

**Time and Date**

10.00 am on Thursday, 9 December, 2021

**Place**

DR 1 and 2, Council House, Coventry, CV1 5RR

Please note that in line with current Government and City Council guidelines in relation to Covid, there will be reduced public access to the meeting to manage numbers attending safely. If you wish to attend in person, please contact the Governance Services Officers indicated at the end of the agenda

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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 30 September, 2021
  - b) Any matters arising
4. **Complaints to the Local Government and Social Care Ombudsman 2020/21** (Pages 7 - 30)

Report of the Chief Executive
5. **Civility in Public Life and Digital Citizenship** (Pages 31 - 64)

Report of the Director of Law and Governance
6. **Committee on Standards in Public Life - Annual Report 2020-21** (Pages 65 - 74)

Report of the Director of Law and Governance
7. **Review of Operation of Code of Conduct for Elected and Co-opted Members** (Pages 75 - 118)

Report of the Director of Law and Governance
8. **Review of Guidance on Declaration of Interests** (Pages 119 - 134)

Report of the Director of Law and Governance

9. **Code of Conduct Update** (Pages 135 - 144)  
Report of the Director of Law and Governance
10. **Ethics Committee Work Programme 2021/22** (Pages 145 - 152)  
Report of the Director of Law and Governance
11. **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, 1 December 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 (Chair) and D Welsh

1 vacancy

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

Named Substitute Member: Councillors M Mutton

### **Public Access**

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<https://www.coventry.gov.uk/publicAttendanceMeetings>

**Suzanne Bennett**

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**Coventry City Council**  
**Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 30**  
**September 2021**

Present:

Members:                   Councillor S Walsh (Chair)  
                                  Councillor P Hetheron  
                                  Councillor J Mutton  
                                  Councillor D Welsh

Other Members present: Councillor R Brown, Cabinet Member for Strategic Finance  
and Resources (for Minute 4 below)

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  
                                  L Sobierski, Human Resources

Independent Persons:    A Barton, R Wills and P Wiseman

Apologies:                S Atkinson

## **Public Business**

### **1. Carol Bradford**

The Chair, Councillor Walsh, indicated that Carol Bradford, Corporate Governance Lawyer, was attending her last meeting of Ethics Committee before her retirement.

On behalf of the Committee, Councillor Walsh paid tribute for all of the work undertaken by Carol and thanked her for her support and advice. The Committee extended their best wishes to Carol for a long and happy retirement.

### **2. Declarations of Interest**

There were no declarations of interest.

### **3. Minutes**

The Minutes of the meeting held on 4 March, 2021 were agreed and signed as a true record.

There were no matters arising.

#### 4. **One Coventry Values Update**

The Committee received a report of the Director of Human Resources which indicated that The Council's People Plan was launched in early 2020 with two of its key aims being:

- To develop, introduce and embed a set of organisational Values for One Coventry which will be incorporated into recruitment, selection and appraisals.
- To develop, a comprehensive Employee Engagement Plan that not only provides a mechanism for a strong employee voice, dialogue from the bottom to the top of the organisation but also celebrates success and achievement.

'One Coventry Values', detailed below, were introduced in January 2021 and have been co-created with the support and input of over 1300 employees across the Council:-

- Open and fair
- Nurture and Develop
- Engage and Empower
- Create and Innovate
- Own and be Accountable
- Value and Respect

The Employee Engagement Plan, which was appended to the report, was launched in June 2021 and provides a framework which demonstrates how the Council will enable employees to have a strong employee voice, how we will build our One Coventry ethos and 'One Coventry Values'.

The Engagement Plan sets out:

- The importance of employee engagement
- The proposed Employee Engagement Plan
- The measures of success
- The proposed timelines

The Engagement Plan includes the following six key areas that will enhance and improve employee engagement across the Council:-

- Purpose, Mission and Values
- Diversity and Inclusion
- Open and Honest Communication
- Leadership and Management Development
- Learning and Development
- Reward and Recognition

The report detailed a number of significant successes and achievements to date which included:-

- Ensuring that there is clarity of purpose of the Council's vision of One Coventry Value and behaviour
- Creating a culture of open and honest communication which provides a mechanism for strong employee voice.

The report also detailed further work that will be undertaken to develop and enhance employee engagement across the organisation.

**RESOLVED that the Committee notes and endorses the work undertaken and progress made in embedding the City Council's One Coventry Values.**

#### 5. **Annual Report of the Ethics Committee 2020/21**

The Committee considered a report of the Director of Law and Governance which set out the work of the Committee over the last Municipal Year. In particular, the report detailed:-

- Work that the Committee has carried out on developing a new Code of Conduct for Elected and Co-opted Members which was approved by full Council
- A new Travel and Conference Policy produced by the Committee
- Consideration of complaints made under the Code of Conduct

As well as receiving regular reports on ethical standards cases across the country, the Committee has also considered reports on:-

- The result of a rapid non-statutory review into serious governance and risk management issues at Nottingham City Council;
- Steps taken by the Ministry of Housing Communities and Local Government in the wake of arrests in connection with accusations of bribery and witness intimidation at Liverpool City Council.
- The Committee on Standards in Public Life's short report on its review of progress by local authorities against its 15 Best Practice Recommendations for ethical standards.

The Committee has also maintained a watching brief of work being undertaken by the Local Government Association on Civility in Public Life and also on work being done locally on supporting Members in dealing with challenges associated with public life, particularly in relation to intimidation and abuse.

The report also detailed the Work Programme for 2021/22.

The Ethics Committee approved the Annual Report for 2020/21.

**RESOLVED that the City Council be recommended to:**

- Note the Annual Report of the Ethics Committee for 2020/21**
- Consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake**

6. **Review of the Complaints Protocol**

Further to Minute 33/20, the Committee considered a report of the Director of Law and Governance which indicated that, following the adoption of the new Code of Conduct for Elected and Co-opted Members, the Committee decided that it should review the Complaints Protocol in the light of the new Code. The intention was to see if any changes needed to be made to the Protocol.

The report indicated that Officers have reviewed the Protocol and feel that no changes are required as a result of the new Code. A copy of the Complaints Protocol was appended to the report.

The Committee noted that the new Code of Conduct requires Members to cooperate with any Code of Conduct investigation and/or determination.

**RESOLVED that the Committee confirms that no revisions are required to the Complaints Protocol as a result of the adoption of the new Code of Conduct for Elected and co-opted Members.**

7. **Review of Members' and Officers' Declarations of Gifts and Hospitality: 1 January 2021 to 30 June 2021**

The Committee considered a report of the Director of Law and Governance appended to which were details of Members' and Officers' declarations of gifts and hospitality for the period 1 January to 30 June 2021.

The Committee noted that for Members, the threshold above which gifts and hospitality must be declared has risen from £25 to £50.

**RESOLVED that the report be noted.**

8. **Code of Conduct Update**

The Committee considered a report of the Director of Law and Governance which provided an update on national issues in relation to the ethical behaviour of elected Members and the local position in Coventry with regard to the Code of Conduct.

**RESOLVED that the report be noted.**

9. **Work Programme for the Ethics Committee 2021/22**

The Committee received and noted a report of the Director of Law and Governance which detailed a proposed Work Programme for the Committee for 2021/22.

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

There were no items of urgent public business.

(Meeting closed at 10.30 am)



Coventry City Council

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Cabinet Member for Policy and Leadership  
Ethics Committee  
Audit and Procurement Committee

10 November 2021  
9 December 2021  
31 January 2022

**Name of Cabinet Member:**

Cabinet Member for Policy and Leadership – Councillor G Duggins

**Director approving submission of the report:**

Chief Executive

**Ward(s) affected:**

All

**Title:**

Complaints to the Local Government and Social Care Ombudsman 2020/21

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**Is this a key decision?**

No

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**Executive summary:**

The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.

Coventry City Council's complaints policy sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.

Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued 21 July 2021, covers complaints to Coventry City Council between April 2020 and March 2021 (2020/21). Mid-March 2020 saw an abrupt pause to the Ombudsman's casework in response to the exceptional operational challenges local authorities and care providers faced because of the Covid-19 pandemic.

The Ombudsman resumed some casework at the end of May and started taking new complaints again at the end of June 2020, after a three month pause.

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2020/21. In particular, it focuses on upheld complaints, service areas with a high number of complaints, compliance with Ombudsman's recommendations, learning from complaints, and how we compare to previous years and other local authorities. Note: When comparing with previous years we must consider that the LGSCO, to allow authorities to respond to the Covid-19 pandemic, did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints they received and decided in the 2020-21 year.

**Recommendations:**

**The Cabinet Member for Policy and Leadership is recommended to:**

1. Consider the Council's performance in relation to complaints to the LGSCO.
2. Note the Council complaints process and guidance.
3. Request the Audit and Procurement Committee to review and be assured that the Council takes appropriate action in response to complaints investigated and where the Council is found to be at fault.

**The Ethics Committee is recommended to:**

1. Comment on the findings.
2. Consider the Council's performance in relation to complaints to the LGSCO, in particular, complaints that were upheld.
3. Note the Council complaints process and guidance

**The Audit and Procurement Committee is recommended to:**

1. Consider the Council's performance in relation to complaints to the LGSCO.
2. Note the Council complaints process and guidance.
3. Review and be assured that the Council takes appropriate actions in response to complaints investigated and where the Council is found to be at fault.

**List of appendices included:**

Appendix 1: Local Government and Social Care Ombudsman Annual Review Letter 2021  
Appendix 2: Local Government and Social Care Ombudsman Investigation Decisions in 2020/21 for Coventry City Council

**Background papers:**

None

**Other useful documents**

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2020-21



**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 – Ethics Committee on 9 December and Audit and Procurement Committee on 31 January 2022.

**Will this report go to Council?**

No

**Report title:**  
**Complaints to the Local Government and Social Care Ombudsman 2020/21**

**1 Context (or background)**

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.
- 1.2 Coventry City Council's complaints policy published on the Council's website at [www.coventry.gov.uk/complaints/](http://www.coventry.gov.uk/complaints/), sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.
- 1.3 Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued 21 July 2021, covers complaints to Coventry City Council between April 2020 and March 2021 (2020/21). The letter can be found in Appendix I.
- 1.4 This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2020/21. In particular, this report focuses on upheld complaints, service areas with a high number of complaints, learning from complaints, and how we compare to previous years and other local authorities. When comparing with previous years we must consider that the LGSCO, did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints they received and decided in the 2020-21 year.
- 1.5 The Council has a robust policy for handling complaints. In addition to this annual report, the Council also produces formal reports on complaints about adult social care and children's social care, to Cabinet Member Adult Services and Cabinet Member Children and Young People respectively.

**2 Options considered and recommended proposal**

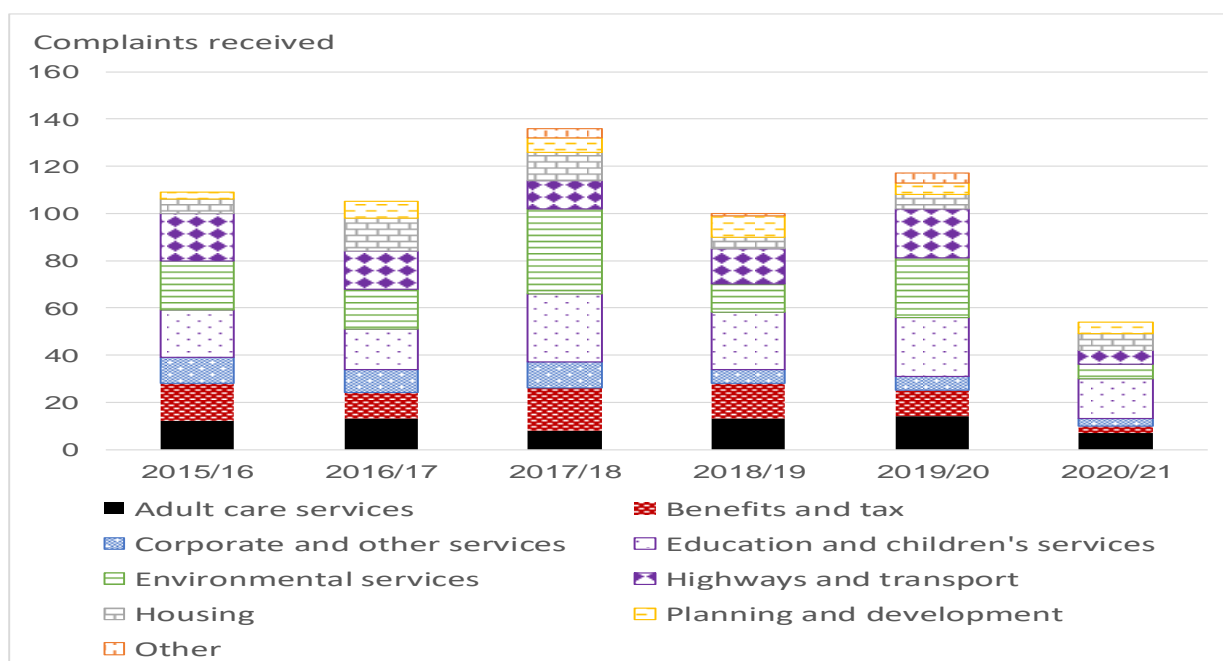
- 2.1 Across all councils, the LGSCO received 11,830 complaints and enquiries in 2020/21 down from 17,019 the previous year, however, note as detailed above the LGSCO was closed to new complaints for nearly three months in 2020/21. The areas receiving the greatest number of detailed investigations was adult social care (801), education and children's services (800), and planning and development (436).
- 2.2 For Coventry City Council, the LGSCO received 54 complaints and enquiries in 2020/21, down from 117 the previous year. A 54% reduction from 2019/20. Figure 1.

**Figure 1: Complaints and enquiries received by category**

Category (as defined by LGSCO)	Complaints in 2019/20	Complaints in 2020/21
Adult care services	14	7
Benefits and tax	11	3
Corporate & other services	6	3
Education & children's services	25	17
Environmental Services & Public Protection & Regulation	25	6
Highways & transport	21	6
Housing	6	7
Planning & development	5	5
Other	4	0
<b>Total</b>	<b>117</b>	<b>54</b>

2.3 Figure 2 sets out how the number of complaints and enquiries received by the LGSCO in last 6 years.

**Figure 2: Complaints and enquiries received in last 6 years**



2.4 In 2020/21 there was a significant decrease in complaints and enquiries. There was a significant decrease in Adult social care, Benefit and tax, Corporate and other services, Environmental services and Highways and transport enquiries and complaints. The category with the highest number of complaints and enquiries was education and children's services with 17 (down just 8 from 2019/20).

- 2.5 However, it is not possible to comment on the Council's overall performance based solely upon the number of complaints or enquiries to the LGSCO. On one hand, a high number of complaints may indicate that a council has been effective at signposting people to the LGSCO through their complaints handling process. On the other hand, a high number of complaints may also highlight that a council needs to do more to resolve issues through its own complaints process.
- 2.6 When dealing with an enquiry, the LGSCO can choose to investigate cases where it sees merit in doing so. Following an investigation, the LGSCO can decide if a complaint is: **upheld** – where a council has been at fault and this fault may or may not have caused an injustice to the complainant; or where a council has accepted it needs to remedy the complaint before the LGSCO makes a finding on fault; or **not upheld** – where, following investigation, the LGSCO decides that a council has not acted with fault.
- 2.7 In 2020/21 the LGSCO made **66** decision down from 116 the previous year:
- **3** incomplete/invalid;
  - **2** advice given;
  - **31** referred back for local resolution;
  - **17** closed after initial enquiries; and
  - **13** complaints investigated, of which **10** were upheld and **3** were not upheld.
- 2.8 The number of complaints investigated (13 complaints) down from previous years (22 in 2019/20, and 18 in 2018/19). The LGSCO upheld a larger proportion of complaints they investigated than in previous years: 77% of complaints were upheld (10 out of 13) in 2020/21, compared to 50% (11 out of 22) in 2019/20, and 56% (10 out of 26) in 2018/19. This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 70% and West Midlands Combined Authority (WMCA) upheld rate of 78% and a national upheld rate of 67% for 2020/21. The tables below, sets out how Coventry compares to its CIPFA statistical neighbours (Figure 3) and with the West Midlands Combined Authority (WMCA) constituent authorities (Figure 4).

