

**Time and Date**

10.00 am on Thursday, 15 December, 2022

Place

Diamond Room 1 and 2, Council House, Coventry

-
1. **Apologies**
 2. **Declarations of Interest**
 3. **Minutes** (Pages 3 - 8)
 - a) To agree the Minutes of the previous meeting held on 29 September, 2022
 - b) Any matters arising
 4. **Complaints to the Local Government and Social Care Ombudsman 2021/22** (Pages 9 - 34)

Report of the Chief Executive
 5. **Civility in Public Life and Digital Citizenship Update** (Pages 35 - 46)

Report of the Chief Legal Officer
 6. **Member/Officer Protocol Review** (Pages 47 - 68)

Report of the Chief Legal Officer
 7. **Code of Conduct Update** (Pages 69 - 78)

Report of the Chief Legal Officer
 8. **Work Programme for the Ethics Committee 2022/23** (Pages 79 - 84)

Report of the Chief Legal Officer
 9. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Julie Newman, Chief Legal Officer, Council House, Coventry

Wednesday, 7 December 2022

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

Membership: Councillors L Bigham, P Hetherton, S Nazir (Chair), D Welsh

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

Public Access

Any member of the public who would like to attend the meeting in person is encouraged to contact the officer below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here: <https://www.coventry.gov.uk/publicAttendanceMeetings>

Suzanne Bennett

Tel: 024 7697 2299 Email: suzanne.bennett@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Thursday, 29
September 2022

Present:

Members: Councillor S Nazir (Chair)
Councillor P Hetheron
Councillor P Seaman (Substitute for Councillor D Welsh)

Independent Members: P Wiseman

Employees Present:

Law and Governance: J Newman (Director), S Harriott, U Patel, C Taylor

Apologies: Councillor M Mutton and S Atkinson, A Barton, R Wills
(Independent Members)

Public Business

15. Councillor S Walsh

The Committee held a Minute's silence as a mark of respect for Councillor S Walsh, former Chair of the Ethics Committee, who had sadly recently passed away.

16. Declarations of Interest

There were no declarations of interest.

17. Minutes

The Minutes of the meetings held on 30 June and 8 July, 2022 were agreed and signed as a true record.

There were no matters arising.

18. Civility in Public Life and Digital Citizenship Review

The Committee considered a report of the Director of Law and Governance monitoring the work of the Local Government Association (LGA) programme around Civility in Public Life and Digital Citizenship. This work was in response to the increasing concern about intimidation and toxicity of debate and the impact this had on democratic processes. An update had previously been brought to Committee on 9 December 2021.

In particular, the report detailed:

- The primary aims of the LGA's Civility in Public Life and Digital Citizenship work.
- The publication of 'Debate Not Hate' which detailed the impact of abuse on local democracy.
- LGA recommendations from evidence gathered over the first 6 months.
- Common themes amongst the evidence including; variability of support, targeted abuse, personal and democratic impacts, vulnerability of councillors and normalisation.
- The local picture including Council's campaign launched in September 2022 called 'Debate Not Hate'

The Committee endorsed the work of the LGA however, they expressed concerns with regard to sharing opinions on social media which could be taken out of context, and people feeling confident about the democratic process and being encouraged to have their say without being targeted.

The Committee discussed, asked questions and received responses on the following:

- Significant/serious threats were more easily dealt with by the Police than lesser, 'trickle' effect threats and how support was provided to victims of low level constant/harassment, which could potentially be more damaging
- Advice regarding keeping a log/record was provided from the LGA on the Members pages.
- Physical safety was just as important as online safety.

It was noted that Members who had not signed up for the Personal Safety Training with the LGA would be encouraged to do so.

RESOLVED that the Ethics Committee:

- 1. Notes the work that has been undertaken by the LGA in promoting Civility in Public Life and Digital Citizenship;**
- 2. Signs the 'Debate Not Hate' public statement to support the work of the LGA which seeks to act as a call to action for the relevant Government department to form a working group to address this issue;**
- 3. Notes the work that has been undertaken locally in respect of the Council's "Debate Not Hate" Campaign promoting Civility in Public Life and Digital Citizenship; and**
- 4. Requests that this item remains on the Work Programme of the Ethics Committee for continued review.**

19. Six Monthly Review of Members' Declarations of Gifts and Hospitality (Including declarations of gifts and hospitality Following the City of Culture 2021 Year)

The Committee considered a report of the Director of Law and Governance which provided a six-monthly review of Members' Declarations of Gifts and Hospitality

together with declarations of gifts and hospitality following the City of Culture 2021 Year.

RESOLVED that the Ethics Committee notes the gifts and hospitality register entries received from 1 January to 30 June 2022 together with the entirety of Member Declarations in relation to the City of Culture Year 2021.

20. **Six Monthly Review of Officers' Gifts and Hospitality (Including declarations of gifts and hospitality Following the City of Culture 2021 Year)**

The Committee considered a report of the Director of Law and Governance which provided a six-monthly review of Officers' Declarations of Gifts and Hospitality, together with declarations of gifts and hospitality following the City of Culture 2021 Year.

RESOLVED that the Ethics Committee notes the gifts and hospitality register entries received by officers for the first six months of 2022, together with all Gifts and Hospitality received by officers in relation to the Coventry City of Culture Year 2021.

21. **Code of Conduct Update**

The Committee considered a report of the Director of Law and Governance updating 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.

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 City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee.**

22. **Local Government Association Briefing on Changes to Disqualification Criteria for Councillors**

The Committee considered a report of the Director of Law and Governance updating the Committee on the Local Government Association (LGA) Briefing on Changes to Disqualifications Criteria for Councillors.

The report advised the Committee that the Local Government (Disqualification) Act 2022 (the Act) came into force on 28 June. The Act updates the disqualification criteria for local authority members to explicitly disqualify individuals who are subject to relevant notification requirements or orders due to sexual offences such as Sexual Harm Prevention Orders and Sexual Risk Orders from standing for or remaining in office.

Previously, a Councillor would be disqualified from standing for election or holding public office if they had been convicted of any offence and had received a sentence of imprisonment (suspended or not) for a period of no less than three months or more in the five-year period before the relevant election.

Recently new offences and sentencing regimes were implemented, meaning that some sexual offences, registration on the Sex Offenders Register and other offences such as anti-social behaviour did not result in a custodial sentence, eg they might have required a notification or an Order may be made. Therefore, Councillors convicted of offences, which previously would have resulted in disqualification, were able to retain their role if elected or run for election even if recently convicted.

The Act updates the disqualification criteria so that sexual offences that had unintentionally fallen out of the scope of the disqualification criteria were brought back into scope.

The Act is not retrospective, meaning its disqualification would not apply to a person subject to any relevant notification requirements or a relevant order before 28 June 2022.

Candidates for election to local government must declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination. The report indicated that it was a criminal offence to make a false statement on nomination papers.

In response to a question raised, the Director of Law and Governance undertook to circulate information on what qualified as a public order offence.

RESOLVED that the Ethics Committee notes the content of the briefing released by the Local Government Association and the changes to the law.

23. **Work Programme for the Ethics Committee 2022/23**

The Committee considered a report of the Director of Law and Governance updating the Ethics Committee on the Work Programme 2022/23.

RESOLVED that the Ethics Committee notes the Work Programme 2022/23 attached at Appendix 1.

24. **Any Other Items of Urgent Public Business - Membership of the Committee**

Peter Wiseman, Independent Member of the Committee, raised the matter of public perception of the Committee in light of the fact that there remains a Conservative Group vacancy on the Committee. Mr Wiseman outlined the importance of ensuring cross party working in relation to promoting ethics and standards in public life.

The Committee fully endorsed the comments made and agreed that the Committee would be better, safer, stronger and more effective if all parties on the City Council were represented.

RESOLVED that the Chair of the Ethics Committee, Councillor S Nazir, writes to the Leader of the Conservative Group, outlining the concerns now raised regarding ensuring cross party representation on the Committee and requesting the Conservative Group to reconsider appointing a member of their Group to the Committee.

(Meeting closed at 10.55 am)

This page is intentionally left blank



Coventry City Council

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

15 December 2022
18 January, 2023
30 January 2023

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 2021/22

Is this a key decision?

No

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 20 July 2022, covers complaints to Coventry City Council between April 2021 and March 2022 (2021/22).

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2021/22. 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.

Recommendations:

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 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 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 2022
Appendix 2: Local Government and Social Care Ombudsman Investigation Decisions in 2021/22 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2021-22

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 15 December 2022 and Audit and Procurement Committee on 30 January 2023.

Will this report go to Council?

No

Report title:**Complaints to the Local Government and Social Care Ombudsman 2021/22****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/, 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 20 July 2022, covers complaints to Coventry City Council between April 2021 and March 2022 (2021/22). 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 2021/22. 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.
- 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

