

**Time and Date**

11.00 am on Thursday, 29 June, 2023

Place

Committee Room 3 - Council House

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 8)
 - a) To agree the Minutes of the previous meeting held on 30 March 2023
 - b) Any matters arising
4. **Annual Report of the Ethics Committee 2022-23** (Pages 9 - 22)

Report of the Chief Legal Officer
5. **Online Safety Bill Update 2023- Local Government Association (LGA) Press Release** (Pages 23 - 50)

Report of the Chief Legal Officer
6. **Local Code of Corporate Governance** (Pages 51 - 72)

Report of the Chief Legal Officer
7. **Code of Conduct Update** (Pages 73 - 80)

Report of the Chief Legal Officer
8. **Work Programme for the Ethics Committee 2023/24** (Pages 81 - 86)

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, 21 June 2023

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 Hetheron, S Nazir (Chair), E M Reeves, D Welsh

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

Substitute Members: Councillors S Gray, M Mutton and P Seaman

Public Access

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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, 30 March 2023

Present:

Members: Councillor S Nazir (Chair)
Councillor L Bigham
Councillor P Hetherton
Councillor M Mutton (Substitute for Councillor Welsh)

Independent Members: A Barton, R Wills, P Wiseman

Employees (by Service):

Human Resources N Powell

Law and Governance J Newman (Chief Legal Officer), S Harriott, T Robinson,
M Salmon

Apologies: Councillor D Welsh

Public Business

33. Declarations of Interest

There were no disclosable pecuniary interests.

34. Minutes

The minutes of the meeting held on 15th December 2022 were agreed and signed as a true record.

Further to minutes 24 and 26, the Committee requested that, after the Local Elections have taken place on 4th May 2023, communication be made with Political Groups regarding cross party representation on the Committee.

35. "Civility Matters" - Grievance and Dignity at Work Policy and Procedure

The Committee considered a report of the Chief Legal Officer that outlined how Human Resources were introducing 'Civility Matters' into two of 'people' policies and procedures as part of the ongoing work to embed the values into the organisational culture.

Civility Matters was a campaign that initially began at Coventry and Warwick Hospital that has subsequently widened within the NHS and showed the benefits to service delivery that could be gained from engaging positively, using appropriate language when carrying out role/duties. There was research that showed that by adopting and reinforcing such an approach it improved performance and outcomes. An overview of Civility Matters and the details of the NHS initiative that had shown to improve the quality of care was attached as an Appendix to the report.

Amending the 'people' policies would result in better outcomes for those involved in either process and lead to a change in culture through changes in language and approach. The current policies had not been reviewed for several years so a reconsidering of the content and approach was appropriate.

The new policies would form part of a larger roll out, with the intranet pages being updated with toolkits and guides for managers. The Employee Relations Team were also creating, training and guidance for managers to give them the knowledge and skills to have difficult and sensitive conversations where and when issues arose with confidence. A brief overview would also be included in Managers inductions for all new managers joining the organisation.

A launch was planned for May/June 2023 and further training for managers would take place across the organisation during the summer.

The Committee outlined their concerns relating to the inappropriate use of cameras at meetings and events for which Members required guidance and noted that this would be included in the proposed Members 'Chamber Skills and Etiquette' training that would be held in June 2023.

RESOLVED that the Ethic Committee:

- 1) Notes the revised policy and the inclusion of Civility Matters as part of the ongoing development of the organisational culture and embedding the values.**
- 2) Agrees that training for Members on the appropriate use of cameras at meetings and events be included in the 'Chamber Skills and Etiquette' training being held in June 2023.**

36. Civility in Public Life and Digital Citizenship Update

The Ethics Committee considered a report of the Chief Legal Officer that provided an update of the local response regarding

The Committee had been 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 been having on democratic processes. A report was last provided to the Committee on 15th December 2022 (minute 28 referred) and remains part of the Committee's Work Programme.

The report covered:

- Work undertaken by the LGA including a new toolkit to help combat abuse of Councillors, aimed at putting an end to the increasing intimidation being reported by Councillors. The toolkit outlined different ways Councils and Councillors could support the Debate Not Hate Campaign objectives and take action. It was felt that at this time the resources from the LGA be kept for future reference and used as required.

- Work of the Society of Local Council Clerks (SLCC) and county associations on revisions to the Local Government Association (LGA) Code of Conduct Supporting Guidance “to better reflect the sector's needs” covering the general principles of Councillor conduct and application of the model Councillors' Code of Conduct.
- The Council’s own campaign that commenced on 5th September 2022 called “Debate Not Hate” and the virtual session held on 27th September 2022 entitled “Civility Saves Lives” held as part of National Inclusion Week and open to all Councillors and Council staff. The session discussed civility and respect and how people treat each other at work.
- Training for Members on Chamber Skills, rules of debate and standing orders, especially for new Members joining following the May elections, to be delivered by a training provider who could offer the following to be held in June before the first full Council meeting after the elections:
 - a) 'Chamber Skills - Coaching for the Mayor' to be firm, fair, efficient, and effective - delivered in the Chamber with the Mayor, Deputy, and support colleagues, including 'Speaking at public events' if time permits
 - b) 'Chamber Skills and Etiquette' training for administration and opposition groups (separately) tailored to prepare Members for the first full Council meeting in June and meetings thereafter. It would cover the application of Council procedure rules, common errors, speaking and the types of behaviour expected of Members in the Chamber.
- Social media training took that took place on 14th March 2023 which covered the variety of different social media platforms, separating personal and public accounts, as well as the positives of social media as well as how to address some of the negatives, including support from the Council as well as guidance and links to the Debate Not Hate campaign. A follow-up is to be arranged looking at accessibility good practice, security settings and adapting content for different social media platforms.