**Figure 3: Complaints investigated: comparison with CIPFA statistical neighbours 2020/21**

Overall, 70% of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2020/21 is Rochdale (100%) and lowest is Medway (44%). Coventry has the eleven lowest upheld rate (77%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Medway	9	7	44%	16
Bolton	6	7	54%	13
Tameside	7	9	56%	16
Peterborough	5	8	62%	13
Kirklees	8	13	62%	21

Local Authority	Not Upheld	Upheld	% Upheld	Total
Luton	4	7	64%	11
Oldham	5	10	67%	15
Sheffield	7	17	71%	24
Leicester	5	13	72%	18
Derby	3	9	75%	12
<b>Coventry</b>	<b>3</b>	<b>10</b>	<b>77%</b>	<b>13</b>
Plymouth	4	14	78%	18
Salford	1	4	80%	5
Bradford	4	19	83%	23
Bristol	4	19	83%	23
Rochdale	0	6	100%	6

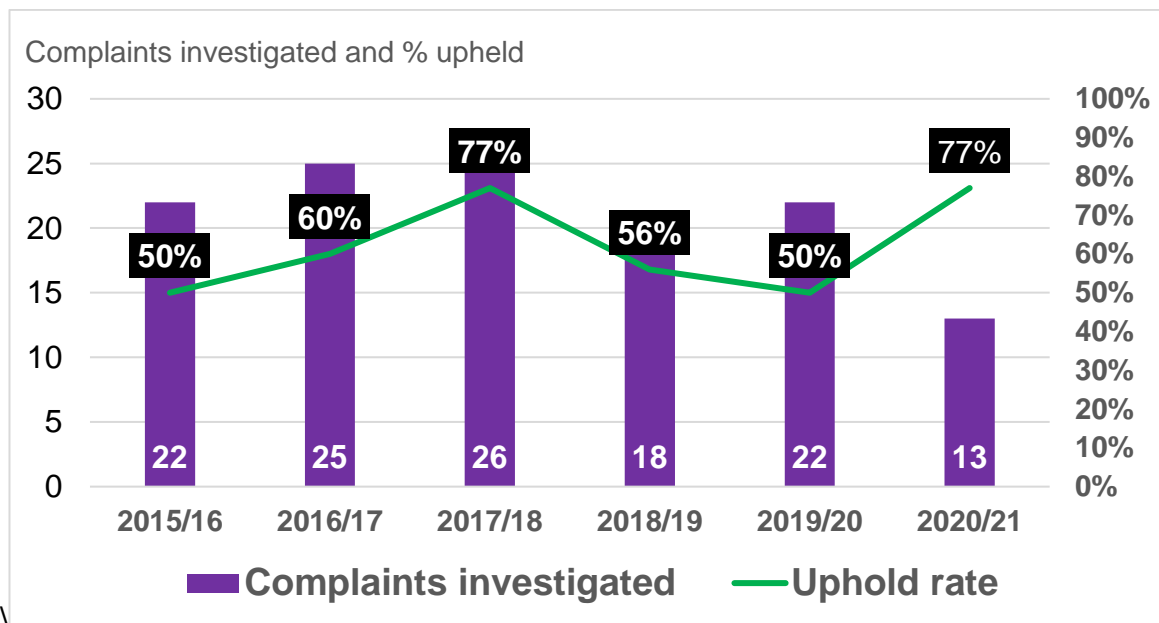
**Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2018/19**

There were 218 complaints investigated across the WMCA area, of which 170 were upheld and 48 were not upheld. That means, 78% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2020/21 is Birmingham (82%), lowest is Wolverhampton (55%). Coventry is the fourth lowest out of seven on (77%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Wolverhampton	5	6	55%	11
Walsall	5	9	64%	14
Dudley	7	17	71%	24
<b>Coventry</b>	<b>3</b>	<b>10</b>	<b>77%</b>	<b>13</b>
Solihull	2	8	80%	10
Sandwell	3	13	81%	16
Birmingham	23	107	82%	130

2.9 Figure 5 sets out how the number of complaints investigated and the percentage of complaints upheld by the LGSCO for the last 6 years.

**Figure 5: Complaints investigated and percentage upheld over the last 6 years**



2.10 Of the 10 upheld complaints for Coventry, 9 complaints were remedied by the LGSCO and 1 the LGSCO found that Coventry had provided a satisfactory remedy before the complaint reached them.(10%). This compares to an average of 11% in similar authorities. 5 complaints resulted in some form of financial redress or reimbursement.

2.11 Following a decision, the LGSCO will typically issue a statement setting out its findings and its decision. If the LGSCO decides there was fault or maladministration causing an injustice to the complainant, it will typically recommend that a council take some action to address it. Wherever possible the LGSCO publishes decision statements on its web pages although this would not happen where the content of the report could identify the individual complainant. In some cases, where the LGSCO upholds a complaint, the LGSCO may choose to issue a formal report of maladministration.

2.12 In 2020/21 the Ombudsman issued Coventry City Council with a formal report, the report was issued - upheld; maladministration and injustice. The report was considered at full [Council on 20 October 2020](#). The Ombudsman found our policy about free school transport did not meet statutory guidelines and we agreed to amend the way we handle appeals at the draft report stage of the investigation. Further details in Appendix 2.

2.13 The following table, Figure 6, sets out details about the complaints that the LGSCO investigated in by our service area.

**Figure 6: Complaints investigated by service area in 2020/21 compared to 2019/20**

Service area	2020/21				2019/20			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Adult social care	4	1	80%	27	2	3	40%	20
Building Control					1		100%	18
Children's services	1		100%	14		2	0%	20
Council tax						1	0%	23
Greenspace		1	0%	64	1		100%	35
Highways					1	1	50%	19
Household waste assisted collections	2		100%	19				
Household waste collections	1	1	50%	23	3	1	75%	
Housing enforcement						1	0%	17
Housing services					1		100%	26
Parking Services	1		100%					
Planning						1	0%	
School Transport	1		100%		2	1	67%	28
<b>Total</b>	<b>10</b>	<b>3</b>	<b>77%</b>	<b>27</b>	<b>11</b>	<b>11</b>	<b>50%</b>	<b>23</b>

2.14 This year saw a decrease in the number of details investigations completed 13 compared to 22 in 2019/20. There was an increase in detailed investigations relating to Household waste assisted collections and Parking Services in

2020/21. There was a large increase in upheld complaints for Adult Social Care in 2020/21.

- 2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. The LGSCO temporarily increased the deadline to 30 days following its reopening to all investigations and new complaints on 29 June 2020. The Greenspace complaint with 64-day turnaround included the period where all complaints were suspended.
- 2.16 Satisfactory remedy decisions these are complaints where the Ombudsman has decided, while the authority did get things wrong, the authority had offered a satisfactory way to resolve it before the complaint was referred to the Ombudsman. In 2020/21 the LGSCO found 10% of upheld cases Coventry had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to 18% in 2019/20 and 0% in 2018/19.

**Figure 7: Satisfactory remedy provided before the complaint reached the Ombudsman comparison with other WMCA constituent authorities**

170 complaints were upheld in WMCA area and on 13 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (8%).

Local Authority	Upheld complaints where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman		Total Number of complaints upheld
	%	Number	
Solihull	25%	2	8
Dudley	12%	2	17
Walsall	11%	1	9
Coventry	10%	1	10
Birmingham	7%	7	107
Wolverhampton	0%	0	6
Sandwell	0%	0	13

- 2.17 The LGSCO Annual Review Letter includes a statistic- compliance with Ombudsman’s recommendations. The [interactive data map of council performance](#) shows performance data for all councils in England. In 2020/21 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 10 compliance outcomes. 5 adult social care, 2 household waste assisted collection, 1 children service’s, school transport and 1 waste collection.



**Figure 8: Compliance with Ombudsman recommendations**

Local Authority	Complaints where compliance with the recommended remedy recorded	
	Number	% where remedy successfully implemented
Birmingham	89	100%
Coventry	10	100%
Dudley	15	100%
Sandwell	11	100%
Solihull	4	100%
Walsall	6	100%
Wolverhampton	5	100%

2.18 Following the investigations, the LGSCO recommended some changes to the Council's processes and procedures. A summary of the recommendations is set out in the learning from complaints table (Figure 9). Further details about the outcomes of each of the complaints investigated this year and the actions taken are set out in Appendix 2.

2.19 Figure 9: Learning from complaints

Service Area	Summary of actions agreed
Adult Social Care	<ul style="list-style-type: none"> <li>- Reviewed its record keeping procedures and language used in its communications to ensure clear explanations are provided in plain English.</li> <li>-Conducted a review of its working practices relating to communication with residents' families and external organisations and provided guidance to staff about these.</li> <li>-Adult Social Care agreed to review the way a safeguarding investigation was conducted to identify why errors occurred and any lessons to be learned. They found               <ul style="list-style-type: none"> <li>* Although it is often difficult to obtain written confirmation from Banks and Building Societies going forward, they will work with Banks to incorporate this into the Safeguarding process.</li> <li>*They agreed to ensure that workers clarify details from partner agencies to ensure that there is no misunderstanding and ensure these details are accurately recorded.</li> <li>*Adult Social Care agreed to ensure that workers record people's full names in their recordings to again ensure there are no misunderstandings particularly when family members have the same surnames.</li> </ul> </li> <li>-Reviewed complaints processes to ensure more robust responses and will be holding training sessions on completing investigations.</li> <li>- Adult Social Care also have plans in 2021/22 to introduce further training on the complaint handling process.</li> </ul>

Service Area	Summary of actions agreed
Children's Service	<p>-Children's Services reviewed its procedures and reminded relevant staff of the need to ensure all parties are fully involved in a section 47 investigation and fully informed of the reasons for proceeding to an initial child protection conference (ICPC).</p> <p>-Children's Services improved its complaints procedure to ensure all qualifying complaints about children's services complete the three-stage procedure in accordance with the guidance.</p>
Household Waste Collection and Assisted Waste Collection	<p>-Staff were reminded to adhere to the complaints policy and to provide a response or update to the complainant within the specified timeframe.</p> <p>-Waste Services are to implement new software to flag up missed collections, to reduce repeat problems and so a re-collection can be arranged.</p> <p>-Waste Services are also implementing a formal process to notify crews about the assisted service.</p> <p>-Waste Services reviewed what additional checks are needed for the assisted service.</p>
School Transport	<p>-Changed its school transport appeal procedure to ensure it meets the requirements of statutory guidance.</p>

### 3 Results of consultation undertaken

3.1 None identified or undertaken.

### 4 Timetable for implementing this decision

4.1 The LGSCO Link Officer function is now located as part of the Council's Customer Service Team. All communication between the local authority and the LGSCO, such as complaints, enquiries, investigations and remedies, all go via the Link Officer.

4.2 The Council's own guidance and process for dealing with LGSCO complaints is set out in Complaint Handling Guidance. Following the 2017 annual letter, this guidance was updated to ensure that investigations, particularly upheld complaints, are properly communicated to elected members. As a result:

- complaints to the LGSCO will continue to be formally reported to the Cabinet Member for Policy and Leadership and the Audit and Procurement Committee every year (this report) – and in addition, this report is also being considered by the Ethics Committee;
- complaints about adult social care and children's social care, including cases investigated by the LGSCO, will also continue to be reported through an annual report to the Cabinet Member Adult Services and Cabinet Member Children and Young People respectively;

- where an investigation has wider implications for Council policy or exposes a more significant finding of maladministration, the Monitoring Officer will consider whether the implications of that investigation should be individually reported to relevant members; and
- should the Council decide not to comply with the LGSCO's final recommendation following an upheld investigation with a finding of maladministration or should the LGSCO issue a formal report (instead of a statement), the Monitoring Officer will report this to members under section 5(2) of the Local Government and Housing Act 1989.

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

### **5.1 Financial implications**

There are no direct financial implications associated with this report. Financial remedies resulting from any complaints are typically paid out of service budgets. In 2020/21 there were 5 complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix 3. These were paid out of budgets from the relevant service areas. The amount paid out in 2020/21 was £1300.

### **5.2 Legal implications**

The statutory functions of the LGSCO are defined in the Local Government Act 1974. These are: to investigate complaints against councils and some other authorities; to investigate complaints about adult social care providers from people who arrange or fund their own adult social care; and to provide advice and guidance on good administrative practice. The main activity under Part III of the 1974 Act is the investigation of complaints, which it states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.

The LGSCO's jurisdiction under Part III covers all local councils, police and crime bodies; school admission appeal panels and a range of other bodies providing local services; and under Part IIIA, the LGSCO also investigate complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Council's Monitoring Officer to prepare a formal report to the Council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGSCO has conducted an investigation in relation to the matter.

## **6 Other implications**

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

#### **6.2**

The Council Plan the Council's vision and priorities for the city. The Council aspires for Coventry to be globally connected, by promoting the growth of a sustainable Coventry economy, and locally committed, by improving the quality of life for Coventry people; and doing so in a way that delivers priorities with fewer resources. Effective management and resolution of complaints, as well as learning from

complaints, help ensure that Council services meet the needs of local residents and communities and helps build a foundation of trust in order for the Council to have new conversations with residents, communities and partners to enable people to do more for themselves as active and empowered citizens.

### 6.3 How is risk being managed?

It is important that the Council takes action and learns from the outcome of complaints. Appendix 2 sets out the actions Council has taken; for example, providing training, instruction and guidance to staff and improving communications between services to help to manage risk of the likelihood of the same fault happening again.

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

The co-ordination and management of complaints to the LGSCO often involves considerable time of officers of all levels of seniority. It involves collecting a significant amount of data, preparing and writing formal responses, and chasing to meet timescales set out; and where appropriate, external input from partner organisations and commissioned services.

Therefore, it is ideal for complaints to the Council to be resolved informally at first point of contact, or resolved through the Council's own internal complaints procedures, adult social care complaints procedures, or children's social care complaints procedures, as appropriate. This would improve satisfaction for local residents and communities, as well as save Council time and resources. The Council also publishes guidance on complaints handling.

### 6.5 Equalities/EIA

Members of the public are encouraged to speak up and tell the Council if they have anything to say about Council services; if the Council does not get it right for them; or if they think the Council has done something well. This is set out in the Council's complaint policy ([www.coventry.gov.uk/complaints/](http://www.coventry.gov.uk/complaints/)).

To ensure that everyone is able to provide feedback, the Council accepts comments, compliments and complaints via face-to-face contact, telephone calls, letters, emails, or via an online form on the Council's website; and proportionate equalities monitoring data is also collected. Members of the public are informed that they can ask somebody else to act on their behalf, for instance, a friend or relative or Citizens Advice.

Where necessary and appropriate, translation and interpretation services, correspondence in large print, audiotape, or braille, or the services of an advocate (for instance, Barnardo's) is also available. Should a complainant remain dissatisfied following the conclusion of the Council's complaints process, they are able to refer their complaint to the LGSCO. The Council's complaint policy and individual response letters detailing the findings of the Council's own complaints investigations makes it clear how members of the public can do so.

This year again, a number of upheld complaints included an equality dimension, for

instance, two related to assisted household waste collections provided to people experiencing poor health, mobility issues or disability and four Adult Social Care complaints related to care placements. In this context, meeting the public sector equality duty would mean having due regard to the need to advance equality of opportunity between people who share a protected characteristic and those who do not; in practical terms this would require the Council to remove or minimise disadvantages suffered by people due to their protected characteristics and taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people. Therefore, ensuring improvements are made to delivery of services for customers with protected characteristics is essential to ensure that the Council meets its statutory obligations in relation to equalities.

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

None

#### **6.7 Implications for partner organisations?**

Investigations by the LGSCO may involve not only services directly provided by Coventry City Council, but also commissioned or outsourced services. In such cases, the Council liaises with partner organisations and third-party contractors to comment or provide information as part of an investigation.