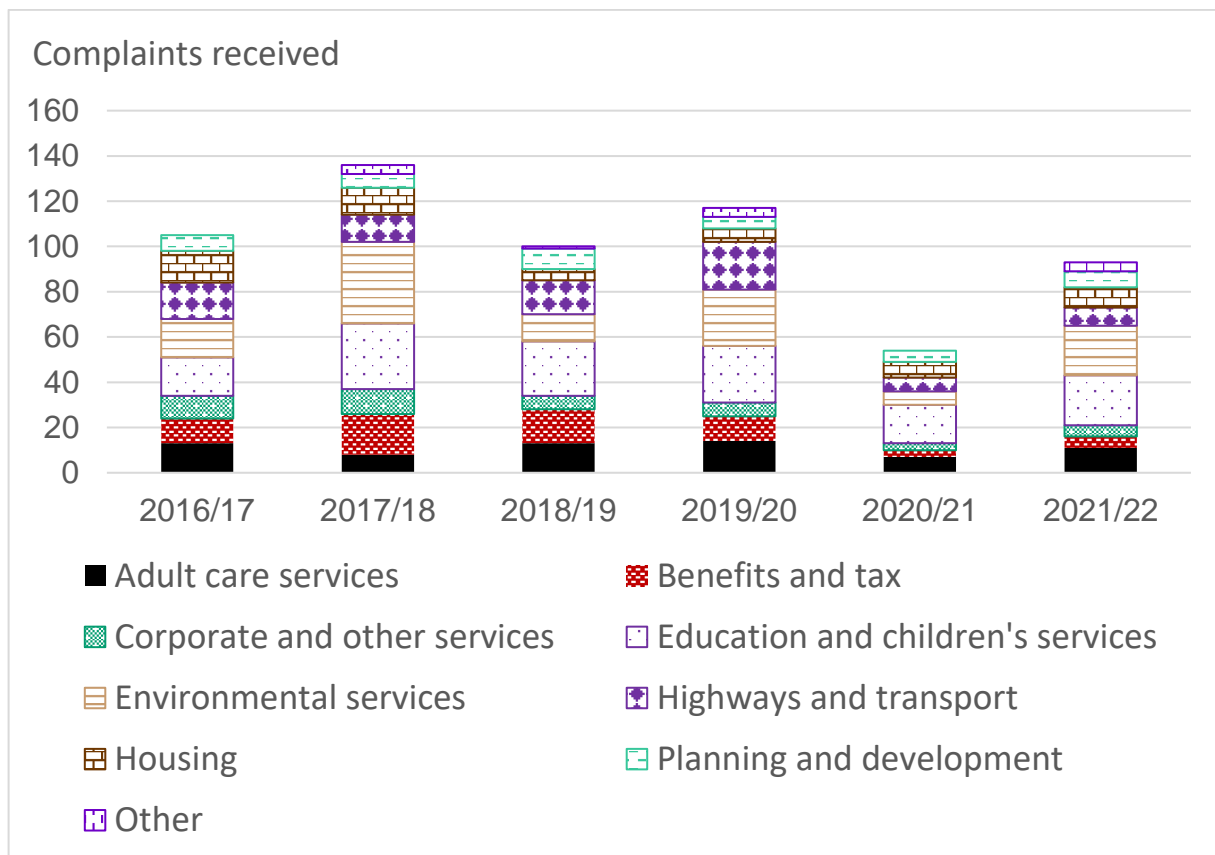
- 2.1 Across all councils, the LGSCO received 15,826 complaints and enquiries in 2021/22 up from 11,830 the previous year. The areas receiving the greatest number of detailed investigations was Children's Services (1069), Adult Services (990), and Housing (397).
- 2.2 For Coventry City Council, the LGSCO received 93 complaints and enquiries in 2021/22, up from a total of 54 the previous year.
- 2.3 Figure 1.

Figure 1: Complaints and enquiries received by category

| Category (as defined by LGSCO) | Complaints in 2020/21 | Complaints in 2021/22 |
|---|--------------------------|--------------------------|
| Adult care services | 7 | 11 |
| Benefits and tax | 3 | 5 |
| Corporate & other services | 3 | 5 |
| Education & children's services | 17 | 22 |
| Environmental Services & Public Protection & Regulation | 6 | 22 |
| Highways & transport | 6 | 8 |
| Housing | 7 | 9 |
| Planning & development | 5 | 7 |
| Other | 0 | 4 |
| Total | 54 | 93 |

2.4 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



2.5 In 2021/22 there was a slight increase in complaints and enquiries. There was a significant increase in Environmental services enquiries and complaints. The category with the highest number of complaints and enquiries was education and

children’s services with 22 (up 17 from 2020/21) and Environmental services also with 22 (up from 6 in 2020/21).

- 2.6 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.
- 2.7 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.
- 2.8 In 2021/22 the LGSCO made **87** decisions up from 66 the previous year:
- **2** incomplete/invalid;
 - **3** advice given;
 - **28** referred back for local resolution.
 - **40** closed after initial enquiries; and
 - **14** complaints investigated, of which **10** were upheld and **4** were not upheld.
- 2.9 The number of complaints investigated (14 complaints) down from previous years (13 in 2020/21, and 22 in 2019/20). The LGSCO upheld a smaller proportion of complaints they investigated than in previous years: 71% of complaints were upheld (10 out of 14) in 2021/22, compared to 77% (10 out of 13) in 2021/20, and 50% (11 out of 22) in 2020/19. This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 62% and West Midland Combined Authority (WMCA) upheld rate of 73% and a national upheld rate of 66% for 2021/22. 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, 62% of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2021/22 is Solihull (80%) and lowest is Kirklees (47%). Coventry has the eleven lowest upheld rate (71%).

| Local Authority | Not Upheld | Upheld | % Upheld | Total |
|----------------------|------------|--------|----------|-------|
| Kirklees | 23 | 20 | 47% | 43 |
| Salford | 10 | 11 | 48% | 21 |
| Medway | 6 | 7 | 54% | 13 |
| Blackburn and Darwin | 1 | 1 | 50% | 2 |
| Leicester | 8 | 12 | 60% | 20 |

| | | | | |
|-----------------|----------|-----------|------------|-----------|
| Wolverhampton | 5 | 8 | 62% | 13 |
| Bolton | 8 | 14 | 64% | 22 |
| Bristol | 12 | 22 | 65% | 34 |
| Bradford | 16 | 30 | 65% | 46 |
| Sandwell | 10 | 20 | 67% | 30 |
| Coventry | 4 | 10 | 71% | 14 |
| Rochdale | 5 | 13 | 72% | 18 |
| Sheffield | 5 | 15 | 75% | 20 |
| Oldham | 4 | 13 | 76% | 17 |
| Derby | 1 | 4 | 80% | 5 |

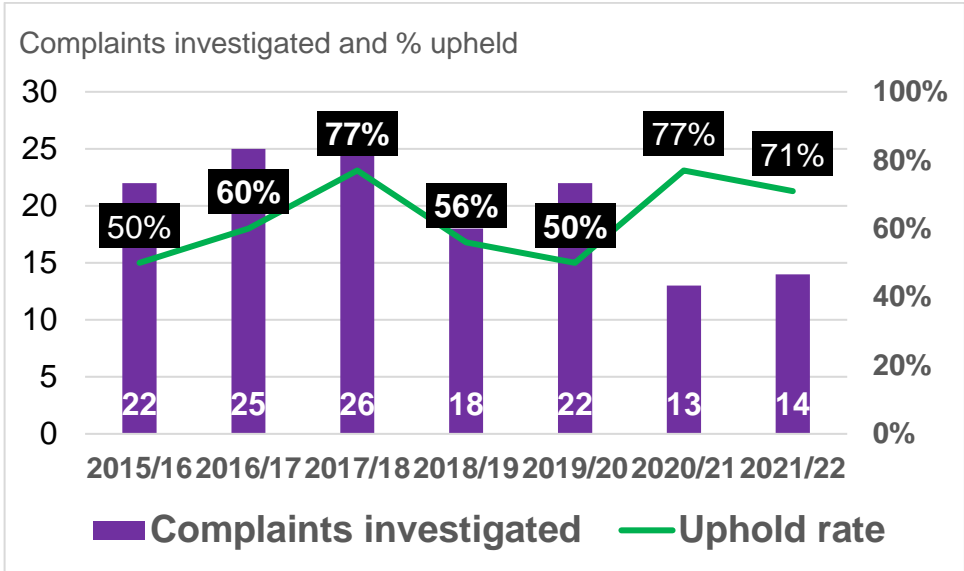
Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2021/21

There were 230 complaints investigated across the WMCA area, of which 170 were upheld and 61 were not upheld. That means, 73% 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 Solihull (80%), lowest is Wolverhampton (62%). Coventry is the fourth lowest out of seven on (71%).

| Local Authority | Not Upheld | Upheld | % Upheld | Total |
|-----------------|------------|-----------|------------|-----------|
| Solihull | 4 | 11 | 80% | 15 |
| Birmingham | 28 | 100 | 78% | 128 |
| Coventry | 4 | 10 | 71% | 14 |
| Dudley | 7 | 14 | 67% | 21 |
| Sandwell | 10 | 20 | 67% | 30 |
| Walsall | 3 | 6 | 67% | 9 |
| Wolverhampton | 5 | 8 | 62% | 13 |

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 7% 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 2021/22 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 the 21 June 2022. The minutes have not yet been approved for this meeting. The Ombudsman found our policy regarding issuing a Community Trigger to be unacceptable. The remedy to satisfy the Ombudsman is due be finalised by September 2022. 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 2021/22 compared to 2020/21

| Service area | 2021/22 | | | | 2020/21 | | | |
|--------------|---------|------------|----------|----------------------|---------|------------|----------|----------------------|
| | Upheld | Not upheld | % upheld | Response time (days) | Upheld | Not upheld | % upheld | Response time (days) |
| | | | | | | | | |

| | | | | | | | | |
|--------------------------------------|-----------|----------|------------|-----------|-----------|----------|------------|-----------|
| Adult social care | 3 | 1 | 80% | 18 | 4 | 1 | 80% | 27 |
| Building Control | | | | | | | | |
| Children's services | 3 | | 100% | 20 | 1 | | 100% | 14 |
| Council tax | 1 | | 100% | 15 | | | | |
| Greenspace | | | | | | 1 | 0% | 64 |
| Highways | | 1 | 0% | 15 | | | | |
| Household waste assisted collections | 1 | | 100% | 0 | 2 | | 100% | 19 |
| Household waste collections | | | | | 1 | 1 | 50% | 23 |
| Housing services | 1 | | 100% | | | | | |
| Housing Benefit | 1 | | 100% | 5 | | | | |
| Parking Services | | 1 | 100% | 15 | 1 | | 100% | |
| Planning | 1 | | 100% | 0 | | | | |
| School Transport | | | | | 1 | | 100% | |
| Total | 10 | 4 | 71% | 15 | 10 | 3 | 77% | 23 |

2.14 This year saw a slight increase in the number of details investigations completed 14 compared to 13 in 2020/21. There was an increase in detailed investigations relating to Children's Services & Education, and Household waste collections in 2021/22.

2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. This target was reached in 2021/22.

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 2021/22 the LGSCO found 10% of upheld cases Coventry had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to 10% in 2020/21 and 18% in 2019/20.

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

169 complaints were upheld in WMCA area and on 12 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (7%).

| Local Authority | Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman | | Total Number of complaints upheld |
|-----------------|--|----------|-----------------------------------|
| | % | Number | |
| Solihull | 18% | 2 | 11 |
| Coventry | 10% | 1 | 10 |
| Sandwell | 10% | 2 | 20 |
| Birmingham | 7% | 7 | 100 |
| Dudley | 0% | 0 | 14 |
| Wolverhampton | 0% | 0 | 8 |
| Walsall | 0% | 0 | 6 |

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 2021/22 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 10 compliance outcomes. 3 Adult Services, 3 Education & Children’s services, 2 Benefits & Tax, 1 Planning & Development, 1 Environmental Services & Public Protection & Regulation.

