williams said to me that he *"didn't really know why I copied Nigel Farage in"* but said he thought that *"copying him in would give the matter a higher profile, which in my view would be in the public interest".*
16. In his statement Cllr Williams explained that he got lots of comments following his tweets; he said, *"most were positive about being notified by me about the situation; the ones that were not positive mainly came, I think, from non-residents".* Cllr Williams then explained the further investigations he did about whether the hotel was being closed and which confirmed that it was closing that weekend.
17. The next day he put more information out on his personal Facebook page which contained a little more detail and this was *"shared 125 times".* Cllr Williams said he was *"getting messages from residents and others thanking me for looking into this and saying they were worried".*
18. The following day on Friday 28 August, Cllr Williams went to the Royal Court Hotel and was told that the hotel was closed and said that whilst he was there he noticed *"seven site notices"* on a nearby lamppost containing *"a copy of an injunction obtained by Coventry City Council who had put a stop notice on the hotel saying that if they took in asylum seeker the Council would take them to Court".* Photographs of the stop notices are in the Appendix following Cllr Williams statement.
19. Cllr Williams investigated back at the Council offices and asked why he had not been told what was happening as he was a local member and so was, he believed, required by the Councils Constitution to be informed. He was told that the stop notice had been placed on the hotel as the Council and other bodies did not have the necessary



resources to support another 200 asylum seekers. Later that day a press release, a copy of which appears in the Appendix after Cllr Williams statement; and included in a newspaper article was received from the Council's communications team.

20. Cllr Williams submitted questions at the following Council meeting on 8 September and a link to the video of the Council meeting can be seen- again the link is in the Appendix. Mr Williams described that at the Council meeting the Leader had told him the action the council had taken with the stop notice was nothing to do with the tweet that Cllr Williams had made and that he (Cllr Williams) was simply stirring up communities.
21. In the end, the 200 asylum seekers never arrived in Coventry.
22. Cllr Williams said that he felt that by not telling him about the situation with the asylum seekers the Council was not complying with the Constitution and explained that he thought that residents need to be kept informed. He supplied a copy of one of his resident newsletters; which can be seen in the Appendix.
23. The situation which gave rise to these complaints was as follows: as the statement from Cllr Williams identifies, on 27 August he was in his office at the Council when someone spoke to him and asked him if he knew that a hotel in his ward, the Royal Court Hotel, was going to *"receive 17 coaches of asylum seekers that weekend who are being sent there by the Home Office"*. Cllr Williams said that he also received, the same day, a voicemail from a resident in a neighbouring ward who gave him further information about this from which he identified that *"approximately 200 separate asylum seekers across the 17 coaches"* would be sent to stay at the Royal Court and the hotel was closing as a result. Cllr Williams investigated this by telephoning the hotel purporting to book rooms but was told that *"the hotel was closed that weekend for refurbishment"*.
24. Cllr Williams explained that he knew that *"the Home Office have a contract with the Britannia Hotel Group to house asylum seekers and I also knew that there was another hotel in my ward where asylum seekers were being housed where there were loads of problems; and which had been visited the previous weekend by the right-wing group Britain First"*. He went on to say that he used social media as a quick way of getting messages out to residents and that *"I knew that the fact that another hotel was now to be used in this way would not go down well with residents and thought I should let residents know that it was about to happen"*.

25. Cllr Williams said that accordingly, that same evening he put out a tweet on Twitter which said *"Breaking news: C.17 coaches will arrive at the Royal Court Hotel in Coventry Friday a.m. with asylum seekers (source verified). Second hotel in Bablake Ward to be used like this. I am on the case"*.
26. Both local MPs and Nigel Farage were copied into the tweet. Cllr Williams said to me that he didn't really know *"why I copied Nigel Farage in"* but said he thought that *"copying him in would give the matter a higher profile, which in my view would be in the public interest"*.
27. In his statement Cllr Williams explained that he got lots of comments *"most were positive about being notified by me about the situation; the ones that were not o positive mainly came, I think, from non-residents"*. Cllr Williams then explained the further investigations he did about whether the hotel was being closed and was told it was closing that weekend.
28. The next day he put more information out on his personal Facebook page which contained a little more detail and this was *"shared 125 times"*. Cllr Williams said he was *"getting messages from residents and others thanking me for looking into this and saying they were worried"*.
29. The following day on Friday 28 August, Cllr Williams went to the Royal Court Hotel and was told that the hotel was closed and said that whilst he was there he noticed *"seven site notices"* on a nearby lamppost containing *"a copy of an injunction obtained by Coventry City Council who had put a stop notice on the hotel saying that if they took in asylum seeker the Council would take them to Court"*. Photographs of the stop notices appear in the Appendix.
30. Cllr Williams investigated back at the Council offices and asked why he had not been told as was, he believed, required by the Councils Constitution, and was told that the stop notice had been placed on the hotel as the Council did not have the necessary resources to support another 200 asylum seekers and later that day a press release, a copy of which appears in the Appendix, was received from the Council's communications team.
31. Cllr Williams submitted questions at the following Council meeting on 8 September and a link to the video of the Council meeting is here. Mr Williams described in his statement that the Leader had told him it was nothing to do with the tweet that he had made and that he was simply stirring up communities. The result however was that the 200 asylum seekers never arrived in Coventry. Cllr Williams said that he felt that by not