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**Name and job title:**

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<b>Andy Williams</b>	Director of Business, Investment and Culture	-	15/09/2021	04/10/2021
<b>Colin Knight</b>	Director of Transportation and Highways	-	15/09/2021	04/10/2021
<b>Gail Quinton</b>	Deputy Chief Executive		15/09/2021	04/10/2021
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<b>John Gregg</b>	Director of Children's Services	-	15/09/2021	15/09/2021
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<b>Richard Moon</b>	Director of Project Services & Property Services		15/09/2021	04/10/2021
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<b>Susanna Newing</b>	Director of Human Resources	-	15/09/2021	04/10/2021
<b>Suzanne Bennett</b>	Governance Services Co-ordinator	Law and Governance	15/09/2021	20/09/2021
<b>Names of approvers for submission:</b> (officers and members)				
<b>Barry Hastie</b>	Director of Finance	-	13/10/2021	22/10/2021
<b>Julie Newman</b>	Director of Law and Governance	-	13/10/2021	18/10/2021
<b>Martin Reeves</b>	Chief Executive		13/10/2021	25/10/2021
<b>Councillor G Duggins</b>	Cabinet Member for Policy and Leadership		13/10/2021	25/10/2021

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

21 July 2021

*By email*

Mr Reeves  
Chief Executive  
Coventry City Council

Dear Mr Reeves

### **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

### **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

This year we issued a public report about your Council's school transport appeals process. Our investigation found the process did not comply with statutory guidance as it failed to offer parents the opportunity to make verbal representations at the appeal panel stage, only allowing them to submit written evidence. As a result, the complainant was denied the opportunity to attend the panel hearing and was left not knowing whether being able to attend would have made a difference to the outcome of their appeal.

I was pleased the Council accepted our findings and recommendations. It has apologised to the complainant and offered a fresh appeal with a new panel, including the opportunity to attend the panel meeting and make verbal representations. The Council also showed it was committed to learning from the complaint by amending its appeal process so that, in future, all appellants will be given the opportunity to attend the panel hearing, in accordance with the statutory guidance. This will provide for an improved service for others. The Council's willingness to learn from this complaint and use our findings to good effect is encouraging.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our

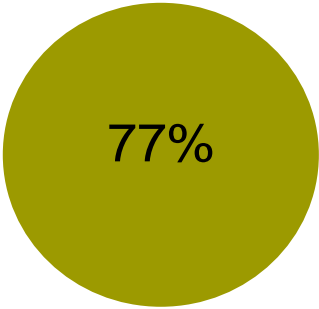
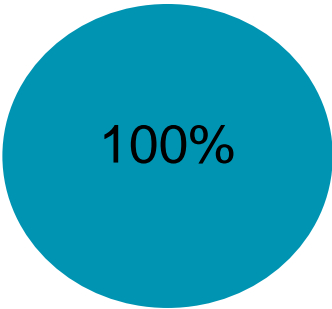
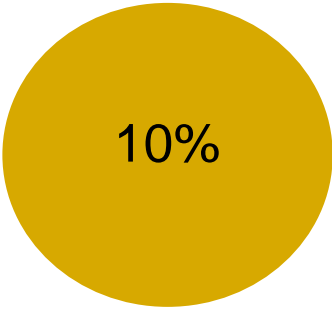


face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>77%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>72%</b> in similar authorities.</p>	<p><b>10</b> upheld decisions</p> <p>Statistics are based on a total of 13 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of <b>100%</b> in similar authorities.</p>	<p>Statistics are based on a total of 10 compliance outcomes for the period between 1 April 2020 to 31 March 2021</p>
<ul style="list-style-type: none"><li>• Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li></ul>		
Satisfactory remedy provided by the authority		
	<p>In <b>10%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>11%</b> in similar authorities.</p>	<p><b>1</b> satisfactory remedy decision</p> <p>Statistics are based on a total of 13 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

**Appendix 2 Decisions in 2020/21 (detailed investigations carried out)**

Service Area	Decisions Upheld (10)	Monetary Settlement
<b>1 - Complaint Report issued: Upheld; Maladministration and injustice</b>		
School Transport 1 report	<ul style="list-style-type: none"> <li>• Mr A complained that the Council refused his application for home to school transport for his daughter.</li> <li>- The Ombudsman found the Council was at fault because its appeal process did not comply with statutory guidance and it had not provided any cogent reasons for departing from that guidance. As a result, Mr A had been denied the opportunity to attend the panel hearing and make verbal representations for the panel to consider. The Council agreed to apologise to Mr A; change the school transport appeal procedure to ensure it meets the requirements of statutory guidance; and offer Mr A a fresh appeal with a new panel, including the opportunity to attend the panel meeting and make verbal representations. At the draft report stage the Council accepted the Ombudsman’s findings and carried out the recommendations to remedy the injustice caused to Mr A. The Ombudsman welcomed this, but considered a public report should be issued to ensure any other council whose appeal process does not meet the requirements of statutory guidance is put on notice of the need to review its procedures to ensure they either: provide at least the same opportunity for parents to present their case; or cogent reasons for departing from the guidance. The Council published public notices regarding the report and considered the report at full Council.</li> </ul>	
<b>8 - Complaints Upheld: Maladministration and injustice</b>		
Adult Social Care 4 complaints upheld	<ul style="list-style-type: none"> <li>• Mrs B complained about the way the Council assessed her late mother when facilitating her discharge from hospital. Mrs B said her mother was deprived of the opportunity to remain at her extra care housing tenancy and they were wrongly encouraged to continue paying for this tenancy after the Council had decided it was no longer suitable.</li> <li>- The Ombudsman found fault by the Council but considered the agreed actions of an apology and improved record keeping and communication are enough to provide a suitable remedy.</li> <li>• Mr C complained about the Council’s decision not to carry out a further financial assessment to recalculate his mother’s (Mrs D) contributions towards the cost of her residential care when her circumstances changed. Mr C said the Council’s refusal to reassess Mrs C’s care contributions has left her estate at a financial disadvantage.</li> <li>- The Ombudsman found fault with the way the Council decided not to complete a fresh financial assessment when the administrator of a woman’s estate provided</li> </ul>	

Service Area	Decisions Upheld (10)	Monetary Settlement
	<p>information demonstrating her circumstances had changed. This left the woman's estate at a potential financial disadvantage. The Council agreed to complete a further financial assessment to recalculate the complainant's contributions to her care charges and reimburse her estate if appropriate.</p> <ul style="list-style-type: none"> <li>• Ms E complained the Council failed to involve her in a safeguarding enquiry concerning her relative Mr F.</li> <li>- The Ombudsman found fault by the Council as it did not discuss the concerns with Ms E. The Council agreed to apologise to Ms E and review the way it conducted the investigation to identify any lessons to be learned.</li> <li>• Mrs G complained the Council did not deal properly with her father, Mr H's, about his care placement.</li> <li>- The Ombudsman found fault by the Council because it delayed telling Mrs G that Mr H could not return to his residential home, its communication afterwards was poor, it didn't record a decision properly and it didn't fully respond to her complaint. The Council agreed to apologise to Mrs G and pay Mrs G £250 for the distress caused. The Council had already reviewed its working practices in relation to Mrs G's complaint and agreed to provide evidence to the Ombudsman about the outcomes of work underway to address working practices relating to communication.</li> </ul>	£250
Children Services 1 complaint upheld	<ul style="list-style-type: none"> <li>• Mr I complained about the actions of the Council in respect of child protection procedures concerning his daughter J.</li> <li>- The Ombudsman found some fault in the section 47 investigation leading to the initial child protection conference (ICPC). They also found the Council should have considered Mr I's complaint through all three stages of the statutory procedure. The Council agreed to pay Mr I £350 and took steps to improve its procedures. Council reviewed its procedures and reminded relevant staff of the need to ensure all parties fully involved in a section 47 investigation are fully informed, within the required timescales, of the reasons for proceeding to an ICPC. It agreed to improve its complaints procedure to ensure all qualifying complaints about children's services complete the three-stage procedure in accordance with the guidance.</li> </ul>	£350
Waste Services - Assisted Collection	<ul style="list-style-type: none"> <li>• Ms K complained the Council had failed to provide a consistent assisted waste collection service.</li> </ul>	



Service Area	Decisions Upheld (10)	Monetary Settlement
<b>1 Complaints Upheld: not investigated – injustice remedied during complaint processes</b>		
Parking Services 1 complaint upheld	<ul style="list-style-type: none"> <li>Ms N complained the Council sent bailiffs to her home for an unpaid penalty charge notice which she was not aware of having moved address. Ms N said the Council delayed in resolving the matter and in dealing with her complaints. She said the Council should apologise and there should be an investigation to discover what went wrong. Ms N said the Council caused her stress, time and trouble, and expense.</li> <li>The Ombudsman decided not investigate Ms N's complaint that the Council delayed in resolving a debt recovery case arising from an unpaid penalty charge notice. He was satisfied with the action taken by the Council to remedy the complaint which included an apology and £100 compensation.</li> </ul>	
<b>Total</b>		<b>£1300</b>

Service Area	Decisions Not Upheld (3)
Adult Social Care 1 Complaint	<ul style="list-style-type: none"> <li>The complainant complained about the Council's decision to prevent him from using his direct payments to employ his wife as a carer. The Council explained it was conducting a fraud investigation in respect of how the complainant had used his direct payments. It was not appropriate for the Ombudsman to investigate this matter further and so he used his general discretion to discontinue the investigation.</li> </ul>
Greenspace 1 Complaint	<ul style="list-style-type: none"> <li>Mrs O complained that the Council failed to take residents' views into account when allowing the use of a local park by a funfair. The Ombudsman has found no fault in the way the Council considered this matter.</li> </ul>
Waste Services 1 Complaint	<ul style="list-style-type: none"> <li>Mr P complained that the Council had not taken sufficient action to stop unacceptable behaviour from refuse crews which caused distress to him and his family. The Ombudsman found the Council had taken sufficient action to investigate and address unacceptable behaviour by refuse crews.</li> </ul>



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Ethics Committee

9 December 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:** Civility in Public Life and Digital Citizenship

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**Is this a key decision?**

No

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**Executive Summary:**

The LGA has been coordinating a programme of work entitled “Civility in Public Life”. This work is in response to the increasing concern about intimidation and toxicity of debate and the impact this has been having on democratic processes.

To support this work the LGA has now started to develop a range of guidance and tools to support councillors and candidates in their online communications (also known as their “Digital Citizenship”) as it is now recognised that online communication is intrinsic to democratic engagement.

The Ethics Committee has been monitoring the work of the LGA and considering how that work can be adopted as a local response to promote Civility in Public Life. Digital Citizenship has been included in this report to reflect the developments made by the LGA. This remains part of the Committee’s work programme and this report is to provide an update of that local response.

## **Recommendations:**

The Ethics Committee is recommended to:

1. Note the work that has been undertaken by the LGA and locally in promoting Civility in Public Life and Digital Citizenship
2. Support the work that is taking place locally to adopt Civility in Public Life and Digital Citizenship, including approving the Rules of Engagement Info Graphics at Appendix A of this Report, and supporting officers in promoting this approach amongst members
3. Support officers in promoting the LGA's consultation, amongst elected members. A full list of the consultation's questions are at Appendix B of this Report; and
4. Request that this item remains on the work programme of the Ethics Committee for continued review.

## **List of Appendices included:**

- A. Rules of Engagement Info Graphics
- B. Full list of questions in the LGA's consultation: "Call for evidence of abuse and intimidation of councillors"
- C. Extract from: 'Fix the Glitch Toolkit 2.0' – *Round 4 Online Active Bystander Interventions What can I do to support Black women online when they experience online abuse?*
- D. Social Media Protocol for Elected Members

**Other useful background papers can be found at the following web addresses:**

<https://www.local.gov.uk/civility-public-life>

<https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors/digital-citizenship>

**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: Civility in Public Life and Digital Citizenship

### 1 Context (or background)

1.1 The Council's Ethics Committee has requested that Civility in Public Life (and now Digital Citizenship) remains part of the committee's work programme.

1.2 The work of the LGA

1.2.1 The LGA has been coordinating programme of work entitled 'Civility in Public Life', primarily aimed at:

- articulating good standards for anyone engaging in public and political discourse
- understanding the scale and impact of intimidation and abusive behaviour on membership organisations, and developing recommendations for achieving positive debate and public decision-making on a local level
- supporting LGA members and all democratically elected local representatives in addressing intimidation and abuse, so they deliver the best on behalf of their communities

1.2.2 Updates in respect of the Civility in Public Life work are as follows:

a) The LGA has re-confirmed its commitment to promoting civility in public life and supporting the well-being of elected members, stating that the recent tragic death of Sir David Amess MP has brought this issue into marked focus. Everyone in public life should be able to go about their daily business without fear of attack and the LGA has also stated that it is a challenge that they are determined to meet.

To support this programme the LGA has issued a "Call for evidence of abuse and intimidation of councillors" consultation. A copy of the questions asked are at the Appendix B of this Report. The call for evidence is intended to capture elected members' experiences and emerging trends around abuse and intimidation from the public. It is anticipated that the evidence collected will help the LGA to develop a body of evidence to support its calls for legislative and systemic change and develop support for elected members.

b) In July 2021 the LGA published supporting guidance on its Model Councillor Code of Conduct, which aims to help understanding of and allow for consistency of approach towards the Model Code.

1.2.3 Improving Digital Citizenship has always been a key element of the LGA's Civility in Public Life work and is becoming increasingly important as our daily interactions continue to take place online and new technologies of information are constantly used to facilitate communication with citizens, officers and councillors. Online abuse and intimidation of local councillors and supporting officers working with them is a major challenge to local democracy and to the diversity of our local representatives.

1.2.4 The LGA's work in respect of Digital Citizenship is ongoing but the following have been published to date:

a) Rules of Engagement Info Graphic – the info graphic produced by LGA can be pinned to a member's social media profile to outline the ways in which they intend to engage with people online. These rules are designed to give all users a clear 'code' by which they should operate, with a clear statement that users can be blocked, or posts deleted, if they fail to participate in a civil manner. Based on this infographic, Coventry specific ones have been created for Facebook, Twitter and Instagram for the consideration of the Ethics Committee and can be found in Appendix A.

b) Signpost to further resources – in particular "Glitch" which is a UK charity that is working to end online abuse – particularly against women and marginalised people. It was founded in 2017 by then local politician, Seyi Akiwowo, after she received a flood of abuse when a video of her speech at the European Parliament went viral. Through training, research, workshops, and programs, Glitch aims to build an online world that is safer for all.

Glitch's 'Fix the Glitch Toolkit 2.0' is designed to end online gender-based violence for Black women. It covers online gender-based violence, self-care, supporting women online when they experience online abuse, and how we can work to end online violence against Black women. Councillors may find the section on being an active by-stander particularly helpful, an extract of which can be found at Appendix C.

### 1.3 Local picture

1.3.1 Before the Covid pandemic a piece of work was being undertaken sponsored by the Cabinet Member for Policing and Equalities that looked at challenges for City Council elected members and how to support participation in public service. More recently this work was picked up in the review of the offer to elected members around member support as a result of a different emerging landscape for elected members to operate in post Covid.

- 1.3.2 A consultation “Leader of our Communities – can we improve our service” was sent to all members. Overall, there were 31 responses received to the survey out of a possible total of 54. Responses from the consultation included experiences of intimidation and what support would help in managing or preventing such situations.
- 1.3.3 These consultation responses have been evaluated and are informing a targeted approach to supporting members in this area. One part of the proposed response being to raise awareness of the LGA guidance on intimidation and harassment alongside additional local protocol and guidance.
- 1.3.4 Civility in public life is supported through adherence to the requirements of the Code of Conduct for Elected and Co-opted Members in treating others with “respect”. This is enhanced in the new Model Code of Conduct produced by the Local Government Association, which the Council adopted a revised version of with effect from the 2021/22 municipal year.
- 1.3.5 Digital Citizenship is supported through advice and guidance available from the Council’s Communications Team. Earlier this year, the Social Media Protocol for Elected Members was updated to recommend ways in which councillors protect themselves online, how to respond to abusive messages, and encourages councillors to seek support where needed. A copy of the guide can be found in Appendix D.

