

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 30
June 2022

Present:

Councillor P Hetherton (Chair for meeting)
Councillor M Mutton (substitute for Councillor Walsh)
Councillor S Nazir
Councillor D Welsh

Independent Persons: A Barton, R Wills, P Wiseman

Employees (by Service Area)

Law and Governance: J Newman (Director), S Bennett, S Harriott

Apologies: Councillor S Walsh and S Atkinson

Public Business

1. Chair

In the absence of the Chair, Councillor S Walsh, the meeting was chaired by Councillor P Hetherton.

2. Councillor J Mutton

The Committee held a Minute's silence as a mark of respect for Councillor J Mutton, a former Member of the Committee, who had sadly recently passed away.

3. Declarations of Interest

There were no declarations of interest.

4. Minutes

The Minutes of the meeting held on 5 April, 2022 were agreed and signed as a true record.

There were no matters arising.

5. Annual Report of the Ethics Committee 2021/22

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:-

- The Committee's review of the Complaints Protocol
- Guidance on Declarations of Interests
- Civility in public life, intimidation in public life and digital citizenship
- The operation of the new Code of Conduct

As well as receiving regular reports on ethical standards cases across the country, the Committee has also maintained a watching brief of work being undertaken by the Committee on Standards in Public Life and 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 2022/23.

The Ethics Committee approved the Annual Report for 2021/221.

RESOLVED that the City Council be recommended to:

- a) **Note the Annual Report of the Ethics Committee for 2021/22**
- b) **Consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake**

6. **On Line Safety Bill Update 2022**

The Committee considered a report of the Director of Law and Governance which indicated that the Committee has been keeping a watching brief on the programme of work coordinated by the Local Government Association (LGA) 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. Both Civility in Public Life and Digital Citizenship remain part of the Committee's Work Programme and the report provided an update of that local response.

Related to these topics, in February 2022, the Department for Digital, Culture, Media & Sport (DCMS) issued a press release, entitled: "New plans to protect people from anonymous trolls online". In summary, the Government have made additions to the Online Safety Bill to give Social Media users more control over what they see online and who can interact with them in an effort to fight against anonymous "trolls". The primary focus of the Bill has been preventing and protecting children and young people from exposure to harmful material on line, however the Bill has evolved since it was initially published last year to take into account the exponential rise in online trolling.

The Committee expressed their deep concern regarding on line abuse and the impact that this has on individuals. Assurances were sought and received in relation to support provided and action taken locally to protect Coventry Councillors.

RESOLVED that the Ethics Committee:

1. **Notes and welcomes the content of the Press release: “New plans to protect people from anonymous trolls online”;** and
2. **Requests that this item remains as a high priority on the Work Programme for continued review alongside the ongoing work around Civility in Public Life and Digital Citizenship.**

7. **Report on the Government's March 2022 Response to Committee on Standards in Public Life Report of 2019**

The Committee considered a report of the Director of Law and Governance which outlined the Government's March 2022 Response to the Committee on Standards in Public Life Report (CSPL's) report of 2019, entitled “Local Government Ethical Standards”.

The 2019 report had provided assurance that the arrangements in place in local authorities were promoting and maintaining standards expected by the public and that the majority of local Councillors do maintain high ethical standards. However, the CSPL recommended 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, and 24 Recommendations were considered by the Government.

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 report provided a summary of the Government's responses to the 24 Recommendations. In particular, the Committee expressed their concern and disappointment in relation to the Government's response to the following Recommendations:-

Recommendation 2: The Government agrees with the principal not to require public disclosure of home addresses for candidates and councillors and will engage with interested parties to ensure such disclosure is not required (whilst noting that it is important to register internally with the Monitoring Officer). This is therefore under review and has not been implemented.

Recommendations 10, 13, 14 and 16: These Recommendations all cover sanctions, power to establish decision making standards committees, right of appeal to the Local Government Ombudsman and its power to investigate, together with 6-month suspension powers.

The Government affirmed that the lack of suspension sanction was a deliberate policy decision by the coalition Government at the time of the Localism Act, to differentiate the new regime from that of the previous Standards Board stating that the Standards Board had a ‘chilling effect on free speech’ and that it would be ‘undesirable to have a Government quango to police the free speech of councillors’.

The Government's position is that Councillors are 'ultimately held to account via the ballot box' and that the Government has already recommended that every political party 'establish their own code of conduct for party members including elected representatives'. Further the response insisted that "on the rare occasions" where notable breaches of the code of conduct had occurred, local authorities were not without sanctions under the current regime.

The Government has recommended that every political party establish their own code of conduct for party members, including elected representatives. The Government has promised to engage with sector representative bodies of Councillors and officers of all tiers of local Government "to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour".

The CSPL had also called on the Government to clarify if Councils may lawfully bar Councillors from council premises or withdraw facilities as sanctions.

In relation to the Government's response to Recommendation 23, the Government has recommended that local authorities publish their whistleblowing policies and named contact as best practice and consideration was given as to how this could be achieved locally.

RESOLVED that the Ethics Committee:-

- (1) Notes the content of the responses
- (2) Formally record their concern and disappointment in relation to the Government's response, particularly in relation to Recommendations 2, 10, 13, 14 and 16 as outlined above, and requests the Monitoring Officer to explore all options available in relation to lobbying for a change in the Government's stance on these issues.
- (3) Notes that the Monitoring Officer will consider options in relation to Recommendation 23 relating to whistleblowing policies as outlined above.
- (4) Requests that the Monitoring Officer to continue to monitor the national picture in relation to standards and report back on any issue which may be of relevance to the Council on a local level.

8. Code of Conduct Update Report

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 Code of Conduct issues.

In addition, the report indicated that the Association of Electoral Administrators has issued guidance on the appropriate actions to take when a Council member fails to attend any meeting for six consecutive months. A copy of the guidance was appended to the report.

RESOLVED that the Ethics Committee:-

- 1. Notes the position with regard to matters concerning local authorities nationally.**
- 2. Notes the local position relating to the operation of the Council's Code of Conduct and delegates any actions arising from these to the Monitoring Officer, in consultation with the Chair of the Ethics Committee.**
- 3. Requests that consideration be given to incorporating the guidance in relation to Councillor's non attendance at meeting in the City Council's Constitution.**

9. Work Programme for the Ethics Committee 2022-23

The Committee considered a report of the Director of Law and Governance appended to which was the Work Programme for the remainder of the Municipal year 2022/23.

RESOLVED that the Work Programme for 2022/23 be noted.

10. Any Other Items of Urgent Public Business.

There were no items of urgent public business.

(Meeting closed at 11.00am)