Figure 8: Compliance with Ombudsman recommendations

| Local Authority | Complaints where compliance with the recommended remedy recorded | |
|-----------------|--|---|
| | Number | % where remedy successfully implemented |
| Birmingham | 7 | 100% |
| Coventry | 8 | 100% |
| Solihull | 8 | 100% |
| Walsall | 8 | 100% |
| Wolverhampton | 8 | 100% |
| Dudley | 16 | 100% |
| Sandwell | 19 | 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"> - Reviewed its record keeping procedures and language used in its communications to ensure clear explanations are provided in plain English. -Conducted a review of its working practices relating to communication with residents' families and external organisations and provided guidance to staff about these. -Reviewed complaints processes to ensure more robust responses and will be holding training sessions on completing investigations. - Adult Social Care complaints training has been carried out to managers throughout the service area to ensure complaints are being handled correctly and effectively. |
| Children's Services | <ul style="list-style-type: none"> -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). -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. -To ensure all complaints are acknowledged and dealt with within the Statutory timescales. |
| Household Waste Collection and Assisted Waste Collection | <ul style="list-style-type: none"> -The Council agreed to review its policies and procedures for assisted refuse collections to ensure refuse workers are properly alerted to new assisted collections; and arrangements remain clear to refuse workers throughout the duration of the assisted collection -The Council agreed to review its policies and procedures for complaints about refuse and recycling to ensure complainants receive considered responses and are told how to escalate their complaint, both within the Council's complaints procedure and to the Ombudsman. Complaints are monitored for repeated issues and promised actions are followed up on. |
| Regulatory Services-Community Triggers | <ul style="list-style-type: none"> -The Council are seeking to review the Community Trigger Policy and procedures with its partners, to ensure that it reflects a proactive approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem. - The Council are to ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review so that this fault does not recur. |

Planning

-The Council are to review its procedures, so it is clear how to proceed when an application is deferred and then heard afresh.

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 Chief Operating Officer (Section 151 Officer) and the Chief Legal Officer

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 2021/22 there were 4 complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix 2. These were paid out of budgets from the relevant service areas. The amount paid out in 2021/22 was £1400.

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/)

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.

6.2 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.

6.3 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.

6.4 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/).

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.

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

None.

6.6 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.

Report author(s):
Name and job title:

Eve Sanderson
 LGSCO Link Officer

Contact:
<mailto:Ombudsman@coventry.gov.uk>

Enquiries should be directed to the above person.

| Contributor/ approver name | Title | Service | Date doc sent out | Date response received or approved |
|---|---|-----------------------------------|------------------------------|---|
| Andrew Walster | Director of Streetscene & Regulatory Services | Streetscene & Regulatory Services | 13/09/2022 | 26/10/2022 |
| Andy Williams | Director of Business, Investment & Culture | Business, Investment & Culture | 13/09/2022 | 13/09/2022 |
| Colin Knight | Director of Transportation & Highways | Transportation & Highways | 13/09/2022 | 26/10/2022 |
| Rachael Sherwood/ Ilius Ahmed | Customer Service Manager- Development and Improvement/ Complaints Officer | Customer & Business Services | 13/09/2022 | 26/10/2022 |
| Jaspal Mann | Policy, Equalities & Diversity Officer | Public Health | 13/09/2022 | 26/10/2022 |
| John Gregg | Director of Children's Services | Children's Services | 13/09/2022 | 26/10/2022 |
| Kirston Nelson | Chief Partnership Officer | Education & Skills | 13/09/2022 | 26/10/2022 |
| Alison Duggal | Director of Public Health and Wellbeing | Public Health | 13/09/2022 | 26/10/2022 |
| Pete Fahy | Director of Adult Services and Housing | Adult Services and Housing | 13/09/2022 | 26/10/2022 |
| Richard Moon | Director of Property Services and Development | Property Services and Development | 13/09/2022 | 26/10/2022 |
| Si Chun Lam | Insight Manager- Intelligence | Public Health | 13/09/2022 | 13/09/2022 |
| Susanna Newing | Chief People Officer | Human Resources | 13/09/2022 | 26/10/2022 |
| Suzanne Bennett | Governance Services Co-ordinator | Law and Governance | 29/11/22 | 29/11/22 |
| Names of approvers for submission: (officers and members) | | | | |
| Barry Hastie | Chief Operating Office (Section 151 Officer) | Finance | 13/09/2022 | 26/10/2022 |
| Julie Newman | Chief Legal Officer | Law and Governance | 13/09/2022 | 20/09/2022 |
| Martin Reeves | Chief Executive | | 13/09/2022 | 26/10/2022 |
| Councillor G Duggins | Cabinet Member for Policy and Leadership | | 13/09/2022 | 30/11/2022 |

This report is published on the Council's website: www.coventry.gov.uk/councilmeetings/

This page is intentionally left blank

20 July 2022

By email

Mr Reeves
Chief Executive
Coventry City Council

Dear Mr Reeves

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations 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 organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

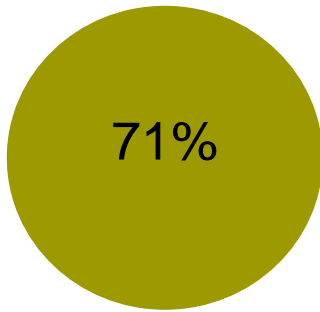
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



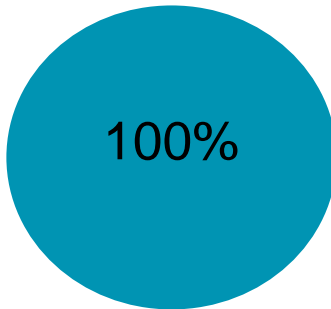
71% of complaints we investigated were upheld.

This compares to an average of **68%** in similar organisations.

10
upheld decisions

Statistics are based on a total of **14** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



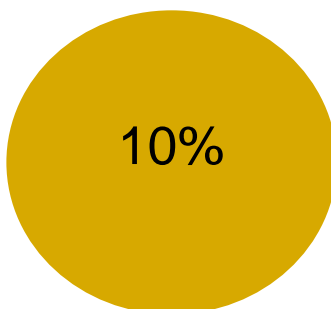
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **8** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **10%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **11%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **10** upheld decisions for the period between 1 April 2021 to 31 March 2022

This page is intentionally left blank

Appendix 2 Decisions in 2021/22 (detailed investigations carried out)

| Service Area | Decisions Upheld (10) | Monetary Settlement |
|---|---|---------------------|
| 1 - Complaint Report issued: Upheld; Maladministration and injustice | | |
| Regulatory Services 1 Report | <p>Mr D complained about how the Council dealt with his Community Trigger request. He says it conspired with his landlord and failed to take account of all the information or include him in the review. Mr D also complained that the Council changed the date on an email so that it appeared he sent it later, and it failed to respond to his complaint.</p> <p>Mr D says the Council's shortcomings have caused him upset and distress and he feels discriminated against. He says he has had to move home because the Council failed to take any action to tackle the ASB behaviour he was experiencing</p> <p>The Council reviewed the actions taken to date, alongside its partners. However, it did not consider if there was anything it could do to tackle the ASB under its powers, either individually or working with other agencies.</p> <p>Overall, there is fault by the Council. It did not consider the aim of the Community Trigger review and the opportunity it presents to proactively consider what action it could take; it did not consider whether it should invite Mr D to the Panel meeting; and the Council's records of Mr D's email are not accurate</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • apologise to Mr D for the frustration and uncertainty it has caused him; • seek to review the Community Trigger Policy and procedures with its partners, to ensure that it reflects a pro-active approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem; and • ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review so that this fault does not recur. <p>The Council published public notices regarding the report and considered the report at full Council The remedy actions for this case are still underway and are due to be sent to the Ombudsman by the end of September.</p> | |
| 8 - Complaints Upheld: Maladministration and injustice | | |
| Adult Social Care 3 complaints upheld | <p>1. X complained about the way the Council managed their relative, Y's, care. There was no fault in the way the Council assessed Y's capacity or prepared Y for a move to supported living. The Council was at fault as Y received poor care at his Council-commissioned residential placement which caused Y and X distress. The Council investigated and upheld there was poor care but has not</p> | £700 |

| Service Area | Decisions Upheld (10) | Monetary Settlement |
|--|---|---------------------|
| | <p>offered an appropriate remedy. The Council has agreed to apologise to X and Y and make a financial remedy to acknowledge the poor care and distress caused</p> <ul style="list-style-type: none"> • Agreed action: Write to X and Y to apologise to them for the poor care Y received at care home B; <p>67. Within two months of the final decision, the Council will: (by 5 September 2021</p> <ul style="list-style-type: none"> • Pay Y £500 to acknowledge the distress caused to Y by the poor care. • Pay X £200 to acknowledge the distress they were caused and time and trouble they have gone to bringing their complaint. <p>2. Mr C complained his wife did not receive a financial remedy when he complained she had to stay with her mother for three days because the care provider, commissioned by the Council, stopped her care support with immediate effect. We upheld Mr C's complaint, following which the Council agreed to provide the financial remedy we recommended for Mrs C</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • within four weeks of the decision, the Council should pay Mr C's wife £200 to remedy the injustice she experienced. <p>3. Mr D complains the Council's adult social care team failed to help him deal with his council tax benefits or to get food during the first coronavirus lockdown in 2020. The Council did not send Mr D a copy of his care and support assessment, but this did not cause him any injustice. We have found no fault in the other parts of Mr D's complaint.</p> <p>There was fault by the Council, but this did not cause significant injustice to Mr D.</p> | £200 |
| <p>Children & Education Services 3 complaints upheld</p> | <p>1. Ms X complains about the Council's decision-making in relation to a child protection investigation that she says was not justified. Based on the evidence seen to date, the Council is at fault. Ms X, complains that the Council's wrongly decided to conduct a child protection investigation and to place her children on a child protection plan on grounds of neglect. She thinks the decisions were made in an attempt to delay her appeal to a tribunal about her daughter's Education, Health and Care Plan (EHCP) and to influence her in her dispute with the Council over her housing needs. She says her complaints about this were not properly investigated</p> <p>We recommend the Council apologise to Mrs X and pays her a financial remedy</p> <ul style="list-style-type: none"> • pay Ms X £500 to remedy distress caused and for her time and trouble in bringing the complaint; and • apologise Ms X. <p>Letter of apology was sent to the LGO as remedy evidence, Ms X refused payment of £500. We are awaiting further updates from the Ombudsman regarding this case.</p> | |