telling him about the situation with the asylum seekers the Council was not complying with the Constitution and explained that he thought that residents need to be kept informed. He supplied copies of his social media and monthly email updates to residents.

32. Cllr Williams explained that on the weekend of 29 August Britain First held protests at hotels in Coventry where migrants and asylum seekers had been placed and explained his view that *“whilst I believe that some of what Britain First say may be legitimate, because they talk about matters that the mainstream parties won’t talk about and so people go towards such extremists as they are the only people talking about these issues; I find the way in which such organisations go about expressing their views is often difficult to support”*. The index includes a newspaper article which covers demonstrations at two hotels in Coventry on 29<sup>th</sup> August, one of which was the Royal Court Hotel.
33. Cllr Williams was adamant that he was not intending to encourage any demonstrations or such actions and that his actions were purely factual in the interests of informing the residents of his ward. He explained that he did not feel his actions offended against the Council’s Code of Conduct; pointing out that the Council had effectively done the same thing by issuing the stop notice.

## THE COMPLAINANTS

34. Due to the anonymity given to the complainants, they are referred to simply as Complainants 1, 2 3 and 4. None of the Complainants appeared to know that other complaints had been made and none of the Complainants knew of each other. None of the Complainants were members of any political parties and none of them had had any previous association with Cllr Williams other than Complainant 3 who said that they had met Cllr Williams through a speed watch campaign a few years previously.
35. Given the nature of this complaint the Complainants’ evidence is short and fully contained in their statements in the Appendix. In brief, they all felt that the tweet put out by Cllr Williams on social media was offensive and was *“a way of inciting further hatred and inciting violence against refugees and asylum seekers”*. One Complainant said, *“To my mind his actions would be likely to incite hatred and fear within the community and was totally unnecessary”*. One Complainant said, *“I believe that his statement was tantamount to inciting violence against asylum seekers...and to incite hatred and fear within the local community”*. Another said, *“I believe that by his post*

*Cllr Williams was failing to treat people with respect; I think he was attempting to dehumanise people and that brings his role as a councillor into disrepute”.*

36. Some of the Complainants also raised the issue of Cllr Williams being a member of the City Council; one said, *“I do not believe...he was behaving in accordance with the requirements of the Council’s Code of Conduct”.* Another said, *“I think it is clear to me that Cllr Williams is not upholding the spirit and principles of the City Council and the other principles a councillor should, and to my mind, adhere to”.* Another said *“For me the post is quite shocking and to see a local councillor unnecessarily doing it in that way and then trying to pass it off as his role as a councillor I find really low”* and *“I felt that this; [the tweet and Facebook feed] was particularly uncalled for because Cllr Williams is a member of Coventry City Council and I do not believe that by his tweet and his post he is behaving in accordance with the requirements of the Council’s Code of Conduct”.*

## FINDINGS

For the Code of Conduct to apply, it has to be established that a member was being in his role as a member of the Council, as these are the only situations in which the Code of Conduct will apply. When I interviewed Cllr Williams, he said that he was clear that when he made the tweets and the Facebook comments he was acting in his role as a member.

In addition, his Twitter feed identifies him as a councillor- he is described as :

*Councillor for Bablake ward, Coventry. True Brexit. Working hard to protect our Greenbelt. Making Bablake great again. Coventry’s favourite councillor*

Accordingly, I find that the Code of Conduct applies to his actions.