The Committee raised concerns regarding behaviour in the Council Chamber at Council meetings and welcomed the ‘Chamber Skills and Etiquette’ training that would cover speaking and the types of behaviour expected of Members in the Chamber.

RESOLVED that the Ethics Committee:

- 1) **Notes the work undertaken by the Local Government Association on their Debate Not Hate campaign.**
- 2) **Notes the work that is being undertaken locally.**
- 3) **Agrees that this item remains on the Work Programme of the Ethics Committee for continued review.**

37. **Committee on Standards in Public Life Update**

The Ethics Committee considered a report of the Chief Legal Officer that provided a brief overview of the Committee on Standards in Public Life's (CSPL) report 'Leading in Practice' (the New Report) published in January 2023, which shared examples and case studies gathered from public and private sector organisations on maintaining ethical organisational practices.

The report also reported on an open letter (attached as an Appendix to the report) that Lord Evans, Chair of the Committee on Standards in Public Life, had written to public sector leaders to prompt reflection and discussion on the importance of ethical leadership in the UK.

The Committee on Standards in Public Life (the CSPL) was set up in 1994 to monitor, report and make recommendation on all issues relating to standards in public life. This included the standards of conduct of holders of public office and all those involved in the delivery of public services. Its purpose was to help promote and maintain ethical standards in public life and thereby to protect the public interest through monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas); conducting inquiries and reviews and making practical and proportional recommendations that were generally implemented; and researching public perceptions on standards issues relating to specific areas of concern, and also over time. The views and recommendations of the Committee could be taken in account by local government and other organisations delivering public services when designing, implementing, and monitoring their own ethical standards regime.

RESOLVED that the Ethics Committee:

- 1) Notes the content of the report.**
- 2) Requests that the Chief Legal Officer continues to monitor the national picture regarding standards and reports back on any issue which may be of relevance to the Council on a local level.**

38. **Six Monthly Review of Members' Declarations of Gifts and Hospitality**

The Ethics Committee considered a report of the Chief Legal Officer that reviewed declarations of gifts and hospitality made by Members, in line with the Committee's work programme to review declarations on a regular basis. The Committee last reviewed the gifts and hospitality register entries received from 1 January to 30 June 2022, at its meeting on 29 September 2022 (minute 19 referred). Appendices to the report detailed the most recent declarations for the period 1st July to 31st December 2022.

RESOLVED that the Ethics Committee notes the declarations of gifts and hospitality made by Members for the period 1st July to 31st December 2022.

39. **Six Monthly Review of Officers' Gifts and Hospitality**

The Ethics Committee considered a report of the Chief Legal Officer that reviewed entries on the register of officers' gifts and hospitality, in line with the Committee's work programme to review entries every six months. An Appendix to the report detailed officers' declarations of gifts and hospitality for the period 1st July to 31st December 2022.

RESOLVED that the Ethics Committee notes officers' declarations of gifts and hospitality for the period 1st July to 31st December 2022.

40. **Code of Conduct Update**

The Ethics Committee considered a report of the Chief Legal Officer that provided an update on national issues in relation to the ethical behaviour of Elected Members and the local position in Coventry regarding Code of Conduct issues.

The Committee had agreed that the Chief Legal Officer would provide a regular update on cases relating to the Members' Code of Conduct on a national basis. This was 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.

RESOLVED that the Ethics Committee:

- 1) **Notes the position regarding 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 Chief Legal Officer, in consultation with the Chair of the Ethics Committee.**

41. **Work Programme for Ethics Committee 2023/24**

The Ethics Committee considered a report of the Chief Legal Officer, appended to which was the Committee's proposed Work Programme for the Municipal year 2023/24.

RESOLVED that the Ethics Committee:

- 1) **Notes the Work Programme for 2023/24.**
- 2) **Agrees that following the 'Chamber Skills and Etiquette' training for Members being held in June 2023, a further item be added to the Committee's December 2023 meeting headed 'Chamber Skills and Etiquette – A Guide for Councillors'.**

42. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of public business.

(Meeting finished: 11.00am)



Ethics Committee
Council

29 June 2023
18 July 2023

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Annual Report of Ethics Committee 2022-23

Is this a key decision?

No

Executive Summary:

This report forms the seventh annual report of the Ethics Committee, setting out the work of the Committee over the last municipal year. In particular, it reports on:

- The Committee's review of the Complaints Protocol
- Online Safety Bill Update
- The Government's March 2022 Response to the Committee on Standards in Public Life Report of 2019
- Officer Member Protocol Review
- Civility in public life, intimidation in public life and digital citizenship
- Committee on Standards in Public Life Report entitled 'Leading in Practice'

The report also details other, regular work of the Committee over the last year and sets out a brief overview of work to be undertaken in the 2022/23 municipal year. The Committee is asked to approve the report and recommend to full Council that it notes the report and considers whether there is any work that it would wish the Committee to undertake.

Recommendations:

The Ethics Committee is recommended to:

- (1) Approve the Annual Report of the Committee; and
- (2) Recommend that Council notes the Annual Report and considers whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

Council is recommended to:

- (1) To note the Annual Report of the Ethics Committee; and
- (2) To consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

List of Appendices included:

None

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

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

Yes – 18 July 2023

Report title: Annual Report of Ethics Committee 2022/23

1. Context (or background)

1.1 The Council's Ethics Committee was established in 2012 following the introduction of new duties and responsibilities regarding ethical conduct in the Localism Act 2011. The Council as a whole has a legal duty to promote and maintain high standards of conduct by members and co-opted members of the authority. The Ethics Committee, through its work, assists in discharging this statutory duty.