| Service Area | Decisions Upheld (10) | Monetary Settlement |
|--|--|-------------------------|
| | <p>2. Coventry City Council delayed in its handling of a complaint about its proposed plans for adaptations under a Disabled Facilities Grant. The Council will apologise and make a payment of £200 to recognise the injustice this caused</p> <ul style="list-style-type: none"> • The Council will formally apologise to Mr B for the delay in its handling of the complaint. • To further recognise the identified injustice these failings caused it will make Mr B a payment of £200. <p>The Council must ensure that in future it considers complaints as provided for in its published complaints procedure and that this is done in a timely manner. It should provide me with details of how it will ensure this within one month of the final decision on the complaint.</p> <p>3. The Council failed to plan for and properly manage Y's transition to adulthood. The Council also failed to issue a legally compliant Education, Health and Care plan naming the next placement by the statutory deadline. This caused unnecessary uncertainty, distress and prevented Y moving on to the next phase of education with her peers.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • The Council will apologise to Ms X for the faults identified. • The Council will pay Ms X £300 to acknowledge the impact on her of the uncertainty, and the extra time and trouble she has been put to organising alternative services and pursuing the complaint. • Review whether joint commissioning arrangements are in place to ensure joint funding is considered and agreed in ample time to meet the statutory deadline for phase transfers and all relevant services invited to annual reviews. | <p>£200</p> <p>£300</p> |
| <p>Planning 1 complaint upheld</p> | <p>The Council properly considered a planning application to build a new leisure facility close to Mrs B's home. However, it should have made clear to all parties that it was considering the application afresh at the final committee meeting. This was fault, but the impact on Mrs B was limited because the Council considered all the aspects.</p> <p>The Council has agreed</p> <ul style="list-style-type: none"> • to review its procedures so it is clear how to proceed when an application is deferred and then heard afresh. • within three months of the date of this decision, show the Ombudsman it has reviewed its procedures, so it is clear how to proceed when an application is deferred and then heard afresh. | |

| Service Area | Decisions Upheld (10) | Monetary Settlement |
|--|--|---------------------|
| Benefits & Tax 2 Complaints upheld | <p>1. Mr X complains about a housing benefit overpayment. He says the Council reduced the overpayment in 2017 and he had repaid the overpayment. He also complains the dates on the Council's invoices are wrong. We find fault with the Council for the delay in taking recovery action and for providing Mr X with incorrect information.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • Apologise to Mr X for the confusion caused by the incorrect information sent to him <p>2. There was fault in the way the Council handled Mr X's enquiries about costs relating to a charging order on his property and delay in providing him with a final settlement figure. But we found no evidence that the Council had reneged on an agreement to write off the costs when Mr X cleared his Council Tax arrears.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • The Council has agreed to offset £100 against the £264 costs Mr X owes. It will write to Mr X within one month of this decision to confirm the revised balance due. • The Council has already apologised in writing to Mr X for the distress caused by the way it handled his case, so I did not recommend a further apology. • The Council is processing a refund of £100 for overpaid Council Tax. The Council will send us evidence that the cheque has been issued within one month. | |
| 1 Complaints Upheld: not investigated – injustice remedied during complaint processes | | |
| Waste Services 1 complaint upheld | <p>Ms X says the Council is not ensuring its refuse collection operatives return a recycling bin to the correct location during the assisted collection service. There is fault by the Council. The Council agreed to monitor the service from Ms X's home for a three month period to ensure the service works properly</p> <p>The Council already monitors the collection of refuse from Ms X's home because of reports of missed collections. It should now extend its monitoring to include the return of the recycling bin to the correct location within the curtilage of Ms X's property. The monitoring should be done for a three month period to ensure the matter is finally addressed</p> | |
| Total | | £1,400 |

| Service Area | Decisions Not Upheld (4) |
|----------------------------------|--|
| Adult Social Care 1 Complaint | Mr A complains the Council has commissioned a service that does not provide suitable autism support. Mr A complains this means he cannot access specialist support for his autism. The Ombudsman does not find fault with the Council for how it commissioned services. This is because there is no fault in how the Council made the decision to commission services. |
| Highways 1 Complaint | Mr X complains about an installed vehicle access crossing at his property. He is unhappy with the width and position of the crossing. We find no fault with how the Council built his vehicle access crossing. |
| Housing 1 Complaint | Mr G complained the Council wrongly offered unsuitable shared accommodation in response to his homeless application. He also said he did not receive some of its correspondence. As a result, Mr G said he experienced distress due to sleeping rough and staying with friends. We found no fault by the Council. This was because it received no evidence of Mr G's medical needs for self-contained accommodation, and it followed the relevant law and guidance |
| Parking Services 1 Complaint | Mrs Z complained about the Council's decision to introduce two parking schemes in a neighbourhood where she owns a house. She says the Council used out of date parking surveys to approve the schemes. Further, she says the Council did not allow her to speak at a public meeting on the issue of the schemes. Based on the evidence we have seen, we have not found any evidence of fault by the Council about these issues |

This page is intentionally left blank



Ethics Committee

15 December 2022

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Civility in Public Life and Digital Citizenship Update

Is this a key decision?

No

Executive Summary:

The Ethics Committee has been monitoring the work of the Local Government Association (LGA) programme around Civility in Public Life and Digital Citizenship. 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. A report was last provided to the Committee on 29 September 2022.

This work remains part of the Committee's Work Programme and this report is to provide an update of the local response.

Recommendations:

The Ethics Committee is recommended to:

1. Note the work undertaken by the Local Government Association on their Debate Not hate campaign;
2. Note the work that has been undertaken locally in respect of the Council's "Debate Not Hate" Campaign promoting Civility in Public Life and Digital Citizenship; and

3. Request that this item remains on the work programme of the Ethics Committee for continued review.

List of Appendices included:

- (A) Debate Not Hate Public Statement – including endorsement of the Ethics Committee (at the bottom)

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

- Local Government Association’s “Debate Not Hate public statement”:
<https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-sign-our-public-statement>;
- Local Government Association’s Debate Not Hate: Campaign toolkit:
<https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-campaign-toolkit>
- TED Talk – Chris Turner: <https://www.youtube.com/watch?v=4RUIhjuCDO0>

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 Update

1 Context (or background)

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

1.2 *Work of the LGA*

1.2.1 At the last meeting on 29 September 2022 the Committee were advised that the Local Government Association (LGA) have provided a link as follows: <https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-sign-our-public-statement> to its "Debate Not Hate public statement," for Councillors, MPs and organisations to sign to support the work of the LGA and act as a call to action for the relevant Government department to form a working group. Members approved the signature of the statement and a request was subsequently made for the Council's Ethics Committee to be added to the public statement, which is now publicly available and a copy of which is attached at Appendix A of this report.

1.2.2 A new toolkit to help combat abuse of councillors was launched on 1 December 2022 by the LGA as part of their Debate Not Hate Campaign, which can be found at the following link: <https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-campaign-toolkit>. The toolkit is aimed at putting an end to the increasing intimidation reported by a number of councillors.

1.2.3 Seven in 10 councillors said they have either been abused or have felt intimidated within the last twelve months, with one in 10 saying that they now felt it was becoming a frequent occurrence, according to a recent LGA census.

1.2.4 The new toolkit offers a range of resources and actions for both individual councillors and councils to take forward, including digital assets and template press releases that can be used to help raise awareness of the issue locally.

1.2.5 The toolkit outlines different ways councils and councillors can support the Debate Not Hate campaign objectives and take action. Officers are reviewing the content of the toolkit in line with local activity and will bring a further report to the Committee as appropriate.

1.3 *Local picture*

1.3.1 The Council launched a campaign commencing on 5 September 2022 called "Debate Not Hate". On 27 September a virtual session entitled "Civility Saves Lives" was held, as part of National Inclusion Week, which was open to all Councillors and Council staff. The session discussed civility and respect and how people treat each other at work.

1.3.2 The key takeaways were as follows:

- People have different personalities and preferences. Just because someone sees something differently, it doesn't mean that either of you are wrong;
- Chris Turner who is a consultant at University Hospital, Coventry & Warwickshire is a campaigner against incivility in the workplace. Chris talks about how incivility shuts down our brains at work, and reduces our bandwidth, which in turn has an impact on staff and their efficiency. He talks about this in the following TED Talk available on You Tube: <https://www.youtube.com/watch?v=4RUIhjwCDO0>;
- Chris refers to some research by Christine Porath and Christine Pearson from 2013 which highlights the cost of incivility:
 - 48% of staff intentionally decreased their work effort
 - 47% intentionally decreased the time they spent at work
 - 38% intentionally decreased the quality of their work
 - 80% of staff lost work time worrying about the incident of incivility that they had experienced
 - 63% lost work time trying to avoid the offender
 - 66% stated their performance had declined
 - 78% said their commitment to the organisation declined
 - 12% said they left their job because of uncivil treatment;
- Examples of incivility are as follows:
 - Humorous put downs, sarcasm, irony, banter
 - Eye rolling, tutting, heavy sighing
 - Chipping away at others self confidence
 - Poor communication – email, text, written spoken
 - Ignoring others and their opinions
 - Addressing people in an unprofessional manner
 - Undermining, micromanaging, giving someone all the “bad” tasks;
- People need to start highlighting uncivil behaviour, including Micro-Aggressions and calling these out (where safe to do so).

1.3.3 It acknowledged that in highly pressurised workplaces, behaviours of incivility and disrespect can become common place and have a detrimental impact on staff wellbeing and customer care. The session, designed and delivered by NHS England, aimed to support and promote cultures of civility and respect, creating positive working environments that are kind, compassionate and inclusive for all.

1.3.4 On 12 October 2022, a face to face training session on Personal Safety Awareness was delivered by the Local Government Association (LGA), as part of their Debate Not Hate campaign. 16 elected members attended the session. The session covered:

- National context
- Focusing on the facts
- Knowing the law
- The role of the councillor and personal safety
- Looking after your mental health and wellbeing

- Staying safe in your ward
- Red flags: what to report
- Things to remember
- How the Council can support you
- Digital citizenship
- Useful resources

Feedback from the session was positive with 92% rating the session either Good or Excellent. At the end of the session 67% rated their “knowledge of personal safety awareness in your role as a councillor”, as Good, with 33% rating it as Excellent. Further sessions on on-line safety and safe use of social media are being considered as further training sessions with the LGA.