37. In considering whether or not his actions amounted to a breach of the Code of Conduct, I find that the evidence is sufficient to amount to a breach of the Code of Conduct. Whilst this matter is perhaps somewhat complicated by the actions of the City Council itself at the same time in making a stop notice, I think that this is different and can be distinguished from the actions of Cllr Williams.
38. The way in which Cllr Williams worded his tweet and his Facebook message, and copying in Nigel Farage for reasons he cannot now identify or explain, seems to me to have a different emphasis; not one based, as were the councils actions, on practical issues and indeed concern for the asylum seekers; but based upon alerting the local community to an issue and highlighting, from my reading of his words, a sense of threat. I believe that this is heightened by the events of the time- one of the

attachments in the appendix is a newspaper article about an attack on the Hotels housing asylum seekers- including, the following days after Cllr Williams tweet; the Royal Court, which as the above shows, did not in the end receive any asylum seekers. It is a fact that from at least August 2020 and continuing, Britain First and other far right activist groups staged protests both inside and outside hotels housing asylum seekers, ranging from hotels in London to Warrington, Birmingham, Bromsgrove and of course, Coventry.

39. In these protests it is alleged that the far-right groups sometimes entered the hotels, where they banged on doors in corridors and harassed residents. During July 2020 Nigel Farage had also made and published at least one video about asylum seekers being put up in hotels, including the following (taken from an article in The Independent dated 3<sup>rd</sup> August 2020):

*“I tried to book a room at the 4 Star Bromsgrove Hotel & Spa, but it was closed to the public”, he wrote on Twitter. “Turns out it’s accommodating 147 illegal migrants and we’re all paying for it.”*

40. In my view it is important to understand the background at the time when considering the actions of Cllr Williams; although I should make it clear that this is simply background and that I have no evidence and do not suggest or imply any collusion whatsoever on his part with any far right groups.
41. I am also struck by the number of people who complained; it is in my experience unusual to have four unconnected people make complaints about the actions of a member; and all four objections are very similar, drawing attention to the likelihood of Cllr Williams’ action inciting violence and “*dehumanising*” people. Some of the complainants also mentioned that Cllr Williams was not behaving as they would expect a councillor to behave in by upholding the values of the council.
42. In my opinion, the evidence shows that his actions are capable of amounting to a breach of the Code of Conduct. The very first requirement in the Code is a requirement for members to “*represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all*”. There is no suggestion that Cllr Williams sought to deal with the news he had by speaking to the offices and members of the Council, or with partners, to deal with the situation; instead he simply went over there and made his own investigations; as he said in his tweet “*I am on the case*”. To my mind this emphasises the nature of his actions in spreading concern and not seeking to reassure; there seems to have been no attempt on his part to work constructively in this situation, as required.

43. The Code contains requirements for members to “*champion the needs of residents....and put the public interest first*”; to “*provide leadership*”; and to “*always treat people with respect*”; as well as the requirement given above.
44. Some of the complainants have suggested other potential breaches but I do not think that the evidence supports them.
45. This is a complaint where the evidence is clear and where the facts are not in dispute. This means that the question of whether or not Cllr Williams breached the Council’s Code of Conduct is a matter for judgment placed on the complaints and the effects that the words of Cllr Williams appear to have had.
46. It is therefore a difficult judgment, but taking all of the factors into account, and in accordance with my first finding above that the code does apply to his actions; I make a second finding that I believe there is sufficient evidence in this matter to justify a finding that Cllr Williams breached the Council’s Code of Conduct by his actions in relation to the tweet and post on social media on the 27 and 28 August 2020; in that he breached the requirements of paragraph 1; paragraph 2 (g); paragraph 2 (a) and paragraph 3(j) of the Code of Conduct.

**Olwen Brown**

**Partner**

Anthony Collins Solicitors LLP



## Public report Ethics Committee

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Ethics Committee

4 March 2021

**Name of Cabinet Member: N/A Ethics Committee**

**Director Approving Submission of the report:** Director of Law and Governance

**Ward(s) affected:** None

**Title:** Revised Code of Conduct for Elected and Co-opted Members

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**Is this a key decision?**

No - The decision whether to adopt a new Code of Conduct is reserved to Council

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**Executive Summary:**

At its meeting on 21 January 2021, the Ethics Committee considered the Model Code of Conduct produced by the Local Government Association in December 2020. The Committee authorised officers to produce a revised Code of Conduct for onwards consideration by the Constitutional Advisory Panel, Cabinet Member and Council but asked that the revised version be brought back to this meeting.

A revised Code of Conduct is attached to this report for the Committee's consideration.