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

Ethics Committee are requested to:

1. Note the work that has been undertaken by the LGA and locally in promoting Civility in Public Life and Digital Citizenship
2. Support the work that is taking place locally to adopt Civility in Public Life and Digital Citizenship, including approving the Rules of Engagement Info Graphics at Appendix A of this Report, and supporting officers in promoting this approach amongst members
3. Support officers in promoting the LGA’s consultation, amongst elected members. A full list of the consultation’s questions are at Appendix B of this Report; and
4. Request that this item remains on the work programme of the Ethics Committee for continued review

## **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 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.

##### **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: Julie Newman**

**Name and job title:** Julie Newman, City Solicitor and Monitoring Officer

**Tel and email contact:** 02476 972707, [julie.newman@coventry.gov.uk](mailto:julie.newman@coventry.gov.uk);

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
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Sarah Harriott	Corporate Governance Solicitor	Law and Governance	22.11.2021	23.11.2021
Nigel Hart	Head of Communications	Corporate Communications	25.11.2021	26.11.2021
Gennie Holmes	Scrutiny Coordinator	Governance Services and Scrutiny	25.11.2021	29.11.2021
<b>Names of approvers for submission: (officers and members)</b>				
Graham Clark	Lead Accountant – Business Partnering	Finance	25.11.2021	25.11.2021
Councillor Walsh	Chair of Ethics Committee		25.11.2021	29.11.2021

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

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## Rules of engagement:

Welcome to my Facebook page, which aims to communicate my activities as a councillor.

If you wish to be part of this online community, you must agree to abide by this code of digital engagement, which is designed to keep everyone safe.



### Rule 1:

Debate and disagreement are welcome but only if expressed with courtesy, respect and politeness.

### Rule 2:

Posts should not contain abuse, harassment, intimidation or threats of any form.



### Rule 3:

Posts should not contain any form of discrimination – including racism, sexism, ageism, ableism, homophobia, transphobia or religious intolerance.



### Rule 4:

Posts should not spread false or unverified information.



### Rule 5:

For transparency reasons, users should not post anonymously.



If any of these rules are broken, I reserve the right to delete posts, block users and report the content to the police if necessary.



It may not be possible to respond to all questions due to time constraints. If you do have specific enquiries or casework, please send directly to my official email.

# Rules

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# Rules

## of engagement:

Welcome to my Instagram page, which aims to communicate my activities as a councillor.

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### Rule 4:



Posts should not spread false or unverified information.

### Rule 5:



For transparency reasons, users should not post anonymously.

# Rules of engagement:

Welcome to my Twitter page, which aims to communicate my activities as a councillor.

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If any of these rules are broken, I reserve the right to not respond to posts, block users and report the content to the police if necessary.



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## **Civility in public life call for evidence: Abuse and intimidation of councillors**

There are growing concerns about the impact an increasing level of public intimidation and abuse has on our country's democratic processes, particularly at a local level. This harmful behaviour can prevent elected members from representing the communities they serve, deter individuals from standing for election and undermine public trust in democratic processes.

The LGA has committed to promoting civility in public life and supporting the well-being of elected members. This call for evidence is an ongoing part of the Civility in Public Life programme to capture elected members' experiences and emerging trends around abuse and intimidation from the public. Evidence collected in this way will help the LGA to develop a body of evidence to support our calls for legislative and systemic change and develop support for elected members.

This survey is primarily designed to capture the experiences of councillors experiencing or having experienced abuse or intimidation from the public due to their elected role. Candidates who have run for election, officers who have supported candidates or councillors and members of the public may wish to share their reflections of abuse and intimidation suffered by candidates and councillors. This has been accounted for in the survey.

Issues around standards of councillor conduct are dealt with under our Standards and Model Code of Conduct workstream and are not the focus of this call for evidence. The most recent iteration of the Code was published in December 2020, and accompanying guidance was published in July 2021.

For this survey, the following definitions should be used:

- Abuse – words and/or behaviour that constitute abuse or mistreatment can include, but is not limited to, physical abuse, bullying, emotional abuse, unsolicited abusive communication, and harassment. It may be one-off or repeated.
- Intimidation – words and/or behaviour intended or likely to block, influence, or deter participation in public debate or causing alarm or distress, which could lead to an individual wanting to withdraw from public life. It may be one-off or behaviour.

### **How to complete**

- You can navigate through the questions using the buttons at the bottom of each page.
- Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.
- Please complete this survey in one go - if you exit before submitting the survey, your answers may be lost.
- If you would like to see an overview of the questions before completing the survey online, you can access a PDF here: <link>

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA, and by NALC, for responses from Community/Neighbourhood/Parish/Town councillors, but will only be held and processed in accordance

accordance with our [privacy statement](#). We are undertaking this survey to aid the legitimate interests of the LGA in supporting and representing authorities. By completing this survey you are agreeing to us processing your information.

We are undertaking this call for evidence to aid the legitimate interests of the LGA in supporting and representing local authorities. It is necessary for us to collect and process the special category data (such as age, gender and ethnic group) for the purposes of understanding the aggregate picture of councillors across England, which we do on the basis that you have given us explicit consent for the processing of your data in this way (Article 9(2)(a)).

It will take about 10-15 minutes to complete this pro forma, depending on the answers you provide.

If you have any queries regarding the content of the consultation, please contact Jess Norman on 07824 605538 or [jessica.norman@local.gov.uk](mailto:jessica.norman@local.gov.uk). For queries about completion of the survey, please contact Helen Wilkinson on 020 7664 3181 or [helen.wilkinson@local.gov.uk](mailto:helen.wilkinson@local.gov.uk).

**Please enter your details below**

Name \_\_\_\_\_  
Email address \_\_\_\_\_  
Region \_\_\_\_\_

Please indicate your council type

*If you sit on more than one type of council you can indicate this under the 'other' category.*

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Not currently serving as a councillor
- Other (please specify below)

\_\_\_\_\_

*[If not currently serving as a councillor]* When did you last serve as a councillor?

- In the past 12 months
- Between one and three years ago
- Between three and five years ago
- More than five years ago
- Never

[If never] In which capacity are you providing evidence?

- A past candidate (including past candidates intending to stand again)
  - A future candidate (including confirmed and potential candidates)
  - A political agent
  - An officer
  - A member of the public
  - Other (please specify below)
- 

Do/did you have any additional responsibilities as a councillor (e.g. council leader, group leader, portfolio holder, cabinet member, committee chair)

- Yes
- No
- Prefer not to say

[If yes] Please let us know which role(s) you undertake/have undertaken

---

How many years have you served as a councillor?

---

In which year were you first elected as a councillor?

---

**[If respondent has served as a councillor or stood as a candidate] Your experiences of abuse and/or intimidation**

Have you ever experienced abuse and/or intimidation, directed at you personally, from a member of the public, or persons unknown, as a result of, or in relation to your role as a councillor, or while a political candidate? (you will be asked about witnessing abuse and/or intimidation of other councillors/candidates later)

- Yes, abuse
  - Yes, intimidation
  - Yes, abuse and intimidation
  - Yes, other (please specify below)
- 

- No
- Don't know/not sure

[If experienced] Did you experience a single incident or have there been multiple incidents?

- Single incident
- Multiple incidents perpetrated by the same person
- Multiple incidents perpetrated by different people
- Multiple incidents perpetrated by an unknown number of people i.e. not known whether by the same person or different people
- Don't know/unsure

[If experienced single incident] Where did the abuse and/or intimidation occur?

Please tick all that apply

- In person
  - On social media e.g. Twitter, Facebook, Instagram
  - Online meeting platform e.g. Zoom, Teams, Skype, Facetime
  - Online written communication e.g. email, WhatsApp, Messenger
  - Verbally by telephone, including voice messages
  - Written by telephone e.g. SMS messages, texts
  - By post, including messages and/or articles put through letterbox
  - Other (please specify below)
- 

[If experienced multiple incidents] Where did the abuse and/or intimidation occur?

Please tick all that apply

- In person
  - On social media e.g. Twitter, Facebook, Instagram
  - Online meeting platform e.g. Zoom, Teams, Skype, Facetime
  - Online written communication e.g. email, WhatsApp, Messenger
  - Verbally by telephone, including voice messages
  - Written by telephone e.g. SMS messages, texts
  - By post, including messages and/or articles put through letterbox
  - Other (please specify below)
- 

[If experienced multiple incidents Using answers provided] Please rank the types of abuse and/or intimidation you experienced by frequency.

Please use the rank of 1 for the most frequently occurring type, followed by 2 for the next most frequently occurring type, carrying on as appropriate, until you have ranked all of the options shown.

- \_\_\_\_\_ In person
- \_\_\_\_\_ On social media e.g. Twitter, Facebook, Instagram
- \_\_\_\_\_ Online meeting platform e.g. Zoom, Teams, Skype, Facetime
- \_\_\_\_\_ Online written communication e.g. email, WhatsApp, Messenger
- \_\_\_\_\_ Verbally by telephone, including voice messages
- \_\_\_\_\_ Written by telephone e.g. SMS messages, texts
- \_\_\_\_\_ By post, including messages and/or articles put through letterbox
- \_\_\_\_\_ Other (As specified)



[If experienced single incident] When did the abuse and/or intimidation occur?

- Within the last month
- Between one and three months ago
- Between four and six months ago
- Between six and 12 months ago
- Between 12 and 18 months ago
- Between 18 and 24 months ago
- Over 24 months ago (please specify)

---

- Don't know/unsure

[If experienced multiple incidents] When did the abuse and/or intimidation first occur?

- Within the last month
- Between one and three months ago
- Between four and six months ago
- Between six and 12 months ago
- Between 12 and 18 months ago
- Between 18 and 24 months ago
- Over 24 months ago (please specify)

---

- Don't know/unsure

[If experienced multiple incidents] When was the most recent incident?

- Within the last month
- Between one and three months ago
- Between four and six months ago
- Between six and 12 months ago
- Between 12 and 18 months ago
- Between 18 and 24 months ago
- Over 24 months ago (please specify)

---

- Don't know/unsure

[If multiple incidents] How frequently did the abuse and/or intimidation occur?

- More than once a day
- Approximately once a day
- Approximately every two to three days
- Approximately two to three times a week
- Approximately once a week
- Approximately every 10 days
- Approximately once a fortnight
- Approximately two to three times a month
- Approximately once a month
- Less than once a month

- Other (please specify below)

---

[If experienced] Was the abuse and/or intimidation triggered by specific events?

- Yes  
 No  
 Don't know/unsure

[If yes] What was the event that triggered the abuse?

*If there have been multiple incidents please tick all that apply and provide clarification below*

- Campaigning for elections  
 Taking up my role  
 A particular decision  
 Other (please specify)  
 Don't know/unsure

If you would like to provide any clarification regarding the event(s) that triggered the abuse you may do so here (Max 500 characters)

---

[If multiple incidents] Is the abuse ongoing?

- Yes  
 No  
 Don't know/unsure

[If experienced] Please provide brief details of the abuse and/or intimidation you have experienced (max 500 characters)

---

[If experienced] Did you seek support in relation to the abuse and/or intimidation you experienced?

- Yes  
 No

[If sought support] From whom did you seek support?  
*Please tick all that apply*

- Peers i.e. other councillors

- Your political party office
  - Council officers
  - Police
  - Friends and/or family
  - Other (please specify below)
- 

[If sought support] How helpful was the support provided by (cycle through all options ticked in previous question)

- Very helpful
- Fairly helpful
- Not very helpful
- Not at all helpful
- Don't know/unsure

[If sought support] Please provide brief details about the support provided (max 500 characters)

---

[If support not sought] Please provide brief details about why you did not seek any support (max 500 characters)

---

Have you taken any actions to avoid intimidation and/or abuse, or to protect yourself? e.g. using rules of engagement, installing security systems, avoiding social media

- Yes
- No

[If actions taken] Please provide brief details about the action(s) you have taken (max 500 characters)

---

### **Abuse and/or intimidation of others**

Have you ever witnessed abuse and/or intimidation, directed at others, from a member of the public, or persons unknown, as a result of, or in relation to their role as a councillor or candidate standing for election?

- Yes
- No
- Don't know/unsure

[If witnessed] How many times, have you witnessed abuse and/or intimidation?

- Once
- Between two and five times
- Between six and 10 times
- More than 10 times
- Other (please specify below)

---

- Don't know/unsure

[If witnessed] Where did the abuse and/or intimidation occur?

- In person
- On social media e.g. Twitter, Facebook, Instagram
- Online meeting platform e.g. Zoom, Teams, Skype, Facetime
- Online written communication e.g. email, WhatsApp, Messenger
- Verbally by telephone, including voice messages
- Written by telephone e.g. SMS messages, texts
- By post, including messages and/or articles put through letterbox
- Other (please specify below)

---

[If witnessed] Please provide brief details about the abuse and/or intimidation you witnessed (max 500 characters)

---

### **Impact of abuse and/or intimidation**

[If experienced] Please provide brief details about the impact of abuse and/or intimidation on you as a councillor or candidate for political office and personally (max 500 characters)

---

Will you be standing for election at the next local elections for your area?

- Yes
- No
- Not yet decided

[If no or undecided] Has the possibility of abuse and/or intimidation influenced your position on whether to stand?

- Yes
- No
- Don't know/unsure

[If yes] Please provide brief details on how the possibility of abuse and/or intimidation has influenced your position on whether to stand (max 500 characters)

---

Are you aware of people being unwilling to stand or re-stand for election, or take on leadership roles, due to anticipated abuse and/or intimidation?

- Yes
- No
- Don't know/unsure

[If yes] Please provide brief details on how the possibility of abuse and/or intimidation has influenced your position on whether to stand (max 800 characters)

---

### **Dealing with abuse and/or intimidation**

In your opinion, what more, if anything, could be done by the police, the council or any other relevant agent to prevent abuse and/or intimidation of councillors? (max 500 characters)

---

In your opinion, what more could be done by the police, the council or any other relevant agent to address abuse and/or intimidation of councillors when it occurs? (max 500 characters)

---

### **[If serving as a councillor, or a past or future candidate] About you**

Finally, we would like to know more about you. There is evidence that individuals with certain protected characteristics experience more abuse and intimidation than others generally and specifically with reference to feeling able to engage with democracy. In gathering specific information about you, we hope to create an evidence base about who is effected by abuse and intimidation in public life and what further ramifications this may have on local democracy. Your replies will be treated confidentially.

### **Your consent**

The following section of the survey will collect and process special category data in relation to your age group, gender and ethnicity. Completion of this section is voluntary, and all of the questions within this section are individually voluntary. We are collecting this data under condition (a) of Article 9(2) that the subject has given explicit consent for the processing of

their data for such purposes and conditions.

Please confirm that you agree to us processing and holding this data:

*I agree to the LGA processing my special category data as laid out in Article 9(2)(a) of the Data Protection Act 2018*

- Yes, I agree
- No, I do not agree

In line with our privacy policy, which is published at [www.local.gov.uk/privacy-policy-0](http://www.local.gov.uk/privacy-policy-0), you have the right to withdraw your consent at any time.

If you do not consent for the LGA to collect and process your age group, gender and ethnicity information, these questions will not be displayed.

If you do consent, all of the questions will be voluntary and can be answered as 'Prefer not to say'.

*[If consents to LGA processing special category data]* What is your sex? (As registered at birth)

*This question is voluntary*

- Male
- Female
- Prefer not to say

*[If consents to LGA processing special category data]* Is the gender you identify with the same as your sex registered at birth?

*This question is voluntary*

- Yes
- No (please specify your gender identity)

---

Prefer not to say

*[If consents to LGA processing special category data]* What is your age group?