1.2 The terms of reference of Ethics Committee also include:

- (a) Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;
- (b) Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;
- (c) Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;
- (d) Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;
- (e) At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;
- (f) Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;
- (g) Considering complaints made against Elected Members of Finham Parish Council, Keresley Parish Council and Allesley Parish Council under the relevant Parish Council's Code of Conduct for Elected Members in accordance with the City Council's Complaints Protocol; and
- (h) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

1.3 The Committee approves a work programme for each year which includes regular reports as well as one off pieces of work. At its meeting in March 2017, the Committee agreed that in future it would submit an annual report to Council setting out the work that it has accomplished in the past year. This report comprises the sixth Annual Report of the Ethics Committee.

2. The Annual Report and Recommended Proposal

2.1 About the Committee

In the municipal year 2022/23 Ethics Committee comprised four Councillors. The membership of the Committee was Cllr Nazir (Chair), Cllr Hetherton, Cllr Welsh and Cllr Bigham. There were two named substitutes, Cllrs Mutton and Seaman. Although not members of the Committee, the four Independent Persons appointed by the Council are encouraged to attend the meetings where possible. The Committee held four scheduled meetings in 2022/23 (in June 2022, September 2022, December 2022 and March 2023). An additional Code of Conduct hearing was held in July 2022. All meetings were held in-person following the return to in-person Council meetings.

2.2 Code of Conduct Complaints

The Council received a total of 13 new formal complaints against councillors in the municipal year 2022/23. All complaints were recommended for no further action (at Stage One).

- 2.2.1** received four complaints since the date of the last meeting (15 December 2022) as at the date this report was written. One is ongoing. In one no further action has been taken.

At its April 2022 meeting, the Committee were due to consider an independent investigator's report into a complaint that a Councillor had breached the Code of Conduct. The Code of Conduct hearing in this matter was postponed until a separate meeting in July 2022 as this meeting was not quorate.

2.3 Online Safety Bill Update

At its June 2022 meeting the Committee reviewed the progress of the Online Safety Bill. In February 2022, the Department for Digital, Culture, Media & Sport (DCMS) issued a press release, entitled: *New plans to protect people from anonymous trolls online*. In summary central government have made additions to the Online Safety Bill to give Social Media users more control over what they see online and who can interact with them in an effort to fight against anonymous "trolls".

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

A report was provided to the Committee at its June 2022 meeting outlining the Government's March 2022 Response to the Committee on Standards in Public Life Report (CSPL's) report of 2019, entitled *Local Government Ethical Standards* and to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

The Committee on Standards in Public Life (the CSPL) was set up in 1994. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public

office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:

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

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

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

The CSPL published a report on Local Government Ethical Standards in January 2019. The report reviewed the current framework established by the Localism Act 2011. The 2019 report provided assurance that the arrangements in place in local authorities are promoting and maintaining standards expected by the public and that the majority of local councillors do maintain high ethical standards.

The CSPL recommended though that some improvements were required, in particular, the need for maximum independence in local complaints processes and the need for greater sanctions, where appropriate, in the rare cases of significant or repeated breaches of the code of conduct.

One of the CSPL's key recommendations was that there should be a non-mandatory model code of conduct which has now been produced by the Local Government Association, and which the Council adopted a revised version of with effect from the 2021/22 municipal year.

In summary the Government have responded as follows (numbering refers to the CSPL's recommendation numbers):

Recommendation 1: The recommendation for a model code has been actioned and published by the Local Government Association (NB the Council adopted a revised version of the Model Code of Conduct with effect from the 2021/22 municipal year);

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

Recommendation 3: Creating a presumption that a Councillor is acting in an official capacity including on publicly accessible social media should be dealt with by use of the Code of Conduct recognising the boundary between public and private life (embedded in the Council's Code of Conduct);

Recommendation 4: Whilst keeping under review, the Government has no immediate plans to legislate for the Code of Conduct to apply when a Councillor claims to act or gives the impression as acting in their capacity (note this is in the LGA's model code and has been adopted by Coventry City Council);

Recommendation 5: Whilst keeping under review, the Government has no immediate plans to amend the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to include other interests not currently specified;

Recommendation 6: It is for local authorities to set gifts and hospitality registration requirements. The register should be publicly available (as is the case at the Council);

Recommendation 7: Whilst keeping under review, the Government has no immediate plans to repeal s31 Localism Act in respect of participating in discussion or voting at a meeting where an interest, whether registered or not, exists and the interest is reasonably regarded as significant;

Recommendation 8: The Government does not accept that Independent Persons should be appointed for a fixed term of two years, renewable once, on the basis it would be unworkable. Discussions with Monitoring Officers has indicated that in practice most local authorities would likely find servicing this rate of turnover unachievable. "There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council";

Recommendations 9 and 15: The Government does not agree that the Local Government Transparency Code should include decisions of the Independent Person. This document sets out the minimum data that local authorities should be publishing, the frequency it should be published and how it should be published. It does accept there is merit to the substantive policy suggestion but cautions it depends on the circumstances.

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

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

The Government's position is that councillors are 'ultimately held to account via the ballot box' and that the Government has already recommended that

every political party ‘establish their own code of conduct for party members including elected representatives’.

Further the response insisted that “on the rare occasions” where notable breaches of the code of conduct had occurred, local authorities were not without sanctions under the current regime.

“Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.”

The Government has recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government has promised to engage with sector representative bodies of councillors and officers of all tiers of local Government “to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour”.

The CSPL had also called on the Government to clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. “These powers should be put beyond doubt in legislation if necessary,” it had said.

In its response the Government said: “The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

Recommendation 11: The Government agrees in principle to the provision of legal indemnity to an Independent Person if their views or advice are disclosed but does not see the need to legislate for this, rather endorsing local authorities who already provide it.

Recommendation 12: The Government does not believe that there is a requirement to prescribe to local authorities the form and content of Standard Committee annual reports which are better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standards Committees.

Recommendation 18: The Government does not agree that criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

Recommendation 19: “Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks” was not responded to.