**Recommendation:**

Ethics Committee is requested to consider the new Model Code of Conduct and forward any further recommendations to the Cabinet Member for Policing and Equalities.

**List of Appendices included:** Revised Model Code of Conduct

**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?**

Yes, by the Constitutional Advisory Panel on 17 February; the revised Code will also be considered by the Cabinet Member for Policing and Equalities on 8 March

**Will this report go to Council?**

Yes – 16 March 2021



## **Report title: Revised Code of Conduct for Elected and Co-opted Members**

### **1. Context**

- 1.1** At its meeting on 21 January 2021, the Ethics Committee considered the Model Code of Conduct produced by the LGA in December 2020. It resolved that:
- 1) That the officers be requested to amend the Model Code of Conduct as outlined above and that the amended Model Code be recommended to the Constitutional Advisory Panel for consideration; and
  - 2) That the Model Code of Conduct be further considered by the Ethics Committee at its meeting on 4 March 2021, prior to its adoption by Council on 16 March 2021.
- 1.2** Officer have amended the Model Code to take account of comments made by the Committee.

### **2. Options considered and recommended proposal**

- 2.1** The revised Model Code of Conduct is attached to this report at the Appendix.
- 2.2** The points that the Committee raised at its January meeting were:
- The Committee welcomed the favouring of the term “treating other with respect” rather than “with civility”, together with the definitions provided in the Model Code
  - That the threshold for the registration of gifts and hospitality should be set at £50 in line with the national threshold
  - That the Council should extend the obligation to declare membership of outside bodies to include those which currently must be declared
  - That appropriate training to new and existing Members should be provided following the adoption of the new Code
  - That the Member Complaints Procedure should be strengthened and updated to reflect any new changes to the Code
  - That the Model Code should be amended to be more user friendly and easier to reference, to include using the third person, to remove unnecessary preamble, to be numbered, and to include the Nolan Principles at the forefront of the document, rather than as an Appendix.

These points have been incorporated into the Code.

- 2.3** The revised Model Code was considered by the Constitutional Advisory Panel on 17 February who resolved to recommend the revised Code to the Cabinet Member for Policing and Equalities and to full Council.
- 2.4** The revised Model Code will be considered by the Cabinet Member for Policing and Equalities on 8 March and by full Council on 16 March.

### **2.5 Recommendation:**

Ethics Committee is requested to consider the new Model Code of Conduct and forward any further recommendations to the Cabinet Member for Policing and Equalities.

### **3. Results of consultation undertaken**

- 3.1** The revised Model Code of Conduct has been considered by the Constitutional Advisory Panel.

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

- 4.1** It is proposed that the new Code of Conduct will take effect at the beginning of the new municipal year in May 2021.

#### **5. Comments from Director of Finance and Director of Law and Governance**

##### **5.1 Financial implications**

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

##### **5.2 Legal implications**

There are no specific legal implications arising from this report. However, there is an expectation that all local authorities will consider the adoption of the new national Code of Conduct. The adoption of the Code will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

#### **6. Other implications**

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

Not applicable

##### **6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report. Having an up to date, comprehensive Code of Conduct will help members to understand their responsibility to uphold high ethical standards and in turn to reduce the risk of reputational damage to the Council.

##### **6.3 What is the impact on the organisation?**

The new Code of Conduct will apply to all members and co-opted members. The new Code will need to be publicised and members will require guidance/training.

##### **6.4 Equality Impact Assessment (EIA)**

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

##### **6.5 Implications for (or impact on) climate change and the environment**

None

##### **6.6 Implications for partner organisations?**

None

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<b>Names of approvers for submission:</b> (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	17.02.21	18.02.21
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	17.02.21	23.02.21
Councillor Walsh	Chair of Ethics Committee		22.02.21	22.02.21

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

**General Principles**

**1. Introduction**

- 1.1 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual councillor affects the reputation of all councillors. The role of councillor should be one that people aspire to and individuals from a range of backgrounds and circumstances should be putting themselves forward to become councillors.
- 1.2 As councillors, you represent local residents, work to develop better services and deliver local change. The public have high expectations of you and entrust you to represent your local area; taking decisions fairly, openly, and transparently. You have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 1.3 Importantly, you should be able to undertake your role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.
- 1.4 This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.