*This question is voluntary*

- Up to 24 years
- 25-34
- 35-49
- 50-64
- 65 years and above
- Prefer not to say

[If consents to LGA processing special category data] What is your ethnic group?  
This question is voluntary

**White**

- English / Welsh / Scottish / Northern Irish / British
  - Irish
  - Gypsy or Irish Traveller
  - Roma
  - Any other White background (please specify in the space below)
- 

**Mixed or Multiple ethnic groups**

- White and Black Caribbean
  - White and Black African
  - White and Asian
  - Any other Mixed or Multiple background (please specify in the space below)
- 

**Asian or Asian British**

- Indian
  - Pakistani
  - Bangladeshi
  - Chinese
  - Any other Asian background (please specify in the space below)
- 

**Black, Black British, Caribbean or African**

- Caribbean
  - African
  - Any other Black, Black British or Caribbean background (please specify)
- 

**Other ethnic group**

- Arab
  - Any other ethnic group (please specify in the space below)
- 

- Prefer not to say

Which of the following best describes your sexual orientation?  
This question is voluntary

- Straight or Heterosexual
  - Gay or Lesbian
  - Bisexual
  - Other sexual orientation (please specify)
- 

- Prefer not to say

[If consents to LGA processing special category data] What is your religion?

*This question is voluntary*

- No religion
- Christian (all denominations)
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- Any other religion (please specify)

\_\_\_\_\_

Prefer not to say

[If consents to LGA processing special category data] Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

*This question is voluntary*

- Yes
- No
- Prefer not to say

[If consents to LGA processing special category data and has a condition or illness] Do any of your conditions or illnesses reduce your ability to carry out day to day activities?

*This question is voluntary*

- Yes, a lot
- Yes, a little
- Not at all
- Prefer not to say

### **Any other comments**

If there is anything else you would like to add may do so here (max 500 characters)

\_\_\_\_\_

### **Further Contact**

Would you be happy for us to contact you about the information you have provided?

- Yes
- No



[If yes] How would you like us to contact you?

Phone (please provide the number you would like us to use)

---

Email (please provide the email address you would like us to use)

---

Other (Please specify)

---

Once you press the 'Submit' button below, you will have completed the survey.

Many thanks for taking the time to complete this survey. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

For Information Only - Do Not Complete

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## Round 4

# Online Active Bystander Interventions

What can I do to support Black women online when they experience online abuse?



### Additional Questions:

- Would this support be the same for Black LGBTQ+ women who may experience online abuse in a different way?
- What allyship and support would you want, if any, including from your friends, followers, colleagues and employers?

## Round 4 prompts

**There are many ways to support Black women and those with multiple and intersecting identities:**

- 1 Report abusive posts and content to the social media platform
- 2 Reply to the victim of the abuse and engage with the post as intended e.g. share their post and magnify their message
- 3 Send an encouraging message or gif to the victim
- 4 Encourage them to document the abuse. If it is a hate crime you may want to encourage them to report it to the police
- 5 Share resources around wellbeing and online safety you've found helpful

Online abuse can be overwhelming and very distressing, even more so if it's targeted at different elements of your identity e.g. being part of the LGBTQ+ community. You may also want to recommend that the person talks to other organisations that can give them additional support, in the UK this may include Samaritans, Victim Support, National Stalking Helpline, SARI and Galop.

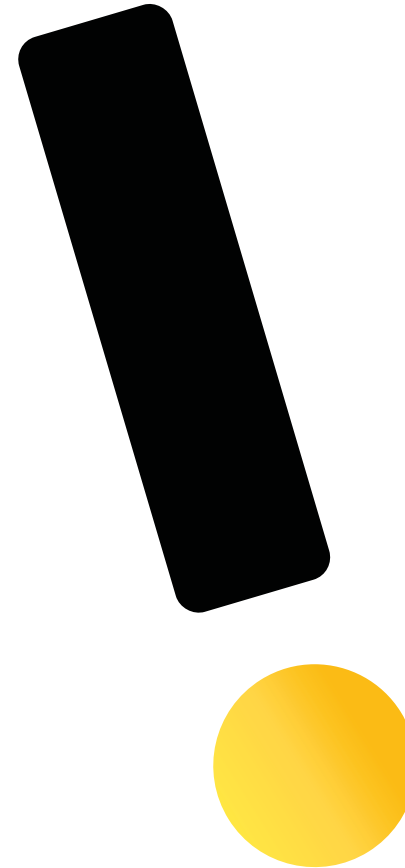
**What support, if any, would I want from my employers if I have faced online abuse?**

- 1 **Provide training** to educate and inform employees about online abuse, digital safety, digital self care, OGBV and related topics.

---

**Create opportunities** in the workplace for all people to discuss and be informed about and challenged on their behaviour online particularly linked to how to become an online active bystander. Glitch provides training on Digital Citizenship Workshops, Online Active Bystander and Digital Self Care and Self Defence.

- 3 **Creating online resources**, new policies on online conduct and allocate funding to support additional learning on how to provide allyship to Black women with multiple and intersecting identities. As well as develop trainings on prevention strategies that can be used to better equip individuals with the tools needed to respond to OGBV in the most effective, supportive manner possible.
- 4 **Form a committee** to investigate complaints filed by women and those from marginalised communities in the organisation which includes racist, sexist and gender based online abuse. Ensure that this committee consists of at least one person of colour and/or one person from the LGBTQ+ community.
- 5 **Employers can read Crash Override Network** for their useful one-pager explaining what employers can do in cases of online abuse against their employees.



# A social media protocol for elected members January 2021



## Purpose of this protocol

Coventry City Council is supportive to any elected members' increasing use of social media which is a good way of connecting with their electorate as well as people and issues across the city. With more and more councillors using social media, this protocol is designed to provide clarity on what is and what is not acceptable usage of social media and minimise legal and reputational risk. This guidance complements the existing general rules under the Members' Code of Conduct.

## What is social media?

Social media is the collective term to describe websites and other online tools which allow people to engage and interact. This includes popular platforms such as Facebook, Twitter, LinkedIn and Snapchat as well as blogs.

On many of these sites, users share information and give opinions. They may also create interest groups or pages leading to longer exchanges. Ultimately the majority of people use these sites and tools to reach online communities and networks which encourage participation and engagement.

## Social media and elected members

It is important to make clear that it is not a requirement for members to use social media to fulfil their job as a councillor. However, if you already use – or are planning to use – social media in connection with your work as a councillor (or are already using it in a private capacity), then these guidelines will be relevant.

**Remember, whenever you act – or appear to act – in your official capacity, you must comply with the Members' Code of Conduct.**

## Benefits of using social media

Social media is a useful tool for elected members by:

- Supporting councillors in performing their community leadership role
- Keeping in touch with local views, concerns, interests and opinions

- Providing an effective and relatively cheap way of making the electorate more aware of the work you do
- Campaigning on local issues
- Providing a platform for political campaigning

## Social media good practice

The following points are intended to give some handy hints when managing your social media platforms:

- Start your name with the word 'Cllr' to let people know exactly who you are or make it very clear in your bio that you are a councillor
- Think before you Tweet or post. A good rule of thumb is never say anything that you would not say to someone's face or you would not want recorded in a public meeting
- Consider keeping your personal (if you have any) and elected member accounts separate and maintain appropriate professional boundaries
- Be aware that you will be seen as acting
- in your official capacity whenever you use social media
- Set appropriate privacy settings for your blog or networking site – especially if you use a private account
- If you blog, monitor the comments. Failure to remove defamatory or obscene posts from others could give the perception that you condone such views
- Making political points is expected of a councillor but be careful about being too personal if referring to individuals. An attack on an individual may be seen as disrespectful, whereas comments on another party or a policy are less likely to be viewed as disrespect

## Social media bad practice:

- Never blog or post in haste – particularly in circumstances where your judgement might be impaired e.g. you're angry, tired or have consumed alcohol
- Do not publish confidential information that you may have learned or had access to as part of your role as an elected member. As well as private agenda papers, this includes personal information about service users, their families or friends or others e.g. contractors and council staff
- Never represent your personal views, or those of any political party or interest group you belong to, as being those of the council
- Do not share, favourite, like, download, upload or distribute any material that could be considered inappropriate offensive, defamatory, illegal or discriminatory

## Things to be wary of when using social media

The following points are intended to give some handy hints when managing your social media platforms:

- With no privacy settings, anyone can read your posts not just your friends and followers. Journalists will regularly trawl through what many elected members are saying
- Any communication is capable of being misinterpreted but the immediacy of social media has the potential to magnify this problem
- Do not assume people will understand the context of what you are posting. Many issues are caused by people misinterpreting the intended meaning
- Updating on what is happening in a meeting and receiving comments can be helpful; for transparency and engagement BUT may lead to people forming the impression you are not concentrating on the business in hand
- Sending an inappropriate message privately is no defence if the person you send it to decides to share it wider. If you are not happy for others to see it, do not send it
- Be careful about following or friending a council employee or contractor, a pressure group or someone submitting a planning application – the association could be construed as a personal interest

- Although the best use of social media is conversational in tone, publishing to the web is still publishing – never say anything that you would not be comfortable repeating or justifying at a public meeting, for example. Even if you subsequently delete it, something published can still be available

## Legal issues and social media

There is an ever increasing number of legal cases that have resulted from people's use of social media. The main issues to be cautious of are:

- **Libel**  
If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. A successful legal claim could result in the award of damages against you
- **Copyright**  
Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about. Again, a successful legal claim for breach of copyright could lead to an award of damage against you
- **Data protection**  
Never publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information onto a public forum you should expect it to be published by others
- **Bias and predetermination**  
If you are involved in making planning, licensing or other quasi-judicial discussions, do not say anything through social media (or indeed anywhere else) that suggests you have made up your mind on an issue that is due to be formally decided. While your view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board all the evidence and were genuinely persuadable to a different view otherwise the decision may be challenged as invalid. If a person has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the council for damages.

## Handling abuse on social media

Any intimidation or abuse on social media is subject to all the same potential criminal prosecutions as other forms of intimidation, with the additional criminal offences relating specifically to electronic communications.

You are best placed to determine whether a post or interaction is abusive or intimidating, and if you feel intimidated you can take action to report it.

Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.

You should:

- Keep a record of any abuse
- Carefully consider how and whether to respond to inaccurate or defamatory social media comments
- Report any abuse to the social media companies for its deletion or to raise concerns about an account
- Further information and support can be found on the LGA website: <https://local.gov.uk/handling-abuse-social-media>

## Social media and the Members' Code of Conduct

Aspects of the Code of Conduct for members will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual.

Recent examples played out in the media has shown that this important difference is increasingly harder to demonstrate as anyone who knows you are an elected, public figure will automatically think you are commenting in that capacity. Although you may be clear in your mind that you are acting in a private capacity, that it is not necessarily obvious or clear to others.

Indeed, a number of recent cases have shown that any comment made by an elected member on their social media account is interpreted as an official line whether it is meant as a private comment or not. The best rule is to use your social media account for professional purposes and comment only, to avoid any potential problems.

Coventry City Council's Communications Team can help you with more specific advice if needed.

## Relevant elements of the Members' Code of Conduct

- Treat others with respect.  
Do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments
- Comply with equality laws  
Never publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith
- Do not bully or harass anyone  
You should never say anything that may be construed as bullying or intimidation
- Do not bring the council into disrepute  
Never publish anything that could reasonably be perceived as reflecting badly or lowering the reputation of yourself or the council
- Never disclose confidential information  
Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context

## More information

Any elected member wanting more information of further advice on the use of social media should contact either the Communications Team or the Council's Monitoring Officer





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Ethics Committee

9 December 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:**

Committee on Standards in Public Life: Annual Report for 2020-21

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**Is this a key decision?**

No

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**Executive Summary:**

This report is to outline the matters raised in the Annual Report for 2020-2021 of the Committee on Standards in Public Life and to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

**Recommendations:**

The Ethics Committee is recommended to:

- (1) Note the content of the report and consider any points upon which it may wish to take action; and
- (2) Request the Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level.

**List of Appendices included:**

None

**Other useful background papers:** Committee on Standards in Public Life Annual Report July 2020-June 2021

<https://www.gov.uk/government/publications/annual-report-2020-2021--2>

**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: Committee on Standards in Public Life: Annual Report 2020-21**

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

1.1 The Committee on Standards in Public Life (the CSPL) was set up in 1994. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:

- monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
- conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
- researching public perceptions on standards issues relating to specific areas of concern, and also over time.

Its terms of reference make it clear that it encompasses all involved in the delivery of public services, not solely those appointed or elected to public office.

1.2 Whilst it is a national body, having an overarching concern about public standards, its views and recommendations can be taken in account by local government and other organisations delivering public services when designing, implementing and monitoring their own ethical standards regime.

1.3 This report gives a brief overview of the main areas of work of the CSPL over the last 12 months.

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

2.1 Regulation of Election Finance – new

2.1.1 The CSPL has undertaken a new major review into the complex subject of election finance, looking at the regulation and enforcement of donations and campaign expenditure by candidates, political parties and non-party campaigners in election campaigns.

2.1.2 Proportionate and effective regulation of the money spent to influence the outcome of elections and referendums is vital to the operation of a functioning democracy. The CSPL considered whether the system for regulating campaign spend and donations meets the challenges of 21st century elections. Digital campaigning is revolutionising the way parties and campaigners engage with voters. It has made it harder to track how much is being spent, on what, where and by whom.

2.1.3 Weighing up a wide range of evidence and differing views, in particular looking at what values and principles should guide regulation of finance during elections, the report sets out a package of practical recommendations to modernise and streamline the current system.

## 2.2 Standards Landscape (Standards Matter 2) – new

- 2.2.1 The CSPL also launched a new major review of the institutions, processes and structures in place to support high standards of conduct in September 2020 and to assess the strengths, weaknesses and gaps in its framework for regulating ethics in public life.
- 2.2.2 The CSPL want to review to what extent high standards in public life are currently being upheld, if the Seven Principles of Public Life continue to articulate the right set of ethical expectations of public office holders, and whether its regulatory system to maintain and uphold standards is fit for purpose and could be standardised and / or simplified.
- 2.2.3 Preliminary findings from its consultation were published in June 2021. The CSPL believes four areas of standards regulation require significant reform:
1. the Ministerial Code and the Independent Adviser on Ministers' Interests;
  2. the Advisory Committee on Business Appointments and the Business Appointment Rules;
  3. transparency around lobbying; and
  4. the regulation of public appointments.
- 2.2.4 These findings will inform the CSPL's final report and recommendations to the Prime Minister.

## 2.3 Local Government Ethical Standards – follow up

- 2.3.1 The CSPL has again followed up on its report on Local Government Ethical Standards (published in January 2019). The report reviewed the current framework established by the Localism Act 2011. The 2019 report provided assurance that the arrangements in place in local authorities are promoting and maintaining standards expected by the public and that the majority of local councillors do maintain high ethical standards.
- 2.3.2 The CSPL recommended though that some improvements were required, in particular, the need for maximum independence in local complaints processes and the need for greater sanctions, where appropriate, in the rare cases of significant or repeated breaches of the code of conduct.
- 2.3.3 One of the CSPL's key recommendations was that there should be a non-mandatory model code of conduct which has now been produced by the Local Government Association, and which the Council have adopted a revised version of with effect from the 2021/22 municipal year. The CSPL is advised that this is vital support for local authorities to help them adopt and maintain high ethical standards and it sees this as an important step towards encouraging good conduct and safeguarding the public's trust in local government.
- 2.3.4 The CSPL has again noted with disappointment that it still awaits the government's formal response to its report.
- 2.3.5 The CSPL has also reviewed local council's take up of its best practice recommendations. The responses received from local authorities have been positive

with most local authorities confirming that they have already implemented or are taking steps to implement its best practice recommendations (including Coventry City Council).

## 2.4 Artificial Intelligence and Public Standards – follow up

2.4.1 A major review into artificial intelligence and public standards was the main focus of the CSPL's work in 2019-2020. This is relevant as technologically assisted decision-making is adopted more widely across the public sector.

2.4.2 The report was published in February 2020 and concluded that the government is currently failing on openness, accountability and objectivity regarding its use of new technology, and that risks need to be mitigated to uphold accountability and openness. It found that regulators will need to adapt to a new data-driven world, and that a central body is needed to assist this process.