Recommendation 20: The Government does not agree it is necessary to amend s27(3) of the Localism Act 2011 to state that parish councils must adopt the code of conduct of their principle authority, but acknowledges there is merit in achieving consistency whilst noting instances to reflect local circumstances might be different.

Recommendation 21: Government has no plans to repeal s28(11) of the Localism Act 2011 to enable sanctions of parish councillors to be determined by their relevant principal authority but will give it further consideration.

Recommendation 22: The Government agrees in principle to amend The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to extend disciplinary protections for statutory officers (this would include the Monitoring Officer) to all disciplinary actions (not just dismissal) and will engage sector representatives of all tiers to seek views on the amendments.

Recommendation 23: The Government recommends that local authorities publish their whistleblowing policies and named contact as best practice and the Department for Levelling Up, Housing and Communities will work with local Government to advance transparency in the sector and support local Government to solidify transparent policies whilst encourage proactive publication of open data.

Recommendation 24: The Government is open to further representations on how local accountability can be strengthened and recognises that councillors being listed as prescribed persons for the purposes of the Public Interest Disclosure Act 1998 provides a further check and balance against corruption.

2.4 Civility in public life, intimidation in public life and digital citizenship

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

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

The Ethics Committee has been monitoring the work of the LGA and considering how that work can be adopted as a local response to promote Civility in Public Life and Digital Citizenship.

- Through this programme of work the LGA is articulating good standards for anyone engaging in public and political discourse
- understanding the scale and impact of intimidation and abusive behaviour on membership organisations, and developing recommendations for achieving positive debate and public decision-making on a local level

- supporting LGA members and all democratically elected local representatives in addressing intimidation and abuse, so they deliver the best on behalf of their communities

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

As reported to the Committee last year, the LGA commissioned a call for evidence of abuse and intimidation of councillors, which was launched in October 2021. On 28 June 2022, the LGA published “Debate Not Hate: The impact of abuse on local democracy” (the LGA Report), a copy of which has been attached to this report at Appendix 1 and can also be found online at the following link:

<https://www.local.gov.uk/publications/debate-not-hate-impact-abuse-local-democracy> . LGA have identified that 7 out of 10 Councillors (ie the majority) have reported abuse. The LGA Report contains recommendations from the evidence gathered over the first 6 months.

The Recommendations made are as follows:

- **“Recommendation 1:** Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors’ mental health and wellbeing and working in partnership with other agencies and councils to ensure that threats and risks to councillors’ safety, and that of their families, are taken seriously.
- **Recommendation 2:** The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.
- **Recommendation 3:** Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.
- **Recommendation 4:** The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.
- **Recommendation 5:** The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.

- **Recommendation 6:** Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.
- **Recommendation 7:** The relevant Government department should convene a working group, in partnership with the LGA, to bring together relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.”

In respect to Recommendation 7, 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. The Ethics Committee have signed the statement electronically.

2.5 Officer Member Protocol Review

At its meeting in September 2022, the Committee reviewed 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 additional wording at paragraph 3.2(i) was proposed, as follows:

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**

(I) Members should at all times comply with the Member Code of Conduct.

The wording has also been considered by the Constitution Advisory Panel, Cabinet Member for Policing and Equalities and full Council and approved before being incorporated into the Constitution.

2.6 Committee on Standards in Public Life Report entitled ‘Leading in Practice’

At its March 2023 meeting the Committee considered a report published by the independent Committee on Standards in Public Life entitled ‘Leading in Practice’, a new report which shares examples and case studies gathered from public and private sector organisations on maintaining ethical organisational practices in January 2023.

Lord Evans, Chair of the Committee on Standards in Public Life, has also published an open letter to public sector Leaders asking questions to prompt reflection and discussion on the importance of ethical leadership, dated 24 January 2023.

2.7 Other Work

The Committee has continued to receive regular reports on ethical standards cases across the country, where these have been available.

The Committee has also maintained a watching brief on work being undertaken by the Committee on standards in Public Life and locally on supporting members in dealing with challenges associated with public service, particularly in relation to intimidation and abuse.

2.8 Work Programme for 2022/23

Apart from regular reports on, among other things, Code of Conduct complaints, updates from the Monitoring Officer and officer and member gifts and hospitality, this year the Committee is looking at work in the following areas:

- Monitoring and responding to the Local Government Association’s work on civility in public life and Digital Citizenship
- Producing a Guide for Councillors on Chamber Skills and Etiquette following training that will take place this month.

The Committee will also maintain a watching brief on any legislative changes arising from the Committee on Standards in Public Life’s report and recommendations of January 2019.

2.9 Recommendations

The Committee is recommended to

- (1) Approve the Annual Report of the Committee; and
- (2) Recommend that Council notes the Annual Report and to consider whether there is any work within the Committee’s terms of reference that Council would wish the Committee to undertake.

Council is recommended to

- (1) To note the Annual Report of the Ethics Committee; and
- (2) to consider whether there is any work within the Committee's terms of reference that Council would wish the Committee to undertake.

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

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. 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 One Coventry Plan?

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

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

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Ethics Committee

29 June 2023

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Online Safety Bill Update 2023 – Local Government Association (LGA) Press Release

Is this a key decision?

No

Executive Summary:

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

To support this work the LGA has now started to develop a range of guidance and tools to support councillors and candidates in their online communications (also known as their “Digital Citizenship”) as it is now recognised that online communication is intrinsic to democratic engagement. A report was last brought to the Committee in December 2021 around this and both Civility in Public Life and Digital Citizenship remain part of the Committee’s work programme and this report is to provide an update of that local response.

Related to these topics, in February 2022, the Department for Digital, Culture, Media & Sport (DCMS) issued a press release, entitled: New plans to protect people from anonymous trolls online. In summary central government have made additions to the Online Safety Bill to give Social Media users more control over what they see online and who can interact with them in an effort to fight against anonymous “trolls”.