2. Options considered and recommended proposal

Ethics Committee are recommended to:

1. Note the work undertaken by the Local Government Association on their Debate Not hate campaign;
2. Note the work that has been undertaken locally in respect of the Council’s “Debate Not Hate” Campaign promoting Civility in Public Life and Digital Citizenship; and
3. 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 Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

- 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/)?

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) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage.

Report author: Sarah Harriott

Name and job title: Sarah Harriott, Deputy Team Leader (Job-Share), Regulatory – Civil, Governance and Information

Tel and email contact: 024 7697 6928; Sarah.Harriott@coventry.gov.uk;

Enquiries should be directed to the above person.

| Contributor/approver name | Title | Directorate or organisation | Date doc sent out | Date response received or approved |
|--|---------------------------------------|------------------------------------|--------------------------|---|
| Contributors: | | | | |
| Suzanne Bennett | Governance Services Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Julie Newman | Chief Legal Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Nigel Hart | Head of Communications | Corporate Communications | 02/12/2022 | 02/12/2022 |
| Gennie Holmes | Scrutiny Coordinator | Governance Services and Scrutiny | 23/11/2022 | 24/11/2022 |
| Names of approvers for submission: (officers and members) | | | | |
| Graham Clark | Lead Accountant – Business Partnering | Finance | 02/12/2022 | 02/12/2022 |
| Councillor S Nazir | Chair of Ethics Committee | | 02/12/2022 | 06/12/2022 |

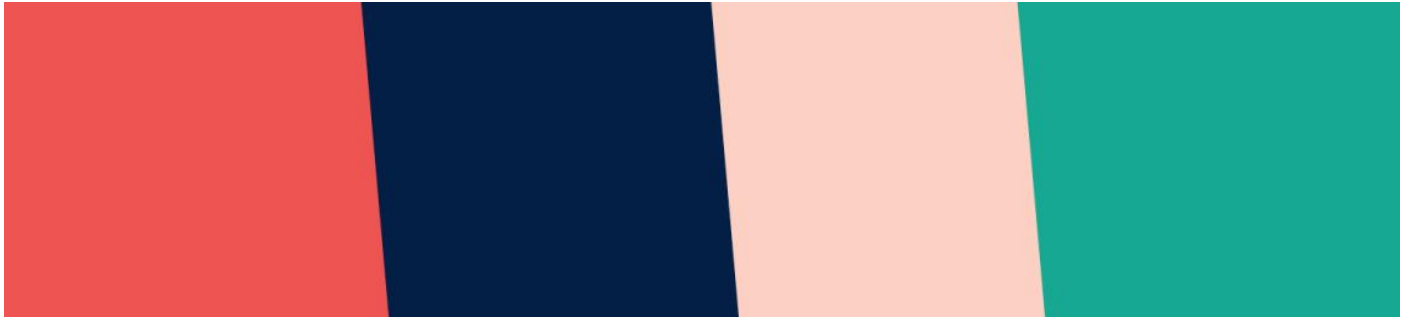
This report is published on the council's website: www.coventry.gov.uk/councilmeetings

This page is intentionally left blank



Debate Not Hate: Sign our public statement

Councillors, MPs and organisations: Add your voice to our Debate Not Hate public statement.



Cllrs and MPs sign the statement now [\[https://forms.office.com/Pages/ResponsePage.aspx?id=7uRi4U8FPEuNOXVSTKjy6buWLD9CJctlhGA595u47dFUOFM\]](https://forms.office.com/Pages/ResponsePage.aspx?id=7uRi4U8FPEuNOXVSTKjy6buWLD9CJctlhGA595u47dFUOFM)

"The intimidation and abuse of councillors, in person or otherwise, undermines democracy; it can prevent elected members from representing the communities they serve, deter individuals from standing for election, and undermine public trust in democratic processes.

Seven in 10 councillors reported experiencing abuse and intimidation over the last 12 months and councillors reported feeling that abuse is becoming more common and increasing in severity.

Debating and disagreeing with one another has always been, and will continue to be, a healthy part of democracy. However, the right engagement matters and abuse and intimidation crosses the line into dangerous territory and has no place in politics.

“ We are calling on local government leaders, the Government and relevant partners, like the police, political parties and social media companies to come together through a government convened working group to produce and implement an action plan that addresses the abuse and intimidation of elected members and candidates and ensures their safety while they fulfil their democratic roles.

Over 400 councillors have signed up to the public statement since June.

Add your voice and be part of our call for change [\[https://forms.office.com/Pages/ResponsePage.aspx?id=7uRi4U8FPEuNOXVSTKjy6buWLD9CJctlhGA595u\]](https://forms.office.com/Pages/ResponsePage.aspx?id=7uRi4U8FPEuNOXVSTKjy6buWLD9CJctlhGA595u)

Organisation and council signatures

Cllr James Jamieson, Chairman, **Local Government Association (LGA)**

Dame Tanni Grey-Thompson DBE, President, **Local Government Association (LGA)**

Cllr Izzi Seccombe OBE, **Conservative Group Leader and LGA Vice-Chairman**

Cllr Shaun Davies, **Labour Group Leader and LGA Vice-Chair**

Cllr Joe Harris, **Liberal Democrat Group Leader and LGA Vice-Chair**

Cllr Marianne Overton MBE, **Independent Group Leader, LGA Vice-Chair and Co-chair of the Civility in Public Life Steering Group**

Cllr Shabir Pandor, **Co-Chair of the Civility Steering Group and Leader of Kirklees Metropolitan Group**

Cllr Bridget Smith, **Member of the Civility Steering Group and Leader of South Cambridgeshire District Council**

Cllr Keith Stevens, **Chair of the National Association of Local Councils**

Matt Hawkins, **Co-Director of Compassion in Politics**

John Austin, **Chair of the Association of Democratic Services Officers**

Frances Cleland, **Chair of the Association of Electoral Administrators**

Cllr Georgia Gould, **Chair of London Councils**

Elizabeth Taylor, **CEO of Employment Related Services Association**

Helen Edwards, **President of Lawyers in Local Government**

Jonathan Carr-West, **Chief Executive of Local Government Information Unit**

Mark Healey, **Founder/CEO of National Hate Crime Awareness Week**

Cllr Matthew Hicks, **Chair of East of England Local Government Association**

Cllr Owen Bierley, **Leader of West Lindsey District Council**

Cllr David Baines, **Leader of St. Helens Borough Council and Chair of the North West Regional Leaders Board**

Cllr Martin Carnell, **Mayor & Chairman of Chard Town Council**

Cllr James Swindlehurst, **Leader of Slough Borough Council**

Coventry City Council's Ethics Committee

Organisations and councils can add their signatures by emailing debatenohate@local.gov.uk
[\[mailto:debatenohate@local.gov.uk\]](mailto:debatenohate@local.gov.uk)

You can **sign up to receive regular updates** [\[https://public.govdelivery.com/accounts/UKLGA/subscriber/new?topic_id=UKLGA_340\]](https://public.govdelivery.com/accounts/UKLGA/subscriber/new?topic_id=UKLGA_340) on our democracy, civility and voluntary sector work through our e-bulletin.





Debate Not Hate: The impact of abuse on local democracy.

Our call for evidence of abuse and intimidation of councillors was launched in October 2021. This report sets out the findings and recommendations for the future of local democracy.

[\[/publications/debate-not-hate-impact-abuse-local-democracy\]](#)

This page is intentionally left blank



Ethics Committee

15 December 2022

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Member / Officer Protocol Review

Is this a key decision?

No

Executive Summary:

At its last meeting in September 2022, the Committee decided that it should review the Member / Officer Protocol (at Part 4D of the Council's Constitution) following the observations of the Committee Members present at the Standards Hearing on 8 July 2022 in respect of Elected Members, when they are dealing with matters that relate to their own personal interests that need to be raised with the Council.

Officers have reviewed the Protocol and added proposed additional wording to paragraph 3.2(i). The Committee is asked to review the proposed additions and also take this opportunity to look at the entirety of the current Protocol in case there are any other changes that it would wish to make.

Recommendations:

The Ethics Committee is recommended to:

- (1) Approve the proposed revisions to the Member / Officer Protocol as detailed in the Section 3 of this report as a result of its observations at the Standards Hearing on 8

July 2022 in respect of Elected Members, when they are dealing with matters that relate to their own personal interests that need to be raised with the Council; and

- (2) Recommend to the Constitutional Advisory Panel that it approves the additions to the Member Officer Protocol and that it recommends to the Cabinet Member for Policing and Equalities and full Council that they agree to its being included in the Protocol within the Constitution.

List of Appendices included:

- (A) Member / Officer Protocol (Part 4D of the Council's Constitution). This can also be found at the following link:
<https://edemocracy.coventry.gov.uk/documents/s54972/Part%204%20-%20Codes%20and%20Protocols.pdf>
- (B) Coventry City Council Minutes of the Meeting of Ethics Committee held at 10.00 am on Friday, 8 July 2022, including Decision Notice. This can also be found at the following link: <https://edemocracy.coventry.gov.uk/documents/s54555/03%20b%20-%20Mins%208%20July%202022%20-%20with%20Decision%20Notice%20attached.pdf>

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: Member / Officer Protocol Review

1. Context (or background)

- 1.1** The Member / Officer Protocol was approved in 2016. The Protocol is beneficial as it sets out for both Members and Officers what is expected of them in their respective roles and what they can expect from each other. While experienced Councillors and Officers may understand and appreciate the different roles that they have, newly elected members and recently appointed employees may find it helpful to have these roles explained in some detail. Understanding what is, and is not, expected of each other can assist in maintaining and improving excellent member/officer working relationships.
- 1.2** The Protocol is attached at Appendix A to this report. It was drafted to reflect current practices within the Council and best practice in other local authorities.
- 1.3** The Protocol also offers guidance on some of the issues which most commonly arise in relation to Member / Officer relationships. It is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers. The Protocol gives guidance only but it may be taken into account if there is a complaint about a Member or an Officer.
- 1.4** The Protocol clarifies the different but complementary roles of Officers and Members and sets what each can expect from the other. In addition it contains more detailed guidance on matters such as:
- 1.4.1 Complaints
 - 1.4.2 Member enquiries
 - 1.4.3 Information and advice
 - 1.4.4 Member briefings
 - 1.4.5 Support services
 - 1.4.6 Monitoring and periodic review of the Protocol is the responsibility of the Monitoring Officer

2. Proposed Revisions

- 2.1** The Ethics Committee at the Standards Hearing on 8 July 2022 noted that it is challenging for Elected Members, when they are dealing with matters that relate to their own personal interests, to raise these with the Council, as per paragraph 6.3 of the Decision Notice at Appendix B of this report.
- 2.2** It is proposed that additional wording is added to the Protocol at paragraph 3.2(j), under the heading of “Expectations” as follows (drafted in red), with the remaining sub paragraphs becoming (k) and (l) (as indicated in red):

3. Expectations

3.1 What Members can expect from Officers:...

3.2 What Officers can expect from Members:...

- (i) **Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly.**
- (j) **Members may occasionally find that they have a personal interest in a matter that needs to be raised with Officers. Members should be clear about their personal interest and use appropriate language when contacting Officers in this instance. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to Members and Officers. Members and Officers are encouraged to contact the Monitoring Officer for advice if they are concerned about this;**
- (k) **Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and**
- (l) **Members should at all times comply with the Member Code of Conduct.**

2.3 If the Committee is minded to approve the proposed additional wording to the Protocol (with or without amendments), it would need to be considered by the Constitution Advisory Panel, Cabinet Member for Policing and Equalities and full Council before being incorporated into the Constitution.