2.4.3 The government formally responded to the CSPL's report in May 2021. It welcomed the report and recognised that there is still significant work to be done. The government advised that specific challenges of Covid-19 have required that it has had to implement solutions to policy problems in short order, sometimes not directly related to AI technologies, but in adjacent areas where challenges to that implementation may impact the public's perception of AI and the overall narrative that supports its adoption. From those challenges the Government confirmed that it will seek to learn and continue to improve. The government stated that it was a priority that the benefits of AI technologies and their potential to improve public services should be delivered to citizens, and that having the right safeguards, frameworks and principles in place is integral to that mission.

2.4.4 The CSPL welcomed the government's response to the report and continues to maintain a watching brief on progress made against the report's recommendations.

## 2.3 Intimidation in Public Life – follow up

2.3.1 The CSPL's report on a review of intimidation in public life, with particular reference to the experience of Parliamentary candidates at the 2017 General Election was published in December 2017.

2.3.2 The report made 33 recommendations to government, social media companies, political parties, press organisations, MPs, candidates and other public office-holders. The CSPL have monitored developments since then and have actively worked with the Jo Cox Foundation on the recommendation of a joint statement on conduct for political parties.

2.3.3 In December 2020, the CSPL published a Joint Statement that had the support of Labour, Liberal Democrats, the SNP, Plaid Cymru, and the Green Party. This statement outlines the minimum standards of behaviour that all members of political parties should aspire to including: taking responsibility for setting an appropriate tone for campaigning and communication; Leading by example to; and promoting and defending the dignity of others, including political opponents, treating all people with courtesy and respect. There is also a promise not to

engage in intimidation through words / behaviour and that unacceptable behavior will be dealt with by the party and law enforcement agencies where appropriate.

2.3.4 Progress has also been made in a number of other areas against the CSPL's recommendations including:

- a) the government have committed to legislating for an electoral offence of intimidation of candidates and campaigners during elections when parliamentary time allows and legislation was published in May 2019 so candidates standing as local councilors in elections no longer have to publish their home addresses on their ballot papers.
- b) All of the political parties represented in Westminster now have in place their own Code of Conduct, which sets out the minimum standards of behaviour expected of their members. Each party has in place its own internal disciplinary process for dealing with alleged breaches of the party's code.
- c) The National Police Chief's Council published joint guidance with the Crown Prosecution Service, the College of Policing, and the Electoral Commission in 2019, about behaviour which candidates in elections may experience during a campaign which is likely to constitute a criminal offence. The guidance includes practical advice on how councilors can protect themselves, as well as legal definitions and what might constitute a breach of criminal law.
- d) All three social media companies engaged now have measures in place to protect their users from intimidation and harassment but there is still more work to do as in the opinion of the CSPL social media providers have a responsibility to advise their users about how to escalate any credible threats they receive and this is still not clear.

2.4 Parliament: Bullying and Harassment – watching brief

2.4.1 The CSPL has continued to take a close interest in the response of the Parliamentary authorities to the independent assessments of what must be done to address bullying and harassment in both Houses of Parliament.

2.4.2 Following the opening up of the Independent Complaints and Grievance Scheme on 2018 to those who either have complaints pre-dating June 2017 or are no longer employed in the parliamentary community, an 18 month review was published earlier this year. Both Houses of Parliament have committed to implementing the recommendations. The CSPL welcomes the review but notes that there is still some need for improvement. Notably, investigations take too long to complete; the scheme needs greater resources; and support offered to complainants and respondents needs to be better assessed.

2.4.3 The House of Commons' has endorsed of a revised regime of sanctions for breaches of the Code of Conduct, both in respect to the Independent Complaints and Grievance Scheme (ICGS) and non-ICGS cases.

2.4.4 Confidentiality arrangements have also been revised so that the Commissioner for Standards now has permission to publish information about complaints received and matters under investigation. The CSPL agrees with the Commissioner that this step will encourage greater confidence in the parliamentary standards system.

2.4.5 The CSPL has continued to hold meetings with senior people in Parliament responsible for delivering change and providing visible leadership in building a culture of respect and value across both Houses.

## 2.5 Impact of Covid-19 on Standards In Public Life

2.5.1 The CSPL have monitored the impact on Covid-19 on public standards over the past year, looking at standards issues arising as a result of the pandemic, including any compromise of the Nolan Principles; changes to parliamentary procedure and scrutiny; challenges around democratic accountability; and any impact on public trust.

2.5.2 The CSPL's position is that although there may be imperatives driving departure from normal processes, these cannot become the norm so as not to impact on public trust.

## 2.6 Future Work

2.6.1 The CSPL will maintain an active watching brief over the coming year (2020/21) on the impact of Covid-19 on standards in local and national government and intends to contribute to reviews and inquiries on these issues.

2.6.2 The CSPL's next review, will identify best practice in education, culture, and leadership on ethical standards. It will report to the Prime Minister in 2022.

## 2.6 Recommendations

The Ethics Committee is recommended to

- (1) Note the content of the report and consider any points upon which it may wish to take action; and
- (2) Request the Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level.

## 3 Results of consultation undertaken

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

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**

The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the Annual Report are that the Ethics Committee may wish to continue to monitor how the follow up work on the report on Local Government Ethical Standards progresses, particularly as a response from Central Government has not yet been given.

## **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, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework was not perceived as transparent and effective.

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

There is no immediate impact on the organisation.

### **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



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Suzanne Bennett	Governance Services Officer	Law and Governance	25.11.2021	26.11.2021
<b>Names of approvers for submission:</b> (officers and members)				
Graham Clark	Lead Accountant – Business Partnering	Finance	24.11.2021	25.11.2021
Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	22.11.2021	23.11.2021
Cllr Walsh	Chair, Ethics Committee		25.11.2021	29.11.2021

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Committee

**Public report**  
Ethics

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Ethics Committee

9 December 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 Operation of the Code of Conduct for Elected and Co-opted Members

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**Is this a key decision?**

No

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**Executive Summary:**

Since being issued by the Local Government Association (LGA) in December 2020, the Model Code of Conduct (Model Code) has been amended by the LGA twice on 27 January 2021 and 17 May 2021. Changes made in January 2021 have been incorporated into Coventry City Council's revised version of the Model Code (Revised Code) but changes from May 2021 remain outstanding. The amendments published in May 2021 were published without tracked changes. A further version of the amendments made in May 2021 with tracked changes was published by the LGA in September 2021. Most of the amendments are technical in nature and can be amended by the Monitoring Officer using her delegated authority and in respect of minor amendments the Monitoring Officer can make these changes following consultation with the Cabinet Member for Policing and Equalities .

Further, in July 2021 the LGA published Guidance for the Model Code of Conduct (Guidance).

**Recommendation:**

Ethics Committee is recommended to:

- (1) In relation to the amendments originally published in May 2021, made by the LGA to the Model Code, note the amendments and consider any points upon which it may wish to comment;
- (2) In relation to the Guidance:
  - a) Note the content of the Guidance and make any further recommendations;
  - b) Request that this item remains on the Work Programme of the Ethics Committee for continued review.

**List of Appendices included:**

- A. Amended Local Government Association Model Councillor Code of Conduct, published May 2021 as a second amendment (further edition published in September 2021 with tracked changes)
- B. Coventry City Council's Revised Model Code of Conduct (approved version in current operation from the start of the Municipal Year in May 2021) showing the amendments made by the LGA in May 2021 as tracked changes

**Other useful background papers can be found at the following web addresses:**

Guidance on the Local Government Association Model Councillor Code of Conduct:  
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

**Other useful documents:** None

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

No

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

No

**Will this report go to Council?**

No

## **Report title: Review of Operation of the Code of Conduct for Elected and Co-opted Members**

### **1. Context**

- 1.1. At its meeting on 21 January 2021, the Committee considered the Model Code produced by the Local Government Association in December 2020. The Committee authorised officers to produce a Revised Code for onwards consideration by the Constitutional Advisory Panel, Cabinet Member for Policing and Equalities and Council. The Revised Code was brought back to the Committee on 4 March 2021.
- 1.2. The Committee made a number of comments in relation to the Revised Code and the Director of Law and Governance indicated that these comments would be addressed as part of the training for all Members in May, 2021. It was noted that typographical amendments would also be made to the Revised Code.
- 1.3. The Committee's involvement and engagement in the launch of the new Revised Code was sought and this was supported and welcomed.
- 1.4. It was resolved that the Revised Code, together with the Ethics Committee's involvement and engagement in the launch of the new Code, be noted.
- 1.5. The Revised Code was considered by the Cabinet Member for Policing and Equalities and Council on 8 and 16 March, 2021 respectively and was adopted by the Council at the start of the Municipal Year in May 2021.
- 1.6. Since being issued in December 2020, the Model Code of Conduct has been amended twice by the LGA on 27 January 2021 and 17 May 2021. Changes made in January 2021 have been incorporated into the Revised Code but changes from May 2021 remain outstanding. The original version of the amendments published in May 2021 were published without tracked changes. A further version of the amendments made in May 2021 with tracked changes was published by the LGA in September 2021. These amendments are minor or technical in nature.
- 1.7. Further, in July 2021 the LGA published Guidance for the Model Code.

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

- 2.1. Second set of amendments originally published in May 2021, made by the LGA to the Model Code of Conduct

- 2.1.1. A copy of the second set of amendments originally published by LGA in May 2021, showing the amendments as tracked changes is attached at Appendix A.
- 2.1.2. A copy of the Council's Revised Code (approved version in current operation) showing the amendments made by the LGA as tracked changes, is attached at Appendix B.
- 2.1.3. Although there are quite a lot of changes between the first amended version published in January 2021 and the second amended version published in May 2021 none of them appear to be substantive. The effect of the changes are to make the Code clearer for Members.
- 2.1.4. The most significant change to the amended version published by the LGA is at page 11, "Table 1: Disclosable Pecuniary Interests". The amendment to the LGA version notes that in the first row Subject of "Employment, office, trade, profession or vocation" unpaid directorships were included in the Description by way of error. Unpaid directorships have now been removed from the latest amended version. In the drafting of the Coventry City Council Revised Code this had already been picked up and this is why it is not marked as a change in the Revised Code at page 11.
- 2.2. Guidance on the Local Government Association Model Councillor Code of Conduct, published July 2021
  - 2.2.1. The Guidance is supporting guidance which is aimed to help understanding and consistency of approach towards the Model Code. The Model Code and Guidance, have been designed to encourage good conduct, and safeguard the public's trust and confidence in the role of councillors in local government.
  - 2.2.2. The LGA will undertake an annual review of the Model Code and Guidance to ensure it continues to be fit for purpose, incorporating advances in technology, social media, case law and changes in legislation.
  - 2.2.3. In summary the Guidance covers the following areas:

- **Application of the Model Councillors' Code of Conduct**

The Guidance confirms that the Model Code applies when Councillors are carrying out official duties, for example when considering or discussing local authority business, either as a councillor or representing the local authority on an outside body and the Model Code does not, therefore, apply solely when Councillors are in local authority meetings or on local authority premises.

The code applies to all forms of communication and interaction (paragraph 4.3 of the Revised Code).

The Guidance provides helpful examples of when Councillor activity will fall within the Model Code / Revised Code or not. It explains that for something to fall within the Model Code there must be a clear link to a local authority

function or the individual's role as a Councillor.

If there is any ambiguity, as it is not always immediately apparent in which capacity a Councillor is acting, the Guidance recommends that it may be helpful if the Councillor can make clear to people in which capacity they are engaging with them.

The Guidance details that the use or attempt by an individual to use their position as a Councillor to seek to gain an advantage for themselves or someone close to them or to disadvantage someone is an attempt to misuse their position and therefore falls within the scope of the Code of Conduct. Examples given include writing to someone on local authority headed paper or using a local authority email address which may lead someone to assume the individual was writing in their capacity as a Councillor.

The Guidance also addresses Social Media and confirms that a Councillor simply describing themselves as "a Councillor" in a social media posting or at the top of their page or in their username or profile, for example, does not of itself mean that every posting they make is covered by the Model Code / Revised Code. There must be a link within the individual posting or thread to their role as a Councillor or to local authority business. However, even if the Councillor does not describe themselves as a Councillor they may fall within the scope of the Model Code / Revised Code if they are discussing local authority business. Each matter would need to be looked at on a case-by-case basis.

- **General Obligations**

1. **Respect** – means treating other Councillors, officers and members of the public and others with respect, in all forms of communication as failure to show respect can harm public confidence. Examples of respectful behavior are being polite and courteous. The Guidance acknowledges that disrespectful behaviour is subjective and difficult to define but goes on to say that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with a Councillor because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour. Examples of disrespectful behavior are being rude, swearing and ignoring people trying to speak. The guidance reiterates the rules around Article 10 and freedom of speech and that there is an enhanced level of protection in politics including local government politics. The Guidance also outlines that the respect provisions are not intended to "gag" Councillors and prevent them making criticisms of officers but reminds them to do so respectfully, using the appropriate channels in their local authority and not bring their Council into disrepute.
2. **Bullying** – is unacceptable and should not be tolerated. Bullying can impact not only the individual but the wider organisation and affect morale and operational effectiveness. Bullying may be characterised as

offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person or by any other means of communication. Councillors should always be mindful of the overall potential impact of the behaviour on others as it can affect mental health.

Like disrespectful behaviour, bullying can also be difficult to define. When allegations of bullying are considered it's likely that both perspectives will be considered. Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

3. **Harassment** – the Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person 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 victim in a manner that could be expected to cause distress or fear in any reasonable person. The Guidance advises that harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, or any other means of communication. The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim. Examples of harassment include but are not limited to: unwelcome emails, inappropriate comments, physical contact threats or sexual harassment.
  
4. **Discrimination** – Councils have a duty under the Equality Act 2010 to promote equality and to eliminate unlawful discrimination and harassment. Under the Act the Council may be liable for any discriminatory acts which a Councillor commits. Councillors must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders the Council's fulfilment of its positive duties under the Act. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic as follows:
  - a. age
  - b. disability



- c. gender reassignment
- d. marriage and civil partnership
- e. pregnancy and maternity
- f. race
- g. religion or belief
- h. sex and sexual orientation

Examples of discriminatory behaviour include but are not limited to: exclusion or treating someone less favourably based on any of the Protected Characteristics and comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics. The Guidance also mentions that Councillors should be aware of "unconscious bias" and ensure they make decisions based on evidence rather than assumptions.

5. **Impartiality of officers** – Officers must be politically neutral (unless they are political assistants) and should not be coerced or persuaded to act in a way that would undermine their neutrality. At the heart of the Councillor-Officer relationship is mutual respect and they should therefore be conducted in a positive and constructive way. Officers may sometimes give Councillors advice that they do not want to hear or does not suit their political views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.
6. **Confidentiality and access to information** – Council business is by law generally open and the Council should always operate as transparently as possible, there will be times – for example, when discussing a named individual or commercially sensitive information – when it is appropriate for local authority business to be kept confidential or treated as exempt information. In those circumstances, Councillors must not disclose confidential information, or information which you believe to be of a confidential nature, unless consent is obtained, there is a lawful requirement or it is in the "public interest". A Councillor is entitled to access information held by the local authority for the performance of their duties as a councillor. If a councillor wishes to use local authority information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document, however, then that councillor should submit a freedom of information request so that it can be given to them to use freely.
7. **Disrepute** – Councillors are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. The Article 10 right to freedom of expression is not unrestricted. Actions of Councillors may

have an adverse impact on their role, other councillors and/or the Council and may lower the public's confidence. The Guidance advises that disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a Councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either: reducing the public's confidence in them being able to fulfil their role; or adversely affecting the reputation of the Council's Councillors, in being able to fulfil their role. The misconduct will need to be sufficient to damage the reputation of the Councillor's role or local authority, as opposed simply to damaging the reputation of the individual concerned.