In April 2023 the Local Government Association has now called on the Government to amend its Online Safety Bill to include stronger provisions that protect councillors from online abuse.

Recommendations:

The Ethics Committee is recommended to:

1. Note the position of the LGA on the Online Safety Bill; and
2. Request that this item continues to be reviewed alongside the ongoing work around Civility in Public Life and Digital Citizenship.

List of Appendices included:

Appendix 1: Pdf press release from the LGA, 19 April 2023, which can be found at the following link: <http://pas.gov.uk/parliament/briefings-and-responses/online-safety-bill-committee-stage-house-lords-19-april-2023>

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

Report of the Ethics Committee: Online Safety Bill Update, June 2022:
<https://edemocracy.coventry.gov.uk/documents/s53704/05%20On%20Line%20Safety%20Bill%20Update%202022.pdf>

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: Online Safety Bill Update 2023 – Local Government Association (LGA)
Press Release**

1 Context (or background)

- 1.1 The Council's Ethics Committee has requested that Civility in Public Life (and now Digital Citizenship) remains part of the Committee's work programme amid increasing concern about intimidation and toxicity of debate (both online and offline) and the impact this has been having on democratic processes.
- 1.2 The Online Safety Bill (the Bill) was published in draft in May 2021. In summary the Bill introduces new rules for firms which host user-generated content, i.e. those which allow users to post their own content online or interact with each other (ie Social Media), and for search engines, which will have tailored duties focussed on minimising the presentation of harmful search results to users. The primary focus of the Bill has been preventing and protecting children and young people from exposure to harmful material online, however the remit of the Bill has evolved since it was initially published last year to take into account the exponential rise in online trolling.
- 1.3 In addition, the Bill confers new powers on the Office of Communications (OFCOM), which will enable the organisation to act as the 'online safety regulator'.
- 1.4 Two new duties have been added to the Bill in an attempt to tackle anonymous abusers:
- i) The main Social Media firms will have to give people the power to control who can interact with them, including blocking anonymous trolls. This will give adults the ability to block people who have not verified their identity on a platform;
 - ii) The main Social Media firms will also need to offer tools to give people more control over what posts they see on social media, providing users with options to opt out of seeing harmful content.
- 1.5 The Government has accepted that too many people currently experience online abuse and there are concerns that anonymity is fuelling this, with offenders having little to no fear of recrimination from either the platforms or law enforcement.
- 1.6 Over the past year people in the public eye, including England's Euro 2020 footballers, have suffered horrendous racist abuse. Female politicians have received abhorrent death and rape threats, and there is repeated evidence of ethnic minorities and LGBTQ+ people being subject to coordinated harassment and trolling. On a local level evidence has indicated that this is a major issue for Members in Coventry too.

- 1.7 Further detail about the proposals in the Bill are contained in the Committee Report link provided above.

2 LGA Press Release

- 2.1 On 19 April 2023 the Local Government Association issued a press release, at Appendix 1, calling on the Government to amend the Online Safety Bill to include stronger provisions to protect councillors from online abuse.
- 2.2 The Bill is currently passing through the House of Lords and the LGA has said that stronger provisions are needed amid an increase in online intimidation that has the potential to dissuade members of the public from becoming councillors.
- 2.3 The LGA has recommended that the Bill include provisions to manage internet abuse levelled at councillors that fall below the criminal threshold and assurances from the Government that the democratic and journalistic protections set out in the bill "will not inadvertently protect perpetrators of abuse".
- 2.4 The LGA commented that: "Councillors are experiencing increasing levels of online intimidation, abuse and threats made against them, which can prevent elected members from representing the communities they serve and undermine public trust in democratic processes. We hope this bill will go some way in addressing the concerns we have heard from our membership ... However, we regret the removal of the harm-based communications offence by the government at committee stage in the Commons, which could have been an important tool in tackling this intimidation, harassment and abuse."
- 2.5 The LGA have confirmed that they support the overall aims of the Bill and "broadly welcome" the new threatening and false communication offences set out in the bill, as well as the user empowerment and verification duty that will enable users to control what content and users they interact with.

3 Options considered and recommended proposal

The Committee are asked to:

1. Note the position of the LGA on the Online Safety Bill; and
2. Request that this item continues to be reviewed alongside the ongoing work around Civility in Public Life and Digital Citizenship.

4 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 Comments from Chief Finance 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 One Coventry Plan

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

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.

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Online Safety Bill, Committee Stage, House of Lords, 19 April 2023

The Local Government Association (LGA) supports the overall aims of the Online Safety Bill (OSB), which makes provisions for the regulation by Ofcom of certain internet services.

18 Apr 2023

Key messages

The Local Government Association (LGA) supports the overall aims of the **Online Safety Bill (OSB)**, which makes provisions for the regulation by Ofcom of certain internet services. The regulation proposed in this Bill is aimed at ensuring platforms have systems and processes in place to deal with illegal and harmful content and their associated risk, particularly to children and young people. The Bill primarily does this by introducing duties of care to some user-to-user services (e.g. social media sites) and search engines. The Bill also imposes duties on such providers in relation to the protection of users' rights to freedom of expression and privacy.

Under the provisions of the Bill, all regulated services will have a duty of care in relation to illegal content and if services are deemed accessible by children, a duty to protect children from harm. Further to this, the Bill sets out that regulated services will be categorised into three categories within which different duties will apply. For example, providers of user-to-user services which meet a specified threshold ("Category 1 services") are subject to additional duties. Further clarity is needed as to how services will be categorised.

The LGA recognises the delicate balance this legislation must maintain between preserving users' freedom of expression and civil liberties whilst also protecting users from harmful content. We therefore welcome the user verification and user empowerment duty within this Bill that apply to category 1 services. The LGA welcomes these duties

 Print  Top

as they provide choice to adult users on what content and users they want to engage with whilst also allowing users to remain anonymous should they want or need too.