**2. Definitions**

- 2.1 For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
  - (a) is a member of any committee or sub-committee of the authority, or;
  - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".
- 2.2 For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

### **3. Purpose of the Code of Conduct**

The Code of Conduct sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### **4. Application of the Code of Conduct**

- 4.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 4.2 This Code of Conduct applies to you when:
- you are acting in your capacity as a councillor and/or as a representative of your council
  - you are claiming to act as a councillor and/or as a representative of your council
  - you are giving the impression that you are acting as a councillor and/or as a representative of your council
  - you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.
- 4.3 The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings
  - at online or telephone meetings
  - in written communication
  - in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments.
- 4.4 You are also expected to uphold high standards of conduct and show leadership at all times.
- 4.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **5. The Nolan Principles**

- 5.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **6. General principles of councillor conduct**

- 6.1 Building on the Nolan Principles, the following general principles have been developed specifically for the role of councillor.
- 6.2 In accordance with the public trust placed in you agree that you will, on all occasions:
- act with integrity and honesty
  - act lawfully
  - treat all persons fairly and with respect; and
  - lead by example and act in a way that secures public confidence in the role of councillor.

### 6.3 In undertaking your role, you agree to:

- impartially exercise your responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with your local authority's requirements and in the public interest.

## **Standards of Councillor Conduct**

7. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed. Guidance is shown in *italics*.

### **General Conduct**

## **8. Respect**

**As a councillor you must:**

- 8.1 treat other councillors and members of the public with respect.**
- 8.2 treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

*Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.*

*In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.*

*In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.*

## **9 Bullying, harassment and discrimination**

**As a councillor you must:**

**9.1 not bully any person.**

**9.2 not harass any person.**

**9.3 promote equalities and not discriminate unlawfully against any person.**

*The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or during phone calls, in the workplace or at work-related social events. Such behaviour may not always be obvious or noticed by others.*

*The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.*

*Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.*

*The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.*

## **10 Impartiality of officers of the council**

**As a councillor, you must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

*Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.*

## **11 Confidentiality and access to information**

**As a councillor, you must not:**

### **11.1 disclose information:**

- a. given to you in confidence by anyone**
- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless**



- i. you have received the consent of a person authorised to give it;
- ii. you are required by law to do so;
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. the disclosure is:
  - 1. reasonable and in the public interest; and
  - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
  - 3. you have consulted the Monitoring Officer prior to its release.

**11.2** improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

**11.3** prevent anyone from getting information that they are entitled to by law.

*Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.*

## **12 Disrepute**

**As a councillor, you must not bring your role or local authority into disrepute.**

*As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your or its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.*

*You are able to hold the local authority and fellow councillors to account and are able to challenge constructively and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.*

## **13 Use of position**

**As a councillor, you must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.**

*Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to*

*further your own or others' private interests or to disadvantage anyone unfairly.*

## **14 Use of local authority resources and facilities**

**As a councillor, you must when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which you have been elected or appointed.**

*You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:*

- *office support*
- *stationery*
- *equipment such as phones, and computers*
- *transport*
- *access and use of local authority buildings and rooms.*

*These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.*

## **15 Complying with the Code of Conduct**

**As a councillor, you must:**

- 15.1 undertake Code of Conduct training provided by the local authority.**
- 15.2 cooperate with any Code of Conduct investigation and/or determination.**
- 15.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 15.4 comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.**

*It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.*

## **Protecting your reputation and the reputation of the local authority**

## **16 Interests**

**As a councillor, you must register and declare your interests.**

*You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.*

*You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.*

*The Appendix sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.*

## **17 Gifts and hospitality**

**As a councillor, you must:**

**17.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**17.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**17.3 register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

*In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.*

## APPENDIX TO CODE

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means interests relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and, within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Declaring interests

5. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests, you must declare the interest. You must not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
8. Where a matter arises at a meeting which *affects* –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

- 9. Where the matter affects the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

<b>1.</b>	<b>Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council; and</b>
<b>2.</b>	<b>Any body:</b> <ul style="list-style-type: none"> <li><b>(a) Exercising functions of a public nature; or</b></li> <li><b>(b) Directed to charitable purposes; or</b></li> <li><b>(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or</b></li> <li><b>(d) Whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that body. this could arise by reason of a body having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance to or support for that organisation or body of which you are a member or in a position of general control or management.</b></li> </ul>





## Public report Ethics Committee

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4 March 2021

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

None

**Title:** Review of Members' and Officers' Declarations of Gifts and Hospitality: 1 July 2020 to 31 December 2020

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**Is this a key decision?**

No

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**Executive Summary:**

The Ethics Committee would normally, at this meeting, receive a report on declarations of gifts and hospitality by both Members and officers for the period 1 July to 31 December 2020. As a result of the Covid pandemic, no declarations by either Members or officers have been made during this period.