3. Options considered and recommended proposal

3.1 Option 1: Recommendation

The Ethics Committee is recommended to:

- (1) Consider the draft proposed additional wording to the Protocol and make any comments or changes as it thinks fit; and
- (2) Subject to the Committee being in agreement with the additional wording of the Protocol, recommend to the Constitutional Advisory Panel that it approves the additions to the Member Officer Protocol and that it recommends to the Cabinet Member for Policing and Equalities and full Council that they agree to its being included in the Protocol within the Constitution.

3.2 Option 2: Do nothing (not recommended)

The Council is not required by law to have a Member / Officer Protocol. If the Committee so chose, it could decide not to pursue this matter. However, officers are of the view that the additional wording will assist both Members and Officers in

understanding their respective roles and responsibilities and in setting clear standards which will help to maintain excellent working relationships.

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 the Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

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, as there is no statutory obligation on the Council to have a Member / Officer Protocol, although it is recommended as it assists both officers and members in understanding what is expected of them and what they can expect in return. The Member / Officer Protocol assists in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

7. Other implications

None

7.1 How will this contribute to the Council Plan (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) climate change and the environment

None

7.6 Implications for partner organisations?

None at this stage

Report author(s): Julie Newman

Name and job title: Chief Legal Officer

Directorate: Law and Governance

Tel and email contact: 024 7697 7271 julie.newman@coventry.gov.uk

Enquiries should be directed to the above person.

| Contributor/approver name | Title | Service Area | Date doc sent out | Date response received or approved |
|--|--|---------------------|--------------------------|---|
| Contributors: | | | | |
| Suzanne Bennett | Governance Services Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Julie Newman | Chief Legal Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Sarah Harriott | Deputy Team Leader (Job-Share), Regulatory – Civil, Governance and Information | Law and Governance | 28/11/2022 | 28/11/2022 |
| Names of approvers for submission: (officers and members) | | | | |
| Finance: Graham Clark | Lead Accountant | Finance | 02/12/2022 | 02/12/2022 |
| Councillor S Nazir | Chair of Ethics Committee | | 02/12/2022 | 04/12/2022 |

This report is published on the council's website: www.coventry.gov.uk/councilmeetings

PART 4D: MEMBER OFFICER PROTOCOL

1. Status of this Code

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

2. Roles of Members and Officers

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

3. Expectations

- 3.1 What Members can expect from Officers:
 - (a) A commitment to the authority as a whole, not to any political group;
 - (b) A working partnership;
 - (c) An understanding of and support for respective roles, workloads and pressures;
 - (d) Timely responses to enquiries and complaints in accordance with agreed standards: (see paragraph 7)
 - (e) Professional advice, not influenced by political views or preference;

- (f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) Awareness and sensitivity to the political environment;
- (h) Respect and courtesy;
- (i) Training and development in order to carry out their roles effectively;
- (j) Not to have personal issues raised with them by Officers outside the agreed procedures;
- (k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead; and
- (l) Compliance with the Employee Code of Conduct.

3.2 What Officers can expect from Members:

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

- (i) Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (j) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and
- (k) Members should at all times comply with the Member Code of Conduct.

4. Limitations on behaviour

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

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

5. Politeness and respect

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

6. Complaints about Members or Officers

- 6.1 If an Officer feels a Member is not treating them with politeness and respect, they should consider talking to the Member directly. If they do not feel they can talk to the Member or talking to the Member does not help, they should talk to their Head of Service or Director

immediately. The manager approached will talk to the Member or the Leader of their political group and may also tell other senior officers. The Officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct

- 6.2 If a Member feels an Officer is not treating them with politeness and respect, they should consider talking to the Officer directly. If they do not feel they can talk to the Officer or talking to the Officer does not help, they should talk to the Officer's Head of Service or Director immediately. If the problem continues the Head of Service or Director approached will consider whether to use the Council's disciplinary procedures.

7. Members' enquiries

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

Casework

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

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

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

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

8. Information and advice

- 8.1 Requests for written information

- 8.1.1 Members should be provided with adequate information about services or functions on which they may be called upon to make decisions or to scrutinise the decisions of others, or which affect their constituents. This information will normally be made routinely available by Officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.
- 8.1.2 Written information supplied to a Member regarding the implications of current Council policies or containing statistical information about Council services may be copied to the relevant Cabinet Member.
- 8.1.3 The Leader of the Council or Leader of any other political group may request the Chief Executive or other designated Officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services.
- 8.1.4 Wherever possible, such requests will be met. However, if the Officer considers that the cost of providing the information, or the nature of the request is unreasonable or inappropriate, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups. Requests will also only be met where they comply with data protection or other legal requirements.
- 8.1.5 Officer reports to political groups should be limited to a statement of relevant facts, identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter.
- 8.2 *Briefings*
- 8.2.1 In order for them to discharge their responsibilities Cabinet Members will be briefed by senior officers (Chief Executive, Directors or Heads of Service) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the Member involved.
- 8.2.2 The other political party groups may also have nominated Shadow Cabinet Members and, if those so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues. The other political party groups should be aware that at times the amount of information that officers can share with them may be limited due to issues of confidentiality.
- 8.2.3 The content of these informal briefing sessions shall remain confidential as between Officers and the political group concerned.

8.3 News items

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

Ward Members

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

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

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

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

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

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

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

8.4 Officer attendance at Group Meetings

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

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

- 8.4.3 While Officers may attend political group meetings at which individuals who are not elected Members may be present, Members need to understand that those Officers' ability to share confidential information with the Group may be limited. In particular Officers will not be able to share personal information with third parties present if to do so would cause the Council to breach the Data Protection Act 1998.
- 8.4.4 Decisions at group meetings are not Council or Cabinet decisions and party groups do not have any delegated authority to make formally binding decisions.
- 8.5 *Advice for Members with special responsibilities*
- 8.5.1 The Lord Mayor, Cabinet Members and Committee Chairs can ask the Chief Executive, Directors and Heads of Service for extra background information and advice on different courses of action.
- 8.5.2 Although these Members have additional responsibilities and different relationships because of their more frequent contact with Officers, these Members must still respect the impartiality of Officers. This includes not asking them to undertake work of a party-political nature, or to do anything which would prejudice that impartiality.
- 8.5.3 The Leaders of minority political groups can ask the Chief Executive, Directors or Heads of Service for background information or more details about items coming to the next meeting of a Committee or Cabinet. The appropriate Chair or Cabinet Member will be entitled to receive the same information.
- 8.5.4 Party Group Leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

9. Members' briefings on agendas and reports

9.1 Briefings on agendas

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

9.2 Consultation on agendas

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

9.3 Requests for reports

- 9.3.1 Instructions for reports to come to Cabinet or Committees can only come from the Leader, Cabinet, a Cabinet Member in respect of the Cabinet and a Committee or a Committee

Chair in respect of Committees. Cabinet Members may ask for reports to come to their Cabinet Member meetings.

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

10. Support services to Members and Political Groups

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

11. Correspondence

11.1 Between Members and Officers

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

11.2 Letters on behalf of the Council

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

12. The Council as an Employer

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

13. Responsibility for this Code

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

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.00 am on Friday, 8 July
2022

Present:

Councillor P Hetherton
Councillor M Mutton
Councillor S Nazir
Councillor P Seaman

Independent Person: P Wiseman (Chair)

Other Members: Councillor A S Khan

Employees (by Service Area):

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

Others Present: R Foster, Browne Jacobson LLP Solicitors (via hybrid)

Apologies: Councillor S Walsh and D Welsh

Public Business

11. Declarations of Interest

There were no declarations of interest.

12. Chair of Meeting

In accordance with the Committee's standard procedure for Code of Conduct Hearings, the meeting was chaired by Peter Wiseman, Independent Person.

13. Hearing into Alleged Breach of the Code of Conduct

The Ethics Committee considered a report of the Director of Law and Governance which detailed complaints made against Councillor AS Khan (the "Subject Member"). The complainants made a number of allegations including that that the Subject Member had breached the Code of Conduct for Elected Members by "seeking to exert influence over officers in the Council with a view to receiving preferential treatment"

A Stage One review of the complaints concluded that an Independent Investigator should be appointed to investigate the complaints. An Independent Investigator was duly appointed to carry out the investigation and produced a report which concluded that one of the complaints did not engage the Code of Conduct and was not therefore considered in the investigation. The Investigator put the remaining complaints into three categories, which were numbered Allegations One, Two and Three in her report. She found that there was no evidence on the

balance of probabilities to substantiate Allegations One and Three. However, she found that there was evidence to confirm that Allegation Two was founded on the balance of probabilities.

The Committee carefully considered the following:-

- a) Presentation of the Investigation report
- b) Presentation of the Subject Member's response to the Investigation report
- c) Summing up from both the Investigating Officer and the Subject Member
- d) Written views and submissions of the Independent Person

The Committee then determined the complaint and concluded:-

- 1) That they concurred with the Investigating Officer and that there had been no breaches of the Code of Conduct in relation to Allegation 1 for the reasons set out in the Investigation report
- 2) That, whilst they recognise the influence of the Subject Member, they did not consider that the Subject Member's actions were seeking to use his position to influence officers but rather were to inform and be transparent in relation to the issues he was facing and that therefore that there had been no breaches of the Code of Conduct in relation to Allegation 2
- 3) That they concurred with the Investigating Officer and that there had been no breaches of the Code of Conduct in relation to Allegation 3 for the reasons set out in the Investigation report

Having considered these matters, the Committee considered that there should be more guidance and clarity for elected Members when dealing with matters that relate to their own personal interests that need to be raised with the Council.