- 8. Misuse of position** – Councillors should not take advantage of their responsibilities and opportunities to further their own or others' private interests or to disadvantage anyone unfairly. Even failed attempts to misuse position are a breach of the Model Code. Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned.
- 9. Misuse of resources and facilities** – Councillors may be provided with resources and facilities by the Council to assist them in carrying out their duties. These resources, eg stationery, printing, etc are given to help Councillors carry their roles more effectively and are not to be used for business (purely political or otherwise) or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.
- 10. Gifts and Hospitality** – in order for a Councillor to protect their position and the reputation of the local authority, they should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they 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 a Councillor could accept it but must ensure it is publicly registered where over the value of £50. Declined gifts or hospitality reaching the threshold should also be declared. This will help the Council to identify if there are any patterns and to be aware of who might be seeking to influence the authority.
- 11. Declarations of interest** – Councillors must register two different categories of interests:
  - a. Disclosable Pecuniary Interests – these are categories of interests which apply to the Councillor and their partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.
  - b. Other registerable interests – these are categories of interest which apply only to the Councillor and which the LGA believes should be registered as an aid to transparency.

A helpful flow-chart is provided in the Guidance at Appendix 1: “Interests Flowchart”. More about this is in the Report entitled: “Review of Guidance on Members’ Interests”.

## **2.5 Recommendation:**

Ethics Committee is requested to :

(1) In relation to the amendments originally published in May 2021, made by the LGA to the Model Code note the amendments and consider any points upon which it may wish to comment;

(2) In relation to the Guidance:

a) Note the content of the Guidance and make any further recommendations

b) Request that this item remains on the Work Programme of the Ethics Committee for continued review.

## **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 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.

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

No direct impact at this stage.

**6.4 Equalities / EIA**

The guidance now issued by the LGA is helpful in reinforcing that Councillors must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders the Council's fulfilment of its positive duties under the Equalities Act.

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

None

**6.6 Implications for partner organisations?**

None at this stage.

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<b>Names of approvers for submission: (officers and members)</b>				

Finance: Graham Clark	Lead Accountant	Finance	25.11.2021	25.11.2021
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	22.11.2021	24.11.2021
Councillor Walsh	Chair of Ethics Committee		25.11.2021	29.11.2021

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**Local Government Association**  
**Model Councillor Code of Conduct 2020**

**Joint statement**

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 as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We 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.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

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”.

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.

## Purpose of the Code 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. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.



### General principles of councillor conduct

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.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

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

### Application of the Code of Conduct

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.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

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.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

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.

### **Standards of councillor conduct**

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.

### **General Conduct**

#### **1. Respect**

**As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I 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.

#### **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do 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 phone calls, happen in the workplace or at work social events and 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.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do 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.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am 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. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not 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.

## 5. Disrepute

**As a councillor:**

### 5.1 I do not bring my 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 you or your local authority's ability to discharge your/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 constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## 6. Use of position

**As a councillor:**

### 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself 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.

## 7. Use of local authority resources and facilities

**As a councillor:**

### 7.1 I do not misuse council resources.

### 7.2 I will, 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 I 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

Commented [11]: "Authority" was missing from the Pre 17 May version of the code

- 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.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I 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**

## **9. Interests**

**As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

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 disclose 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 disclosed 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 disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

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

## 10. Gifts and hospitality

### As a councillor:

- 10.1 I do 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 my 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.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I 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.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles 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 disclose 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.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. 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.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. 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.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, 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 disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose 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 disclose the nature of the interest.



## Disclosure of Non-Registerable Interests

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 set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- your own financial interest or well-being;
  - a financial interest or well-being of a relative or close associate; or
  - a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.]

### Commented [2]:

The original wording in the Pre 17 May version of the Code set out below was amended for clarity

### Original wording

c. a body included in those you need to disclose under Other Registrable Interests as set out in Table 2

Commented [3]: The original wording in the Pre 17 May version of the Code set out below was amended to make clear that Not just your financial interest but any of categories at 8a, b and c.

### Original wording

Where a matter affects your financial interest or well-being:

Commented [4]: The original wording in the Pre 17 May version of the Code set out below was reworded to simply say if you are an Exec member with an NRI/ORI get someone else to deal with it rather than all stuff about speaking if public allowed etc. Can't recall if we agreed to square bracket this or not as not applicable to everyone.

### Original wording

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your 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](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<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

**Commented [5]:** The following wording "Any unpaid directorship" was set out in in the pre 17 May version of the code. It was a CSPL recommendation but not been legislated for so shouldn't be in the 'criminal' chart. It has been added as a new ORI instead to (a) in Table 2 below.

	<p>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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'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.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) 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.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* '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 Registrable Interests**

<p>You must register as an Other Registerable Interest:</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul> <p>of which you are a member or in a position of general control or management</p>
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**Commented [6]:**  
The following original wording in the Pre 17 May version of the Code was amended to:

- (i) reflect the guidance re ORIs
- (ii) and add in the missing text ( final sentence )from Table 2

**Original wording**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

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

**INTRODUCTION AND 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 which may include when:

- .
- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting 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 when acting as a councillor.

**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**

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

- 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.

#### **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.*

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

*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**

**14.1** You must not misuse council resources

**14.2**

**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 disclose your interests.**

*Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.*

*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 interest as set out in Table 1 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 you 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.*

*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 becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) ) which are as

described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests)..

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

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.

**Non participation in case of disclosable pecuniary interest**

5. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, 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 disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
6. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

.....  
**Disclosure of Other Registerable Interests**

7. Where a matter arises at a meeting which directly relates to the financial interest or well-being of one of your Other Registerable Interests (as set out in Table 2), you must disclose 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 disclose the nature of the interest.

**Disclosure of Non-Registerable Interests**



8. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose 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.
9. 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 relative or close associate; or
  - c) a financial interest or well-being of a body included under Other Registerable Interests as set out in **Table 2**.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test (at paragraph 10 below) should be applied.

10. Where a matter (referred to in paragraph 9 above) **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 may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

11. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

**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.

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<p><b>Sponsorship</b></p>	<p>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.</p>
<p><b>Contracts</b></p>	<p>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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
<p><b>Land and Property</b></p>	<p>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.</p>
<p><b>Licences</b></p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.</p>
<p><b>Corporate tenancies</b></p>	<p>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</p>

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

	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**

You must register as an Other Registrable Interest:

1.	Any unpaid directorships
2.	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

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

3.	<p>Any body:</p> <ul style="list-style-type: none"><li>(a) Exercising functions of a public nature; or</li><li>(b) Directed to charitable purposes; or</li><li>(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or</li></ul> <p>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.</p>
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Ethics Committee

9 December 2021

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Director of Finance and Corporate Services

**Ward(s) affected:**

**None**

**Title:** Review of Guidance on Declaration of Member Interests

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**Is this a key decision?**

No

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**Executive Summary**

At its meeting in January 2019, the Committee considered a report on a review of the guidance currently issued to elected members on the declaration of interests. The Committee resolved to authorise the Monitoring Officer to:

- (a) update and streamline the FAQs as set out in the report
- (b) produce a Step-by-Step Guide to the Declaration of Members' Interests; and
- (c) delete the hard copy register of interests form and guidance notes from the Member Information pages of the Intranet.

The Monitoring Officer was also requested to bring the revised and new documents to a future meeting of the Committee for consideration.

As reported at previous meetings the hard copy register of interests form and guidance notes have been deleted from the Member Information pages of the Intranet. This report is to advise the Committee that officers have been working on revisions to the online FAQs on the Registration of Interests and on a step by Step-by-Step Guide to the Declaration of Members' Interests. The work has now been undertaken in light of the new guidance issued by LGA in July 2019.

## **Recommendations**

### **The Ethics Committee is recommended to:**

- (1) Review the draft “Declaration of Interests – A Quick Guide for Elected Members”, with reference to the Local Government Associations Guidance to the Model Code of Conduct, published in July 2021; and
- (2) Make any further comments or recommendations including recommendations as to how the guidance will be brought to the attention of and publicised with Members.

### **List of Appendices included:**

“Declaration of Interests – A Quick Guide for Elected Members”

### **Other useful background papers can be found at the following web addresses:**

Guidance on the Local Government Association Model Councillor Code of Conduct:  
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

### **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 Guidance on Declaration of Interests**

**1. Context (or background)**

1.1 In 2018, the Committee considered a report on a review of the guidance currently issued to elected members on the declaration of interests. It reviewed the current guidance and resolved to authorise the Monitoring Officer to:

- (a) produce a Step-by-Step Guide to the Declaration of Members’ Interests; and
- (b) delete the hard copy register of interests form and guidance notes from the Member Information pages of the Intranet.

The Monitoring Officer was also requested to bring the revised and new documents to a future meeting of the Committee for consideration.

1.2 As reported at previous meetings the hard copy register of interests form and guidance notes have been deleted from the Member Information pages of the Intranet. This report is to advise the Committee that officers have been working on a Step-by-Step Guide to the Declaration of Members’ Interests. The work was has also now been undertaken in light of the new Guidance issued by LGA in July 2019.

**2. Guidance on the Local Government Association Model Councillor Code of Conduct**

2.1 The LGA produced Guidance on the Model Code of Conduct (Guidance) in July 2021. The Guidance clarified that there are three types of interest:

- 1. Disclosable Pecuniary Interests (DPIs)
- 2. Other Registerable Interests (ORIs)
- 3. Non-Registerable Interests (NRIs); and

that there are then two situations following this:

- 1. Registration; or
- 2. Declaration

2.2 Members **must declare the interest**, not participate, not vote and leave the room when:

<i><b>It is a...</b></i>	<i><b>Unless...</b></i>
<b>DPI</b>	The Member has dispensation
<b>ORI (“directly relates to”)</b>	The Member has dispensation or members of the public can speak
<b>NRI (“directly relates to”)</b>	The Member has dispensation or members of the public can speak
<b>NRI (“affects”)</b>	The Member has dispensation or

	members of the public can speak OR if it is a less serious interest (having applied the test) when the Member can just declare it but stay, participate and vote
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The Guidance includes a useful flowchart which has been adapted for the Council in the guidance at the Appendix of this Report. Please note that at the date of preparation of this Report Lawyers in Local Government have requested that the LGA update the bottom left box in their flowchart in relation to NRI's to include that if the NRI is a less serious interest (having applied the test) that the Member can just declare it but stay, participate and vote. This has been included in the Council version at the Appendix.

### 3. Options considered and recommended proposal

- 3.1 **Option 1:** do nothing. This is not recommended as the Committee has already resolved to revise the guidance.
- 3.2 **Option 2:** approve the new guidance document. Officers have removed the outdated hard copy of the register of interests form from the members' information section on the Intranet. The intention is for the new guidance to be available for the start of the 2022/23 municipal year. It will also be incorporated into training provided for newly elected and existing councillors early in the new municipal year.

#### Recommendations:

##### The Ethics Committee is recommended to:

- (1) Review the draft "Declaration of Interests – A Quick Guide for Elected Members", with reference to the Local Government Associations Guidance to the Model Code of Conduct, published in July 2021; and
- (2) Make any further comments or recommendations including recommendations as to how the guidance will be brought to the attention of and publicised with Members.

### 4. Results of consultation undertaken

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

### 5. Timetable for implementing this decision

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

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

### **6.1 Financial implications**

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

### **6.2 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.

## **7. Other implications**

None

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

Not applicable.

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

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

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

No direct impact at this stage

### **7.4 Equalities / EIA**

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

### **7.5 Implications for (or impact on) the environment**

None

### **7.6 Implications for partner organisations?**

None at this stage

**Report author(s):** Sarah Harriott

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

**Directorate: Place**

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</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	25.11.2021	26.11.2021
<b>Names of approvers for submission: (officers and members)</b>				
Graham Clark	Lead Accountant – Business Partnering	Finance	24.11.2021	25.11.2021
Barry Hastie	Director of Finance and Corporate Services	Finance	25.11.2021	30.11.2021
Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	22.11.2021	23.11.2021
Cllr Walsh	Chair of Ethics Committee		25.11.2021	29.11.2021

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# Declaration of Interests

## A Quick Guide for Elected Members

### 1. Introduction

This guide is intended to be a quick guide for members about what they must declare on their register of interests and when the existence of an interest needs to be declared at meetings of the Council. In many cases it will be clear what needs to be declared but if you are in any doubt, please do consult the Monitoring Officer or Deputy Monitoring Officer in the first instance.

### 2. What has to be declared on your Register of Interests?

- 2.1 Members are legally required to declare certain types of financial interests (called Disclosable Pecuniary Interests) on their Register of Interest. With most of these interests, members must also declare any such interests that their spouse or civil partner (or someone with whom they live as spouse or civil partner). ***Where a spouse/civil partner's need to be declared, these are shown marked with a \* in paragraphs 3.1 to 3.7.*** Failure to declare these types of interests can be a criminal offence.
- 2.2 The Code of Conduct also requires members to declare their membership of certain types of organisations. They do not, however, have to declare their spouse or civil partner's membership of such organisations.
- 2.3 Members must register both types of interest (referred to in paragraphs 2.1 and 2.2 above) within 28 days of the Code of Conduct being adopted by the council or their election or appointment to office (where that is later).
- 2.4 Members must make sure that their Register is kept up to date. If you become aware of a new interest or a change to a registered interest, you must declare it within 28 days of becoming aware of it.

### 3. Disclosable Pecuniary Interests

The following financial interests must be declared on your register of interests:

#### *Employment\**

- 3.1 Any employment, office, trade, profession or vocation carried on for profit or gain. This will include your position as an elected member. You should give details of your employer, any business or partnership.

### *Land and Property\**

- 3.2 Any land or property which you own or lease or where you have a tenancy (either alone or with another) within the area of the council. This includes land or property which you have a right to occupy or to receive income. You must identify the land or property. You do not have to disclose any land or property outside the council's area.

### *Licences\**

- 3.3 Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

### *Sponsorship*

- 3.4 Any payment (or other financial benefit) that you have received in the previous 12-month period in relation to election expenses. This does not include payments from the council.

### *Corporate Tenancies\**

- 3.5 You must declare any tenancy that you know of where the Council is the landlord and the tenant is either:
- (a) a firm in which you are a partner; or
  - (b) a body corporate of which you are a director; or
  - (c) a body corporate in the securities of which you have a beneficial interest. (see paragraph 3.7 below)

This may apply to outside bodies on which you sit as a director. Where you are aware of such a tenancy, you should identify the land.

### *Contracts\**

- 3.6 You must declare any contract which is made between the Council and
- (a) you; or
  - (b) a firm in which you are a partner; or
  - (c) a body corporate of which you are a director; or
  - (d) a body corporate in the securities of which you have a beneficial interest. (see paragraph 3.7 below)

Only contracts for goods or services or works must be declared and only for as long as the contract is in operation. This means that once the contract is at an end, you no longer have an interest.



If you have an interest in a contract, you must give a brief description of the contract and the name of the person or body who is a party to it. It is not enough just to give the name of the organisation or person who has entered into the contract as the Regulations state that you must declare the contract itself. If your interest arises because of your association with a body corporate, you should contact the organisation and ask it to confirm what contracts they currently have with the Council. If there are no contracts, then you do not have an interest.

#### *Securities\**

- 3.7 If you hold securities (e.g. shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme) then you must declare them if:
- (a) the company has a place of business in the Council's area; and
  - (b) you own more than 1% of the total issued share capital, or more than £25,000 total nominal value

For example, if you have set up a company with another person and you have taken one share each with a nominal value of £1, you will need to declare this as you hold 50% of the total issued share capital.

## **4. Other Registrable Interests**

- 4.1 There are other interests that you must declare on your form. These relate to your membership of certain organisations or where you are in a position of general control or management. The organisations are set out below:

#### *Unpaid directorships*

- 4.2 Some organisations such as charities and not for profit companies (e.g. companies limited by guarantee) may have unpaid directors. Where you have been appointed as an unpaid director (expenses excluded) you must declare this.

It can be difficult to know whether you are a director of an organisation as it is not always easy to establish the legal status of their governing body. Members of the governing body may, for example, be described as trustees but if the organisation is registered as a company with charitable status or as an incorporated charity, the trustees are directors. For example, it can be common for governors at academy schools to be Directors because the trust has the legal status of a company. Other schools may also have exempt charitable status but will not necessarily be a company.

It is therefore very important that you go back to the organisation of which you are a member and ask for its view on your legal status or take your own legal advice on the point.