The Committee is asked to note the position.

**Recommendations:**

The Ethics Committee is asked to note the position regarding declarations.

**List of Appendices included:** None

**Other useful background papers:** 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: Review of Members' and Officers' Declarations of Gifts and Hospitality: 1 July 2020 to 31 December 2020**

**1. Context (or background)**

- 1.1 The Ethics Committee, as part of its Work Programme, reviews on a regular basis the declarations of gifts and hospitality made by both Members and officers.

**2. Options considered and recommended proposal**

- 2.1 The Committee would normally, at this meeting, receive a report on declarations of gifts and hospitality by both Members and officers for the period 1 July to 31 December 2020. As a result of the Covid pandemic, no declarations by either Members or officers have been made during this period. There have been no requests by Members of the public to view the register during this time.
- 2.2 The Committee is recommended to note the position.
- 2.3 If the Council decides to adopt the Model Code of Conduct produced by the Local Government Association, then Members will in future be required to declare gifts and hospitality offered but not accepted as well as those accepted. Appropriate advice will be given to Members on this point.

**3. Results of consultation undertaken**

- 3.1 None.

**4. Timetable for implementing this decision**

Not applicable

**5. Comments from the Director of Finance and Director of Law and Governance**

- 5.1 Financial implications

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

- 5.2 Legal implications

Members are required to declare Gifts and Hospitality under section 4 of the Code of Conduct for Elected Members at Part 4 of the Council's Constitution. Whilst there is currently no statutory requirement for members to declare in this way, maintaining a process and register aids transparency and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Localism Act 2011.

Officers are required to declare acceptance of gifts or hospitality under the Employee Code of Conduct.

**6 Other implications**

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

**6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report, but a failure to implement and maintain a system of Declarations of Gifts and Hospitality can impact on the organisation's ethical behaviour and transparency.

**6.3 What is the impact on the organisation?**

The routine declaration of gifts and hospitality received should assist in protecting Elected Members, and officers, from unfounded allegations of bias and facilitate good and clear transparent decision making.

**6.4 Equalities / EIA**

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

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None at this stage

**Report author(s):** Carol Bradford

**Name and job title:** Corporate Governance Lawyer, Regulatory Team, Legal Services

**Directorate:** Law and Governance

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<b>Contributors:</b>				
Suzanne Bennett	Governance Services Officer	Law and Governance	23.02.21	23.02.21
<b>Names of approvers for submission:</b> (officers and members)				
Graham Clark	Finance	Finance	17.02.21	18.02.21
Julie Newman	Director of Law and Governance	Law and Governance	17.02.21	23.02.21
Cllr Walsh	Chair of Ethics Committee		22.02.21	22.02.21

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## Public report Ethics Committee

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4 March 2021

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

None

**Title:** Code of Conduct Update

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**Is this a key decision?**

No

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**Executive Summary:**

This report updates members of the Ethics Committee on any national issues in relation to the ethical behaviour of elected members and the local position in Coventry with regard to Code of Conduct issues.

**Recommendations:**

The Ethics Committee is recommended to:

1. Note the cases determined under the standards regime nationally;
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee.

**List of Appendices included:** None

**Other useful background papers can be found at the following web addresses:**  
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: Code of Conduct update**

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

- 1.1 The Council's Ethics Committee has agreed that the Monitoring Officer will provide a regular update on cases relating to the Members' Code of Conduct on a national basis. This is to facilitate the Ethics Committee's role in assisting the Council with its duties under section 27 of the Localism Act 2011 to promote and maintain high standards of member conduct.

### **1.2 The national picture**

- 1.2.1 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore, any cases reported are taken from general research where councils publish details of their conduct hearings in public. The Committee's attention is drawn to the following case which has recently been reported:

#### **1.2.2 Councillor O: Merthyr Tydfil Borough Council**

This case was determined by the Adjudication Panel for Wales under the Welsh standards regime which is very similar to the regime which existed in England up to 2012.

Councillor O was alleged to have breached the Code of Conduct by failing to declare his interest in a property and to withdraw from an inter-agency meeting which affected that property, by making representations about the matter both at the meeting and by email to a council officer and showing a lack of respect to the Chief Executive at a subsequent meeting.