The LGA broadly welcomes the new threatening and false communication offences, as well as the user empowerment and verification duty that will enable users to control what content and users they interact with. However, we encourage the Government and Ofcom to go further and adopt a clearer and more robust provisions to manage 'low-level' abuse experienced by councillors that falls below the criminal threshold. As part of this, the LGA would like assurances from the Government that the democratic and journalistic protections set out in this Bill will not inadvertently protect perpetrators of abuse.

Councillors are experiencing increasing levels of online intimidation, abuse and threats made against them, which can prevent elected members from representing the communities they serve and undermine public trust in democratic processes. We hope this Bill will go some way in addressing the concerns we have heard from our membership.

However, we regret the removal of the harm-based communications offence by the government at committee stage in the Commons, which could have been an important tool in tackling this intimidation, harassment and abuse.

To ensure online service providers adhere to their new responsibilities, the Bill introduces new regulatory powers and responsibilities for Ofcom. Ofcom will be responsible for drafting codes of practice for all duties and ensuring online platforms have the systems in place to adhere to these responsibilities; they also have powers to hold services to account should they need to. We ask Ofcom engages fully with relevant groups such as political parties and the LGA when developing its codes of practice to ensure there is consideration of unintended consequences. Ofcom must also be given adequate resources so that they can be agile and produce guidance at pace in line with emerging 'harmful' issues, as well as being able to take effective enforcement actions and deal adequately and speedily with complaints.

The LGA supported the [Draft Online Safety Bill Joint Committee's recommendation](#) calling for Ofcom to publish a 'safety by design' code

of practice. It is disappointing this has not been adopted, the LGA encourages the Government to produce a 'safety by design' overarching code of practice that can be referenced and adopted within the individual codes of practice.

Further information

The Online Safety Bill was published on 17 March 2022.

The **explanatory notes to Bill** set out the case for a new regulatory framework for internet services. During the Bill's passage through the Commons, significant changes were made through recommitment at Committee stage, including the removal of most measures relating to 'legal but harmful' content in relation to adults.

Many of these proposals were set out in **Draft Online Safety Bill** and were already subject to consultation, following the Government's **Online Harm White Paper** and scrutiny from the **Draft Online Safety Bill Joint Committee**.

This Bill is of significant interest to councils, covering a wide range of issues from child protection and public health issues, to abuse and intimidation and free speech.

This briefing covers the LGA's views on selected amendments that are relevant to local communities and councils.

Definitions of harm

- The central premise of the Bill is to protect users from harm and associated risk. The LGA has previously called for the government to set out what specific harms platforms will need to protect users against. We welcome the inclusion of a list of harms in the Bill following government amendments at re-convened Committee stage in the Commons, although for adults these will now only apply to user empowerment tools, and we have concerns at the exclusion of lower-level abuse or harassment and the wider impact of online misinformation and hate on democracy.
- The Bill now incorporates into the duties on adult user-empowerment a list of the forms of content that would be defined

as harmful and which the user should have access to tools to control their exposure to. The definition incorporates encouragement, promotion or instructions for suicide, self-harm and eating disorders; or content which is abusive towards or incites hatred towards people with a protected characteristic. Given recent developments, such as the removal, subsequently rescinded, of suicide prevention prompts on Twitter in December 2022, the LGA welcomes the specific inclusion of suicide and self-harm on the face of the Bill.

LGA View

- It is right that the Online Safety Bill protects the freedom of speech of users, including the freedom of users to criticise issues such as government policy. However, as it stands, the failure of social media companies to address abuse and harassment is driving people away from their platforms, reducing their opportunity to contribute to important debates and limiting their own freedom of speech. **Evidence shows** that those with certain characteristics, including women, disabled people and those from black and minority ethnic backgrounds receive more abuse than others, and this can result in people being less likely to speak out about complex issues or engage in online debate; failure to tackle this contributes to the existing challenges we face in relation to representation and inclusion of minority groups. While the LGA welcomes that these amendments recognise that those with certain protected characteristics are particularly targeted for abuse and harassment online, we regret that it places the onus on individuals to take steps to avoid such abuse or harassment.
- Councils are concerned that democracy can be impacted through abuse and harassment experienced on social media. This can particularly impact on those from minority groups, for example, **research by Amnesty International** analysing tweets that mentioned women MPs in the run up to the 2017 General Election found that the 20 Black, Asian and Minority Ethnic MPs received 41 per cent of the abuse, despite making up less than 12 per cent of the those in the study. This type of treatment can make people

less willing to speak out on important topics and, as the National Assembly for Wales found, can even lead to people standing down from political office. In its **Debate Not Hate report** last year, the LGA found that online abuse and smear campaigns can deter people from standing for election or for leadership positions and that this particularly applied to some people with protected characteristics. It is of vital democratic importance that people from all backgrounds feel safe to stand for election, helping to ensure that our governments reflect our communities. However, with those with certain protected characteristics more likely to be targeted with abuse, the ways in which social media currently operates makes this increasingly difficult.

- One of the challenges of placing responsibility on users to deal with online abuse themselves is that, even if a user ignores or blocks a particular user, this does not always stop that content being published, potentially stirring up ill feeling online. Evidence has shown that people are promoted content that links with their existing views, leading to ‘echo chambers’ online where abusive content can be shared and amplified. This material can become increasingly extreme over time, providing a possible gateway into other harmful platforms and an increasing interest in violence. Therefore, while tools to support users are important, preventing harmful content, in particular violent and threatening content, from being published and shared in the first place by building safety into platform design is essential.
- The LGA is concerned that the definitions of content to be covered by user empowerment tools in the amended Bill are limited and may not incorporate substantial elements of the abuse and harassment that councillors and other elected politicians face online, whether as a result of protected characteristics, or simply by virtue of their being public office holders. Providers of social media platforms should be encouraged to introduce specific safeguards for those holding elected office, including fast track routes to report abuse, intimidation and harassment.
- Content that encourages, promotes, or instructs users to engage in harmful behaviour should be considered harmful content within the

Bill. We are concerned at the limited reference and provisions to tackle personal and democratic harms from online mis- and disinformation in the Bill.