#### *Appointments by the Council*

- 4.3 At the annual meeting of the Council, the Council appoints members to outside bodies. Appointments can also be made during the year when required. Where you have been appointed to any outside body, it must be declared on your register of interests. Governance Services can provide a list of all the bodies to which you have been appointed by Council.

#### *Membership of Certain Other Bodies*

- 4.4 There are other types of organisations which you must declare if you are a member or hold a position of general control or management. These are:
- (a) Organisations which exercise functions of a public nature. For example, other councils, public health bodies, a housing association or a school governing body.
  - (b) Organisations which have a charitable purpose or purposes. The charitable purpose need not be the principle purpose of the organisation.
  - (c) Organisations where one of their principles purposes includes the influence of public opinion or policy. Examples include political parties and trade unions. It might also include professional associations and campaigning groups.
  - (d) Organisations whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that body. This could be because the organisation requires secrecy about its rules, membership or conduct. It could also require a commitment of allegiance to or support for the organisation.

## **5. Declaring Interests at Meetings**

### *Disclosable Pecuniary Interests (Section 3)*

- 5.1 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.

### *Other Registerable Interests (Section 4)*

- 5.2 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of 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.

### *Other times when Interests must be declared – Non Registerable Interests*

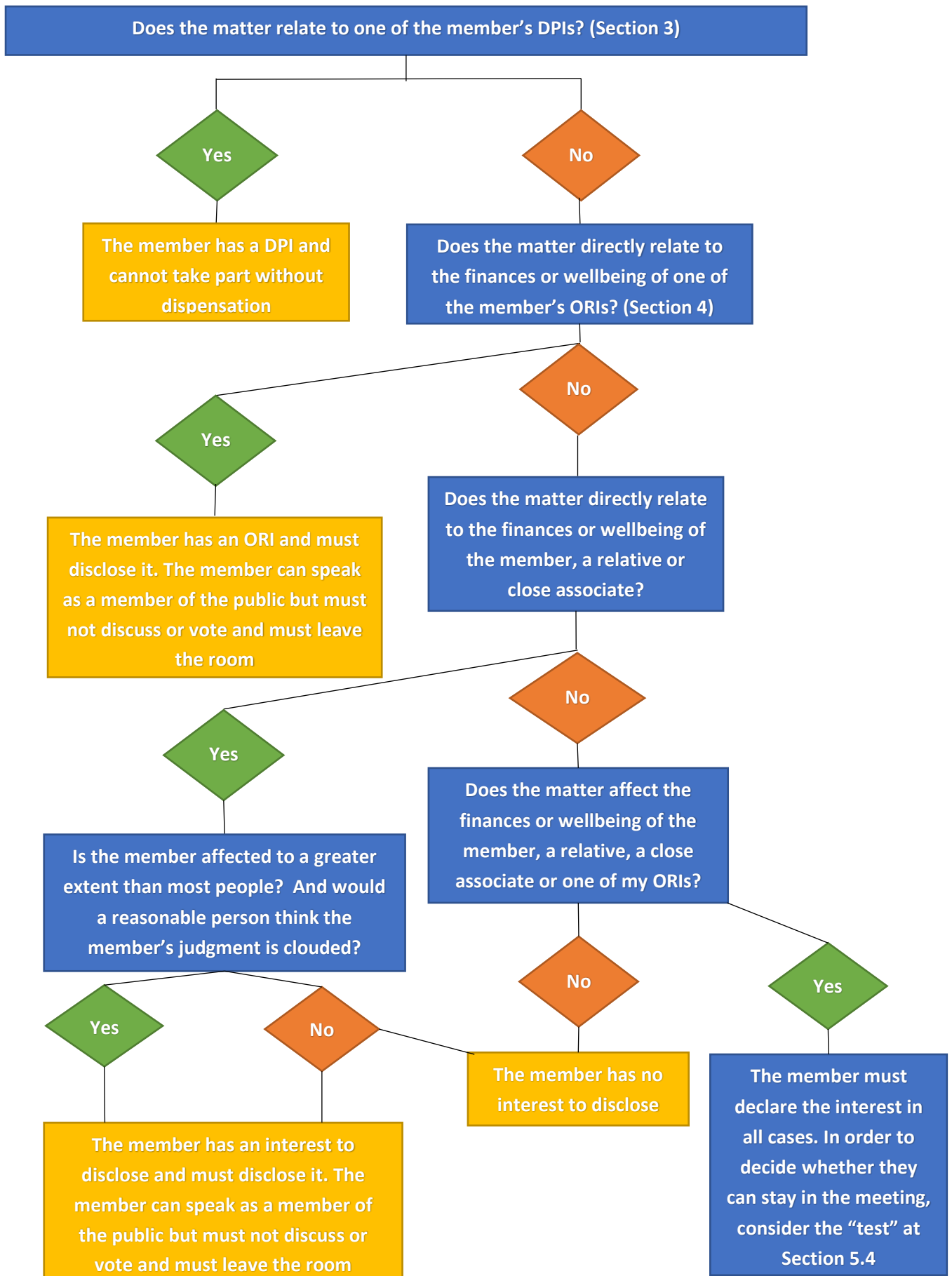
- 5.3 There may be times when a matter arises at a meeting that **directly relates** to your financial interests or well-being, but which is not a Disclosable Pecuniary Interest. When this happens, you must declare the interest. You can speak on the matter only if members of the public can speak and you must leave the room. The same rules apply if the matter directly relates to the financial interests or well-being of a relative or close associate.
- 5.4 If a matter **affects** (rather than directly relates to) the financial interests of you, a relative or a close associate or a body that is included in your Other Registrable Interests, then you must declare the interest in all cases. In order to decide whether you can stay in the meeting, you need to consider the following test, whether:
- The matter affects the financial interest or well-being to a greater extent than it affects the majority of people living in the ward affected by the decision, **and**
  - A reasonable person knowing all facts would think that your interest would affect your view of the wider public interest.

If the answer to both parts of the test is “yes”, then you may not stay in the meeting and can only speak if members of the public can do so.

If the test does not apply to the matter, then you must declare your interest but may remain and speak and vote.

## 6. Conclusion

The rules around registering and declaring interests are complex and require careful consideration. You are strongly advised to seek advice from the Monitoring Officer or Deputy Monitoring Officer if you have any concerns about whether you should register an interest or declare an interest at a meeting. While it is your responsibility to ensure that you make the correct declarations, they will always try to give you clear unbiased guidance to help you make your decision.





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Ethics Committee

9 December 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 position with regard to matters concerning local authorities nationally;  
and
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 Liverpool City Council - Update**

The Committee has previously been advised of issues relating to Liverpool City Council. Government inspectors were sent to investigate the Labour-run council after five people were arrested in relation to allegations of fraud, bribery, corruption, misconduct in public office and witness intimidation at the council.

They included the then Mayor of Liverpool, who has since stood down. All deny the allegations and the investigation is ongoing.

The government review found a dysfunctional council, which frequently undertook deals that did not provide good value for taxpayers.

Liverpool City Council has said it accepts all the report's findings and it was one of the most difficult periods in its history.

Setting out its response to the government, the council said it would work with commissioners appointed to oversee parts of the authority and use the report as an opportunity to "reset" itself and "remove, practices and behaviours of both officers and members which have no place in our council."

#### **1.2.2 Councillor R, Farnham Royal Parish Council, Buckinghamshire**

A parish councillor has won a High Court challenge over a decision by a Deputy Monitoring Officer (DMO) to uphold a complaint that he had breached its Code of Conduct for Members.

The parish council accused Councillor R of breaching paragraph 3.1 of its Code of Conduct which refers to behaving in a respectful way and not acting in a way that could bring the council into disrepute.

The complaint against Councillor R, was that he had made misrepresentations about other councillors, and suggested that they secretly supported building on greenbelt at a public meeting.

It was also said that he had met separately with residents and repeated those misrepresentations and he had refused to apologise or retract those misrepresentations.

Subsequent efforts to resolve the issue with Councillor R were unsuccessful. He denied the allegations

An external solicitor was asked to assess the complaint on the papers and concluded that Councillor R had breached the Code of Conduct and that there was no evidence to justify Councillor R's accusations that these councillors were secretly supporting development on the Green Belt.

The DMO agreed with the assessor and also noted that the allegations were made in an open forum where members of the public were present.

The DMO concluded that the claimant was in breach of the Code of Conduct, but also that the complaint did not warrant a referral for investigation.

Councillor R brought a claim for judicial review over the DMO's decision on the following bases:

- the DMO's decision failed to make any clear findings as to what Councillor R actually said at the meeting.
- the DMO failed to consider Article 10 (freedom of speech) in sufficient detail.
- the DMO treated another Councillor in relation to a similar allegation more favourably, in finding that their behaviour had not reached the threshold to breach the Code of Conduct.

The High Court concluded that Councillor R's claim should succeed for the following reasons:

- it was accepted that neither the external solicitor or DMO made clear findings as to what the Councillor R actually said in the meetings. Given the importance that was placed upon his statements, for the purposes of the Code of Conduct and Article 10, it was a significant failing in the assessment and decision-making process not to be clear on what was actually said.
- it was found that the DMO's interpretation and/or application of Article 10 was flawed, and she failed to give effect to the claimant's enhanced right of political expression.
- although it was only recommended that Councillor R apologise, it was a violation of Article 10 to subject the claimant to the complaints procedure, and to find him guilty of a breach of the Code of Conduct.

- although the matters were factually different, the approach should have been the same as with the other Councillor identified as a comparator and the comparator was more favourably treated.

Finding that there had been a violation of Article 10, the judge quashed the decision.

### **1.2.3 Former Councillor L, Allerdale Borough Council, Cumbria**

An Allerdale councillor has been sentenced to six weeks in prison after pleading guilty to sending a threatening email to his local MP and the borough council's chief executive.

The MP for Workington who received the email, welcomed the court's decision as a "defence of both individuals and democracy".

Workington Magistrates' Court sentenced former Councillor L for breaching section 127(1)(a) and (3) of the Communications Act 2003, which says a person is guilty of an offence if they send a message that is grossly offensive or of an indecent, obscene or menacing character.

Upon handing down the sentence on 19 October 2021, the District Judge mentioned the serious nature of threatening MPs and referred to the recent "tragic" events surrounding the death of MP, Sir David Amess.

The Former Councillor's case was aggravated by his record for "disorder and violence" and "more particularly by the fact that it was committed whilst subject to a suspended sentence recently imposed for threats to neighbours and your appalling behaviours towards officers that day," according to the judge.

The MP added that "...the Chief Executive of Allerdale Borough Council, has not chosen that political life. He is a paid officer undertaking an often difficult role diligently, efficiently, and with good grace."

The Independents removed former Councillor L from its ranks following the sentencing.

Allerdale Borough Council confirmed that following conviction, under S80 of the Local Government Act 1972, the Councillor was automatically disqualified as a councillor with immediate effect.

### **1.2.4 Councillor M, Maldon District Council, Essex**

In September 2021 Maldon's joint standards committee upheld six complaints of bullying against Councillor M, who was also found to have deliberately attempted to undermine the Code of Conduct process, bringing his authority into disrepute.

Four complaints were submitted by other councillors and two by the council's corporate leadership team.

Allegations included that Councillor M persistently singled out an officers and members for criticism with aggressive and intimidating behaviour.

It was reported that Councillor M made repeated attempts to undermine and publicly discredit the process including by livestreaming his investigation interview on Facebook Live – which resulted in the council having to report a personal data breach to the Information Commissioner. The personal data breach related to disclosure of an investigation of another Councillor.

The committee upheld all six complaints and found that Councillor M's behaviour during the investigation process showed contempt for the Nolan principles of accountability and integrity and also brought his office and authority into disrepute. The investigation in relation to the Councillor was also found to be confidential at investigation stage unless there was an overwhelming public interest in disclosure before the investigation was complete.

A letter from the deputy monitoring officer, to Councillor M informing him of the committee's decisions noted: "The Joint Standards Committee also wished to place on record our concern that your response to the letter was to want to receive this letter of censure, so you can wear it as a hat.

"It is very disappointing that you continue to fail to understand the impact that your words have on people who cannot answer back."

The letter noted: "You are of course perfectly entitled to criticise officers and members. Indeed, it is part of your job. The problem – and it is a very serious problem – is that councillors are the employer of officers and any criticism must be raised appropriately via an appropriate channel."

Sanctions were as follows:

- formally censure Councillor M.
- restrict access to IT and email.
- recommendation for removal from all committees, working groups or outside body for the remainder of the municipal year (due to be considered by Full Council on 4 November).
- recommend that Councillor M is provided with and accepts training on conflict management and resolving disputes.

### **1.2.5 Councillor H, deputy leader of Melton Borough Council, Leicestershire**

Councillor H, deputy leader of Melton Borough Council has been suspended from the Conservative party and forced to step down as deputy leader of the council after

allegedly telling an audience he wanted women to stand up so he could look at them. He is said to have made the comments in the closing moments of the Best of Melton Awards event in September 2021.

Councillor H, was talking about the effects of the pandemic and how he had missed events when he asked the women in the room to stand up so he could see and praise them on their attire.

The Conservative party has suspended Councillor H for 21 days pending an investigation, meaning he cannot serve his deputy leadership role or as the portfolio holder for growth and prosperity on the council.

The position will be updated at the next meeting.

### **1.2.6 Councillors Y and T, Shaftesbury Town Council, Dorset**

A Dorset Council hearing decided Shaftesbury town Councillors Y and T had failed to show respect by insulting colleagues during debates, breaching their code of conduct. Both were accused of using rude language towards other colleagues and Councillor Y was removed from several meetings for their behaviour.

Councillors Y and T said they had questioned the council's proposals to spend £500,000 on a 3G pitch for the town football club - roughly equivalent to the council's annual budget and there had been a campaign against them as a result.

Both have been ordered to apologise after they were found to have brought a council into disrepute and must also attend an approved code of conduct course.

## **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 one new complaint since the date of the last meeting (30 September 2021) as at the date this report was written.
- 1.3.3 The Monitoring Officer will update the Committee on any further complaints received before the meeting and progress on those already received.
- 1.3.4 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.

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

Members of the Committee are asked to:

1. Note the position with regard to matters concerning local authorities 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**

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**

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 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.

### **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: Sarah Harriott**

**Name and job title:** Sarah Harriott, Corporate Governance Solicitor, Regulatory Team, Legal Services

**Directorate:** Law and Governance

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<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</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	25.11.2021	26.11.2021
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	24.11.2021	25.11.2021
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	22.11.2021	23.11.2021
Councillor Walsh	Chair of Ethics Committee		25.11.2021	29.11.2021

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Ethics Committee

9 December 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 sets out the previously approved work programme for the Committee for the remainder of the Municipal Year 2021/22. The Committee is asked to consider the 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:**

Approved 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: 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 the previously approved 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 work programme takes account of the need to promote standards and addresses this in a number of ways. It 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 was approved by the Committee at its meeting on 4 March 2021. The Committee is asked to consider whether there are any other matters that they would want to consider during the year or items that they would want to defer.

#### **2.2 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 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.

**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): Sarah Harriott**

**Name and job title:** Sarah Harriott, Corporate Governance Solicitor, Regulatory Team, Legal Services

**Directorate:** Law and Governance

**Tel and email contact:** 024 7697 6928, [sarah.harriott@coventry.gov.uk](mailto:sarah.harriott@coventry.gov.uk)

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Cllr Walsh	Chair: Ethics Committee		25.11.2021	29.11.2021

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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. 1 July 2021</b>	
	Monitoring Officer/Code of Conduct/ Members Complaints Update
	Annual Report of the Committee *
	Review of Complaints Protocol*
	Work Programme 2021/22
	<i>NB Items marked with a * have been moved to the 30 September meeting</i>
<b>2. 30 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
	Update on Employee Values
	Work Programme 2021/22
<b>3. 9 December 2021</b>	
	Monitoring Officer/Code of Conduct/ Members Complaints Update
	Review of Operation of Code of Conduct for Elected and Co-opted Members
	Review of Guidance on Declaration of Interests
	Local Government Ombudsman Annual Report
	Committee on Standards in Public Life Annual Report
	Work Programme 2021/22
<b>4. 10 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



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