Councillor O was found to have breached the Code on all 6 allegations and was suspended for 7 months.

#### **1.2.3 Nottinghamshire City Council**

In November 2020, a rapid non-statutory review was undertaken at the request of the Ministry of Housing, Communities and Local Government to examine serious governance and risk management issues at Nottingham City Council. This was with particular reference to issues associated with the council's private energy company, Robin Hood Energy.

The subsequent report found that the council's financial strategy and commercial investment decisions over the past four years had resulted in a very significant budget gap and low levels of reserves. It also highlighted that the council "failed to

understand the roles and responsibilities associated with managing their companies and, as a result, ended up with significant debts”.

Amongst other things, the review noted that one of the major causation factors for the position the council now found itself in was the inability to recognise, respect and take action on the advice the Section 151 officer (S151 officer) was providing. “Over a period of years, the position she had correctly identified was delayed in reporting, not supported by other senior officers, and resulted in no effective action being taken. This was not aided by the structure of the council, which had established posts in spending and delivery areas which properly needed to come under the professional oversight of the S151 officer.”

The report said that “in a similar vein, the team also noted that it was possible for legal advice to be sought and proffered to the council without the clear oversight of the Monitoring Officer.” Such an approach completely undermined the Statutory Officer roles that these officers were required by legislation to play and was “completely unacceptable”.

As a result of that report, the Minister announced in December that the Government will be appointing experts in governance and finance to a new Improvement and Assurance Board at the City Council. The council was also required to put forward its 3-year recovery plan by the end of January 2021, setting out how it will improve its financial position and review its investments.

The council must also submit progress reports to the Ministry of Housing, Communities and Local Government (MHCLG) on a quarterly basis. In the event of a failure by the council to demonstrate significant progress, a more formal statutory intervention will be considered, including the appointment of commissioners.

### **1.2.3 Liverpool City Council**

Committee members will be aware that in early December 2020, 5 people were arrested in connection with offences of bribery and witness intimidation as part of an investigation into building and development contracts in Liverpool. Police later confirmed that they had been released on conditional bail pending further inquiries. These included the elected Mayor.

The Ministry of Housing, Communities and Local Government subsequently wrote to Liverpool’s Chief Executive asking the council to provide information on the steps it has taken to secure effective governance, in light of the investigation. This is with particular reference to the council’s planning, highways, regeneration and property management functions. In addition, the council is being asked to provide information about “any proposals to enter into any commitment to dispose of, or otherwise transfer to third parties, or relating to the development of, any real property other than” existing housing stock.



#### **1.2.4 Handforth Parish Council**

Members will be aware of the publicity that has surrounded a video of a parish council meeting that has been circulating on social media. The Committee on Standards in Public Life, while acknowledging that some aspects of the video are entertaining, has pointed out that it does raise important issues about ethical standards in local government. In a blog in February, the CSPL has drawn attention to its 2019 report on ethical standards and the concern it has about dysfunctional meetings and bullying behaviour. It has pointed out the recommendations that it made in respect of parish councils, including mandatory qualifications for parish council clerks, the requirement to adopt a code of conduct and stronger rules about imposing sanctions.

#### **1.2.5 Committee on Standards in Public Life**

The CSPL has published a short report on reviewing progress against its 15 Best Practice recommendations for ethical standards. The responses that it has received from local authorities to date have been positive with most local authorities confirming that they have already implemented or are taking steps to implement the best practice recommendations

### **1.3. The local picture**

#### *Complaints under the Code of Conduct*

- 1.3.1 The Ethics Committee has requested that the Monitoring Officer report regularly on any complaints received relating to Members of Coventry City Council.
- 1.3.2 The Monitoring Officer has received four new complaints since the date of the last meeting (3 December 2020). One complaint has been withdrawn by the complainant, 2 have been completed at Stage 1 one of the complaints process and the other one is in progress.
- 1.3.3 Since the last meeting four complaints have been completed and are the subject of a separate report to the committee.
- 1.3.4 The Monitoring Officer will update the Committee on any complaints received before the meeting and progress on those already received.
- 1.3.5 All complaints are handled in accordance with the agreed Complaints Protocol. No findings have been made by the Local Government Ombudsman in relation members of Coventry City Council. No complaints have been received by the Monitoring Officer in respect of a Parish Councillor.

## **2. Options considered and recommended proposal**

Members of the Committee are asked to:

1. Note the cases determined under the standards regime nationally;
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee.