New clause to be inserted After Clause 1, tabled by Lord Stevenson of Balmacara and Lord Clement-Jones

- This new clause seeks to clarify the purpose of the Bill in line with the recommendations of the Joint Committee which carried out pre-legislative scrutiny of the Bill and would require the Secretary of State and Ofcom to act with regards to those purposes in exercising their functions under the Bill.
- The purposes set out by the amendment would re-iterate the need to protect freedom of speech and supports the government's position that a higher level of protection online is appropriate for children than adults.
- However, the amendment would also clarify that the Secretary of State and Ofcom should exercise their statutory duties with regards to:
 - the disproportionate level of harms experienced by people online on the basis of protected characteristics they hold;
 - that regulated internet services should be safe by design.

LGA View

- The LGA supports this amendment, and we consider it appropriate that the Joint Committee's recommendations are reinforced on the face of the Bill.
- This amendment has the potential to recalibrate responsibility for adult online safety so that it is shared between user and service provider. The amended Bill after the re-convened Commons committee stage provides substantial and welcome tools to empower adult users to calibrate their online experience and the content they see but means that the onus lies almost solely on the user to take steps in relation to potentially harmful content. It should not be the sole responsibility of, for example, a victim of online harassment, to take action to avoid such content.

Introducing a requirement that the Secretary of State and Ofcom (and therefore, by extension, the providers of regulated internet services) undertake their functions with reference to the overarching principle that regulated internet services should be safe by design can rebalance that responsibility.

- We strongly welcome an overarching recognition that disproportionate harm is experienced by people on the basis of their protected characteristic(s) and that statutory duties should be exercised with reference to this. Surveys have found that female, BAME or LGBTQ+ candidates and elected members experience significantly higher levels of online abuse and harassment.

Amendment to Clause 12, lines 9 and 17, tabled by Baroness Morgan of Cotes, Baroness Parminter and the Lord Bishop of Gloucester; and Amendments to Clause 12, lines 19 and 23, tabled by Lord Clement-Jones

- These amendments relate to the user empowerment tools that the Bill requires regulated digital platforms to introduce to enable adult users to decide what level of control they want over ‘legal but harmful’ content they could be exposed to. As the Bill stands, platforms would be able to default to the lowest level of control, with users needing to ‘opt-in’ to user empowerment tools that would limit such exposure.
- At the re-convened committee stage in the Commons, the Government introduced definitions of the type of content that would be expected to be covered by user empowerment tools for adults. This includes encouragement, promotion or instructions for suicide, self-harm and eating disorders; or content which is abusive towards or incites hatred towards people with a protected characteristic.
- These amendments would require services to, by default, have their user-empowerment tools set to the safest available level, with users then having the opportunity to pro-actively decide to reduce the levels of protection.

LGA view

- The LGA supports these amendments. The Government's previous decision to remove of clauses around harmful content for adults moved the onus from the provider to regulate such content on to the user to disengage. The position advocated in these amendments represents a middle ground whereby concerns over freedom of speech in relation to content that could be considered 'legal but harmful' are addressed, but a protection from such content is considered to be the default.
- These amendments would recalibrate responsibility for adult online safety so that it is shared between user and service provider. The amended Bill after committee stage provides substantial and welcome tools to empower adult users to calibrate their online experience and the content they see, but means that the onus lies almost solely on the user to take steps in relation to potentially harmful content. It should not be the sole responsibility of, for example, a victim of online harassment, to take action to avoid such content.
- Councillors and candidates at local government elections, like other elected officials, are often subject to substantial levels of abuse and harassment online, which crosses the line from legitimate scrutiny and criticism. The default position should be that the onus rests upon digital platforms to ensure that elected officials and candidates for office – like any other individual – are not subject to extremes of abuse and harassment, rather than for the targeted individuals to be required to take action to avoid it.
- Given recent developments, such as the removal, subsequently rescinded, of suicide prevention prompts on Twitter in December 2022, the LGA welcomes the specific inclusion of suicide, self-harm and eating disorders on the face of the Bill as areas to be regulated through user empowerment tools. However, given the very high level of potential risk to individuals from exposure to such material, it does not appear appropriate – from a public health perspective – for the default position of a platform to be that users would be liable to be exposed to such material. The LGA supports these amendments in requiring that the default position on all

platforms should be that users should not be exposed to such material, and that users must pro-actively employ user empowerment tools if they wish to change that.

New clause to be inserted after Clause 12, tabled by Baroness Stowell of Beeston, Baroness Bull and Baroness Featherstone

- This amendment would require category 1 services (i.e. those services considered to represent the highest risk) to undertake a suitable and sufficient adults' risk assessment; to keep the risk assessment up to date; and to undertake a new risk assessment when a significant change is made to the service's design or operation.
- The risk assessment would be required to include an assessment of the level of risk of adult users of the service encountering material set out in the Bill's definition of 'legal but harmful' material (i.e. suicide, self-harm, eating disorder promotion, abuse or incitement to hatred based on protected characteristics), and how easily such material could be spread e.g. via the algorithms employed by the service. An appraisal of how the design and operation of the service reduces or increases the level of risks would be required to be part of the assessment.
- The assessment would also be required to consider the extent to which user empowerment tools might result in interference with users' rights to freedom of speech.