RESOLVED :-

- 1) That the conclusion of the Committee in relation to this matter be as set out in the Decision Notice as attached as Appendix 1 to these Minutes.**
- 2) That the provision of more guidance and clarity for elected Members when dealing with matters that relate to their own personal interests that need to be raised with the Council becomes part of the Ethics Committee Work Programme for 2022/23 to be addressed in the Officer/Member protocol.**

14. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

(Meeting closed at 1.45 pm)

COVENTRY CITY COUNCIL**DECISION NOTICE OF ETHICS COMMITTEE**

A **Complaint by:** Persons A, B and C
 ("the Complainants")

B **Subject Member:** Councillor Abdul Khan

C **Introduction**

1. On 8 July 2022, the Ethics Committee of Coventry City Council considered a report of an investigation into alleged breaches of the Council's Code of Conduct for Elected and Co-opted Members (the "Code of Conduct") by Cllr Abdul Khan, a Member of Coventry City Council. A general summary of the complaint is set out below.

D **Complaint summary**

2.1 The complaints are against Councillor Abdul Salam Khan (the "Subject Member") and relate to a boundary dispute.

2.2 The Complainants have alleged the following:

1. Allegation One: when the Police were called to the properties regarding the boundary dispute on 3 April 2021, that the Subject Member said that he knew the Superintendent/Sergeant, would not be arrested and no action would be taken;
2. Allegation Two: the Subject Member sought to exert influence over officers in the Council with a view to receiving preferential treatment; and
3. Allegation Three: the Subject Member used his position to seek to persuade the neighbours to sell him land, on the basis that the Subject Member could secure planning permission for them in the event that they agreed to his proposal, alternatively that he would 'make life hell' for them in relation to planning if they did not.

2.3 Rosalind Foster, a Partner with Browne Jacobson LLP Solicitors, was appointed to carry out the investigation in the role of Independent Investigator (the "Investigating Officer"), and produced a report, dated 28 February 2022 (the "Investigator's Report"). The Investigating Officer did not uphold Allegations One and Three but in respect of the Allegation Two found that on the balance of probabilities the Subject Member had breached the Code of Conduct by primarily seeking to

exert influence over officers in the Council with a view to receiving preferential treatment.

2.4 The hearing was therefore concerned with the Committee:

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

E Hearing

3.1 The Ethics Committee consisted of:

- Cllr Shakila Nazir
- Cllr Mal Mutton
- Cllr Patricia Seaman
- Cllr Patricia Hetherton

The hearing was chaired by Peter Wiseman, one of the Council's Independent Persons. Mr Wiseman took no part in the Committee's discussions or the decisions that it reached with regard to whether there had been a breach or breaches of the Code of Conduct.

3.2 Cllr Khan attended the hearing.

3.3 The Independent Investigator, Ms Foster attended the hearing virtually. Ms Foster outlined the evidential landscape and background to the investigation, the investigation itself and her conclusions. She expressed that the three allegations were distilled in paragraph 16 of her Report. She stressed that she had reviewed a large amount of evidence and her findings were based upon the written evidence, and less weight was given to the witness testimonies. She clarified that she only investigated matters relating to the Code of Conduct and that any matters in relation to Planning, determination of the Civil issues in dispute and / or potential Criminal Offences were beyond her remit. She answered questions from both the Committee and from Cllr Khan.

3.4 Cllr Khan presented his case. He gave some background to the dispute and indicated that the property belonged to his son but that he was advocating on his behalf. He stated that the neighbour had undertaken a number of works without permission / in breach of Planning Control and that the situation had escalated and Police had been called more than once. He said that the individual identified as Person H in the

Investigator's Report (ie the spouse of the Owner of the neighbouring property and a Witness) was an unreliable witness. He said that Person H had lied in their witness evidence, and he stood by this.

3.5 In relation to the Allegations, he said the following:

1. Allegation One:

The Subject Member said that he had no special relationship with the Police, despite his position as Cabinet Member for Policing and Equalities. He said that he did not know the officers who attended at the properties, and he denied making comments about taking a Superintendent / Sergeant for dinner.

2. Allegation Two:

The Subject Member denied that he sought to exert influence over officers in the Council with a view to receiving preferential treatment. He said that he contacted the Council because the Council was the proper authority to deal with the issues raised in his communications which included issues in respect of the Temporary Stop Notice on the neighbouring land and potential breaches of the same. He expressed that he was open and transparent about his interest in the property and dealt properly with Officers and was not trying to communicate in a "sideways" manner. He stated that it is standard practice to inform the Leader of the Council and Chief Executive Officer if there are any challenging issues that may make it to the press.

3. Allegation Three:

The Subject Member denied using his position to seek to persuade the neighbours to sell him land in the way as alleged or at all. He said that he did not sit on the Planning Committee, never had, and had no influence over their decision making as they were completely separate from his decision-making responsibilities. If anything was said about his position by a third party, this statement was made without his authority and he could not be held responsible for this.

F Consultation with Independent Person

4.1 The Independent Person, Steve Atkinson was not present for the hearing and sent his apologies. His pre-written evidence was relied upon. The Monitoring Officer read this to the Committee. It was noted that he had not heard the evidence that was presented orally at the Committee.

4.2 Mr Atkinson concurred with the findings of the Investigating Officer in the Investigator's Report, particularly with regard the findings in respect

of Allegation Two.

F Findings

5.1 After considering the submissions of the parties to the hearing and the views of the Independent Person, the Committee reached the following decision(s):

5.2 ***On the question of whether Cllr Khan had breached the Code of Conduct in relation to any or all of the complaints:***

Having carefully considered the Investigator's Report and submissions at the hearing of Ms Foster and Cllr Khan as well as the comments of Mr Atkinson on the Investigator's Report, the following conclusions were made:-

1. Allegation One – the Committee concurred with the Report of the Independent Investigator and considered that the allegation did not meet the threshold for this to be considered a breach of the Code of Conduct.
2. Allegation Two – the Committee recognised the influence of the Subject Member however it did not consider that his actions were seeking to use his position to influence Officers but rather he was informing and being transparent in relation to the issues he was facing. The Committee therefore did not agree with the findings in the Report of the Independent Investigator and considered that the allegation did not meet the threshold for this to be considered a breach of the Code of Conduct.
3. Allegation Three – the Committee concurred with the Report of the Independent Investigator and considered that the allegation did not meet the threshold for this to be considered a breach of the Code of Conduct.

G Reasons

6.1 **The Committee's reasons for reaching its decision are as follows:**

6.2 The Committee were clear that it did not matter who the Subject Member was, their focus was on the three salient points at Paragraph 16 of the Investigator's Report, namely Allegations One, Two and Three.

The Committee noted that the Subject Member had detailed some of the background to the events in the Investigator's Report, which provided some context and suggested that there were challenging circumstances in the background (although it was appreciated that none of the Complainants had attended and given oral evidence).

1. Allegation One – the Committee agreed that there was no evidence to substantiate this allegation, as outlined by the Investigating Officer, who said that a witness alleged that the Subject Member made comments about knowing the Superintendent / Sergeant but there was no documentary evidence to support this.
2. Allegation Two – when interacting with Officers the Subject Member was honest and said he had an interest in the property, and this is also declared on his Register of Interests. He was therefore open and transparent. The Officers contacted by the Subject Member do not appear to have been unduly influenced from the way that they responded. The Committee considered that lots of Councillors are involved in disputes at some point. These are difficult to prove because it is often one person's word against another. The Committee agreed that it is standard practice at Coventry City Council for Councillors to keep the Leader of the Council and Chief Executive Officer updated if there is an issue that could potentially be high profile. The Committee felt that the opinion of the Investigating Officer in relation to the tone of the email, dated 30 March 2021 was subjective and unsubstantiated. The Committee concluded that on their reading, the email does not amount to an instruction but a request for clarification from a position of frustration where there has been a perceived injustice. The Committee commented that there should be more guidance and clarity for Elected Members when dealing with matters that relate to their own personal interests that need to be raised with the Council as there does not appear to have been any other way that the Subject Member could have expressed his concerns.
3. Allegation Three – the Committee agreed that there was no evidence to substantiate this allegation, as outlined by the Investigating Officer who said that a witness alleged that the Subject Member made comments about influence at Planning Committee. The Investigating Officer saw footage of a heated argument where comments were made. However none of these comments came from the Subject Member directly and he cannot be held responsible for unauthorised statements made.

6.3 The Committee further added that having considered these matters it considered that there should be more guidance and clarity for Elected Members when dealing with matters that relate to their own personal interests that need to be raised with the Council.

The Committee recommends: that this issue becomes part of the Ethics Committee Work Programme to be addressed in the Officer/Member Protocol.

H Appeal

7. There is no right of appeal against the Committee's decision.

I Notification of decision

8. This decision notice is sent to:

- The Complainants
- Councillor Abdul Khan
- Ms Ros Foster
- Ms Julie Newman
- Steve Atkinson

The decision will also be published on the Council's website.

J Additional help

9. If you need additional support in relation to this decision notice or future contact with the City Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

Ethics Committee

Coventry City Council

8 July 2022



Ethics Committee

15 December 2022

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Code of Conduct Update

Is this a key decision?

No

Executive Summary:

This report updates 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 Chief Legal Officer, in consultation with the Chair of the Ethics Committee.

List of Appendices included:

- (A) Letter from Lord Evans to the Rt Hon Simon Clarke MP, Secretary of State for Levelling Up, Housing and Communities, in light of the Government's recent response to the Committee's 2019 report on Local Government Ethical Standards, dated 4 October 2022

Other useful background papers

- Agenda and minutes for the Ethics Committee - 30th June 2022, 10.00am, see item 7: Report on the Government's March 2022 Response to Committee on Standards in Public Life Report of 2019:
<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?CId=161&MId=12702&Ver=4>

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 Chief Legal 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 The Committee on Standards in Public Life (CSPL)

Lord Evans, Chair of the CSPL, has written to the Rt Hon Simon Clarke MP, Secretary of State for Levelling Up, Housing and Communities, in light of the Government's response in March 2022 to the CSPL's 2019 report on Local Government Ethical Standards. The Government's report was presented to the Ethics Committee at its meeting on 30 June 2022, details of which can be found at the following hyperlink:

<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?CId=161&MId=12702&Ver=4>. A copy of the letter is attached at Appendix A of this report.