## **3. Results of consultation undertaken**

- 3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

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

- 4.1 Any actions arising from this report will be implemented as soon as possible.

## **5. Comments from Director of Finance and Director of Law and Governance**

### **5.1 Financial implications**

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

### **5.2 Legal implications**

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

## **6 Other implications**

None

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

### **6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report.

### 6.3 What is the impact on the organisation?

No direct impact at this stage

### 6.4 Equalities / EIA

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

### 6.5 Implications for (or impact on) the environment

None

### 6.6 Implications for partner organisations?

None at this stage

#### Report author:

**Name and job title:** Carol Bradford, Corporate Governance Lawyer, Regulatory Team, Legal Services

**Directorate:** Law and Governance

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<b>Contributors:</b>				
Suzanne Bennett	Governance Services Officer	Law and Governance	17.02.21	23.02.21
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	17.02.21	18.02.21
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	17.02.21	17.02.21
Councillor Walsh	Chair of Ethics Committee		22.02.21	22.02.21

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## Public report Ethics Committee

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4 March 2021

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Director of Finance and Corporate Services

**Ward(s) affected:**

**Not applicable**

**Title:**

Work Programme for the Ethics Committee 2021/22

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**Is this a key decision?**

No

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**Executive Summary:**

This report suggests areas of work for the Ethics Committee for the Municipal Year 2021/22. The Committee is asked to consider the draft work programme and make any suggestions for additional or alternative reports.

**Recommendations:**

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

**List of Appendices included:**

Draft Work programme

**Other useful background papers:**

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: Draft Work Programme 2021/22**

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

- 1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches a proposed programme of work for the Committee, designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted members.
- 1.2 The Committee's draft work programme takes account of the need to promote standards and addresses this in a number of ways. It is a draft work programme and is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on.

### **2. Options considered and recommended proposal**

- 2.1 The work programme includes regular items on:

- Code of Conduct/ Monitoring Officer Update
- Declarations of gifts and hospitality by members and officers
- Annual report to full Council
- CSPL annual report
- Local Ombudsman's annual report

- 2.2 In addition it is suggested that the Ethics Committee factor into the work programme a number of matters where work is being, or about to be, undertaken across the Council, namely:

- Monitoring, and responding to, the Local Government Association's work on civility in public life
- The work of a member/officer group which is developing a local response to the LGA's guidance on intimidation in public life
- Employee values
- Reviewing the operation of the new Code of Conduct for Elected and Co-opted Members
- A review of the guidance to members on declaring interests in the light of the changes to the requirements to register membership of organisations.
- A review of the Complaints Protocol to align with the new Code of Conduct .

Officers will also monitor and report on any legislative changes arising from the CSPL's report and recommendations of January 2019.

### **2.3 Recommendation**

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

### **3. Results of consultation undertaken**

None

**4. Timetable for implementing this decision**

4.1 Not applicable

**5. Comments from Director of Finance and Director of Law and Governance**

**5.1 Financial implications**

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

**5.2 Legal implications**

There are no specific legal implications arising from this report, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

**6. Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

**6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report.

**6.3 What is the impact on the organisation?**

If implemented, the work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

**6.4 Equalities / EIA**

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

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None at this stage



**Report author(s): Carol Bradford**

**Name and job title:** Corporate Governance Lawyer, Regulatory Team, Legal Services

**Directorate:** Law and Governance

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Cllr Walsh	Chair: Ethics Committee		22.02.21	22.02.21

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## Appendix 1

### Work Programme for the Municipal Year 2021/22

Meeting no. and date	Topics
<b>2021/22</b>	
<b>1. July 2021</b>	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Annual Report of the Committee
	Review of Guidance on Declaration of Interests
	Employee Values
	Review of Complaints Protocol
	Work Programme 2021/22
<b>2. September 2021</b>	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for first 6 months of 2021.
	Members Gifts and Hospitality -Declarations for first 6 months of 2021.
	Civility in Public Life and Intimidation in Public Life
	Work Programme 2021/22
<b>3. December 2021</b>	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Review of Operation of Code of Conduct for Elected and Co-opted Members
	Local Government Ombudsman Annual Report
	Committee on Standards in Public Life Annual Report
	Update on Employee Values
	Work Programme 2021/22
<b>4. March 2022</b>	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2021.
	Members Gifts and Hospitality -Declarations for last 6 months of 2021.
	Work Programme 2022/23