Lord Evans expressed disappointment that many of the CSPL's recommendations had not been accepted by the Government despite evidence presented suggesting that stronger arrangements were needed to support high ethical standards. Lord Evans has urged the Government to reconsider the CSPL's recommendations.

Members will be updated as this matter develops.

1.2.2 Councillor B, Sunderland City Council, Tyne and Wear

A complaint was made after Councillor B made comments on social media about the relationship between two rival political parties including alleged inappropriate conduct between two particular Councillors on an Overview and Scrutiny Committee relating to a personal relationship.

At a hearing, the Council's Ethics Committee ruled "on the balance of probability" that the comments breached paragraph one of their Councillor Code of Conduct, requiring members "treat others with respect, including council officers and other elected members".

The comments were found to be "objectively incorrect" and Councillor B was asked to retract the statement before the matter reached hearing but refused to do so, with the investigating officer commenting that this was "disrespectful".

After considering potential sanctions for Councillor B, the panel issued a sanction of formal censure and recommended that Councillor B issue a written apology and delete the tweets that led to the complaint.

Further sanctions included the Monitoring Officer offering training to Councillor B on the appropriate use of social media by members of the council.

1.2.3 Independent investigation launched by East Devon District Council, regarding Former Councillor H

Independent consultants have been appointed by East Devon District Council (EDDC) to carry out an independent investigation into the actions of the council following the allegations, criminal charges and subsequent conviction of Former Councillor H.

This investigation has been commissioned following a decision by Council on 28 September 2022 to appoint an independent body to look at this. The aim of the investigation is to understand the actions of staff and Councillors in the handling of matters relating to former Councillor H, and to recommend any improvements required for the Council going forward.

The Council have agreed a terms of reference for its investigation which can be viewed on the EDDC website.

Former Councillor H was a former Mayor of Exmouth and was an East Devon District Councillor from 2007 to 2019. He was imprisoned for 21 years after being convicted in August 2021 of historical sexual assault charges.

It is anticipated that a report on the investigation will be delivered to the Council in early 2023.

1.2.4 Councillors S and E, Guildford Borough Council

Allegations of misconduct against Councillors S and E had been submitted in a formal complaint dated 29 June 2021.

The complaint related to the alleged failure of the Subject Members to comply with the Councillors' Code of Conduct in relation to the content of emails sent by the Subject Members, a WhatsApp message sent by Councillor S, and tweets posted by Councillor S in connection with enquiries by a local newspaper in respect of the election of the Conservative group leader in June 2021.

Informal resolution was unsuccessful and the matter was referred for independent investigation.

In June 2022 the Independent Investigator found the Subject Members had breached the Council's Code of Conduct through:

- (a) failure to treat others with respect (para 2 (1) of the Code); and
- (b) conducting themselves in a manner which could reasonably be regarded as bringing the office of councillor or the Council into disrepute or acting in a manner contrary to the Council's duty to promote high standards of conduct (para 4 of the Code).

The Council's Standards Sub-Committee conducted a local hearing into this matter in September.

Councillor S, asked the Investigating Officer where the line was drawn between a councillor working as a councillor and a councillor exercising freedom of expression in relation to the general discussion that took place between media and politicians.

The Investigating Officer explained that it was dependent upon the subject matter of the conversation, where a councillor speaks to the press about Council business, or issue in relation to the Council then they were, in his view, acting as a councillor.

Having heard the parties and on the balance of probabilities, the Sub-Committee resolved that there had been a breach of the Code of Conduct by the Subject Members on both counts.

In relation to the e-mails sent by Councillor E, the Sub-Committee considered first of all the question of whether they had been sent in a personal capacity or in Councillor E's capacity as a councillor. The Sub-Committee concluded that given that the emails related to a communication with a journalist about a matter relating to the Council, namely a group leadership election, they did meet the test of being made in the capacity of being a Councillor.

In considering the content of the emails, WhatsApp messages and tweets of Councillor S, the Sub-Committee again applied the test of whether these were made in a personal capacity or in Councillor S's capacity as a councillor. Again, considering the context, namely communication with a journalist in relation to a media enquiry about Council business, the Sub-Committee deemed that the e-mail and the WhatsApp messages were made in the capacity of being a councillor. The Sub-Committee considered that the tweets, regardless of whether or not made in the capacity of a councillor, should be regarded as being "fair comment and opinion" and therefore should not be considered to be a breach of the Code of Conduct.

Councillor S indicated that, notwithstanding the Sub-Committee's findings, they would not be making an apology.

In relation to sanctions the Sub-Committee resolved:

- (1) That, in the case of Councillor E, the following sanctions be applied:
 - Publish and report the Sub-Committee's findings in respect of Councillor E's conduct
 - Issue a formal letter of advisement as to the future conduct of Councillor E
 - Request Councillor E tender an apology to the complainant for their conduct.

- (2) That, in the case of Councillor S, the following sanctions be applied:
 - Publish and report the Sub-Committee's findings in respect of Councillor S's conduct
 - Issue a formal letter of advisement as to the future conduct of Councillor S
 - To issue formal censure to Councillor S for their conduct.

1.3 The local picture

Complaints under the Code of Conduct

- 1.3.1** The Ethics Committee has requested that the Chief Legal Officer report regularly on any complaints received relating to Members of Coventry City Council.
- 1.3.2** The Chief Legal Officer has received four complaints since the date of the last meeting (29 September 2022) as at the date this report was written. In one matter No Further Action has been recommended. The other complaints remain outstanding. A Stage 1 Decision Notice was outstanding at the date of the last report and it is confirmed that this has now been finalised and a recommendation of no further action was made in this matter.
- 1.3.3** The Chief Legal 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

The Ethics Committee are recommended 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 Chief Legal 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 the Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

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/)?

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) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Julie Newman

Name and job title: Chief Legal Officer

Directorate: Law and Governance

Tel and email contact: 024 7697 7271 julie.newman@coventry.gov.uk

Enquiries should be directed to the above person.

| Contributor/approver name | Title | Service Area | Date doc sent out | Date response received or approved |
|--|--|---------------------|--------------------------|---|
| Contributors: | | | | |
| Suzanne Bennett | Governance Services Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Julie Newman | Chief Legal Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Sarah Harriott | Deputy Team Leader (Job-Share), Regulatory – Civil, Governance and Information | Law and Governance | 28/11/2022 | 28/11/2022 |
| Names of approvers for submission: (officers and members) | | | | |
| Finance: Graham Clark | Lead Accountant | Finance | 02/12/2022 | 02/12/2022 |
| Councillor S Nazir | Chair of Ethics Committee | | 02/12/2022 | 04/02/2022 |

This report is published on the council's website: www.coventry.gov.uk/councilmeetings

**Room G07,
1 Horse Guards Road
London
SW1A 2HQ**

Rt Hon Simon Clarke MP
Secretary of State for Levelling Up,
Housing and Communities

(By email)

**Committee on
Standards in
Public Life**

4 October 2022

Dear Secretary of State,

I am writing in light of the government's response of March this year to the Committee on Standards in Public Life 2019 report on Local Government Ethical Standards.

While we note the government's commitment to further work to support local government, the Committee is very disappointed that many of its careful recommendations have not been accepted. We aimed in that report to produce a balanced, considered package of recommendations to strengthen the arrangements in place whilst respecting the benefits of a localised approach.

It was clear from our evidence that the sector backed our call to strengthen the arrangements in place to support high ethical standards. There is clear frustration within local authorities at the limited powers within the local government standards regime to address poor behaviour by a minority of individuals.

We would urge you to reconsider our recommendations and would welcome a conversation with you to understand how you are taking forward the government's stated aim to work with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

Across all tiers of local government, decisions are taken about a wide range of local services using public funds, so it is important that there are robust governance arrangements that command public confidence.

Yours sincerely,



**Lord Evans of Weardale KCMG DL
Chair, Committee on Standards in Public Life**

This page is intentionally left blank



Ethics Committee

15 December 2022

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title:

Work Programme for the Ethics Committee 2022/23

Is this a key decision?

No

Executive Summary:

This report sets out the previously approved Work Programme for the Committee for the remainder of the Municipal Year 2022/23. 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 that the Committee considers appropriate.

List of Appendices included:

Appendix 1: 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 for the Ethics Committee for 2022/23

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 last approved by the Committee at its meeting on 29 September 2022.
- 2.2 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.

2.3 Recommendation

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

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 Not applicable

5. Comments from Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

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/)?**

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) climate change and the environment**

None

6.6 **Implications for partner organisations?**

None at this stage

Report author(s): Sarah Harriott

Name and job title: Sarah Harriott, Deputy Team Leader (Job-Share), Regulatory – Civil, Governance and Information

Directorate: Law and Governance

Tel and email contact: 024 7697 6928; Sarah.Harriott@coventry.gov.uk

Enquiries should be directed to the above person.

| Contributor/approver name | Title | Directorate or organisation | Date doc sent out | Date response received or approved |
|--|-----------------------------|------------------------------------|--------------------------|---|
| Contributors: | | | | |
| Suzanne Bennett | Governance Services Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Names of approvers for submission: (officers and members) | | | | |
| Finance: Graham Clark | | Finance | 02/12/2022 | 02/12/2022 |
| Legal: Julie Newman | Chief Legal Officer | Law and Governance | 28/11/2022 | 28/11/2022 |
| Councillor S Nazir | Chair: Ethics Committee | | 02/12/2022 | 04/12/2022 |

This report is published on the council's website:
www.coventry.gov.uk/councilmeetings

Appendix 1

Work Programme for the Municipal Year 2022/23

| Meeting no. and date | Topics |
|-------------------------|--|
| 2022/3 | |
| 1. December 2022 | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update. |
| | Civility in Public Life and Digital Citizenship Update |
| | Local Government Ombudsman Annual Report |
| | Member / Officer Protocol Review |
| | Work Programme 2022/23 |
| 2. March 2023 | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update. |
| | Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2022 (to include declarations of gifts and hospitality following the Commonwealth Games 2022) |
| | Members Gifts and Hospitality -Declarations for last 6 months of 2022 (to include declarations of gifts and hospitality following the Commonwealth Games 2022) |
| | Annual Report on Parish Councils |
| | Committee on Standards in Public Life Annual Report |
| | Work Programme 2023/24 |