LGA view

- The LGA supports this amendment. As it stands, the Bill sets out a range of material that could be considered harmful to adults. The LGA welcomes the scope of this definition, both for reasons of promoting the safety of councillors and officers and of civility in public life; and to reduce exposure to material promoting suicide, self-harm or eating disorders. It is therefore appropriate that higher-risk platforms be required to undertake a risk assessment of potential exposure to such material and to examine how the operation of the platform impacts on those risks. This is a sensible extension of the children's risk assessment work that platforms will be required to undertake.

New clause to be inserted after Clause 35, tabled by Baroness Finlay of Llandaff, Lord Knight of Weymouth, Baroness Morgan of Cotes and Baroness Tyler of Enfield

- This amendment would make harmful material related to suicide or self-harm subject to stricter restriction than other ‘legal but harmful’ content in relation to its access by adults.
- User-to-user platforms and search engines would be required to establish policies on how they would treat such content, being required to either take it down, restrict users’ access, or limit its recommendation or promotion.

LGA view

- The LGA supports this amendment. Concerns have also been raised about the availability of “pro-suicide” content online, both via social media and search engines. In 2019, the Children’s Commissioner for England published an [open letter](#) to social media platforms, arguing that “The recent tragic cases of young people who had accessed and drawn from sites that post deeply troubling content around suicide and self-harm, and who in the end took their own lives, should be a moment of reflection.”
- Content that encourages, promotes or instructs users in harmful behaviour should be considered harmful content within the Bill and given the evidence of the impact of such content; it is appropriate that it be subject to strict duties on digital platforms.

New clause to be inserted after Clause 15, tabled by Baroness Merron

- This amendment seeks to address concerns over health disinformation and misinformation on digital platforms. It introduces a range of statutory duties on category 1 (i.e. the highest risk) services, including maintaining an up-to-date risk assessment of harmful disinformation and misinformation that is present on the service; and to develop and maintain a policy in relation to the treatment of such material.

LGA view

- The LGA supports this amendment. During the Covid pandemic, misinformation, conspiracy theories and anti-vaccine content on

social media proved a significant challenge globally. The **World Health Organisation suggested** the spread of misinformation, “amplified on social media and other digital platforms, is proving to be as much a threat to global public health as the virus itself.”

- Many councils found that misinformation spread via social media proved a challenge in ensuring compliance with Covid regulations and in ensuring high levels of vaccine take-up. Historically, similar patterns have been experienced in relation to, for example, take-up of the MMR jab and subsequent increases in instances of mumps.
- Where content can be proven to be false, this should fall within the definition of “content that is harmful to adults”, and there should be a clear duty on regulated services to remove, clearly label or otherwise meaningfully restrict access to such content.

Amendment to Clause 139, page 124, line 42, tabled by Lord Knight of Weymouth and Lord Clement-Jones; and at page 124, line 42, tabled by Lord Knight of Weymouth

- These amendments seek to ensure that the advisory committee on misinformation and disinformation that Ofcom is required to establish is set up speedily – within six months of the Act being passed. The second amendment requires that the advisory committee’s first priority is to consider and report upon whether a dedicated Ofcom code of practice on misinformation and disinformation, as required by the Bill in other areas, would be effective.

LGA view

- The LGA supports these amendments. Misinformation and disinformation spread online is of increasing concern to many councils, including (but not limited to) in areas around public health, asylum and refugee accommodation, planning and transport policy. This represents a broad risk to public wellbeing and good governance, but also a specific one for councillors and council officers, who can become targets for abuse, harassment and intimidation on the basis of such misinformation.
- The LGA welcomes the commitment in the Bill to establish an advisory committee on disinformation and misinformation, in

recognition of the growing scale of this issue. It is appropriate, given the level of concern, that it should be established speedily, and should consider whether a dedicated code of practice would be of value to both service providers and regulators. Baroness Fox of Buckley has given notice that she intends to oppose Clause 139 – which establishes the committee – standing part of the Bill. The LGA believes that the creation of this committee is of genuine importance and that Clause 139 should remain in place.

Clauses 160 and 161 stand part – Lord Moylan has given notice of his intention to oppose the question

- These clauses establish a false communications offence. To be guilty of an offence, a person must knowingly send a message knowing it to be false, to be doing so with the intention of causing non-trivial psychological or physical harm to the likely audience; and to have no reasonable excuse for sending the message.
- An offender can be liable for a fine, or a prison sentence of up to one year.
- Clause 161 exempts a number of categories of organisation from being able to commit an offence under Clause 160, including recognised news publishers and broadcasters.

LGA View

- The LGA supports the creation of a false communications offence and therefore opposes deleting these clauses. A significant issue for many of our members is that of smear campaigns, in which falsehoods are shared about councillors, prospective councillors or officers to prevent them from holding office or to cast doubt on their professional competence. Such deliberate communication of false information can amount to harassment or lead to significant psychological harm – or even physical harm, alongside professional and personal damage to councillors and candidates. Much of this is shared by those claiming to be doing so in the name of journalism or political debate. While this could in theory be removed as misinformation or via expensive libel claims, in practice this is rarely the case.

- Following the removal from the Bill of clauses on the ‘legal but harmful’ content, which would have in some cases required service providers to regulate, by removal or otherwise, deliberately false and harmful communications, it is of increased importance to retain the criminal offence option to seek to dissuade individuals from the deliberate communication of harmful false communications. This is a complex area where freedom of speech must be carefully protected. The LGA believes that the narrowly drawn offence in Clause 60, and the exemptions provided in Clause 61, do ensure that the offence would only impact on deliberately harmful instances of false communications, and would not impact on legitimate political debate and disagreement, on journalism, or on genuine misunderstandings or differences of perspective around a given set of facts.

Categorisation of internet services

- All online services will be designated as a category 1, 2A or 2B services, their category will be dependent on the number of users (size) and the functionalities of that service. However, the thresholds for each category have not yet been determined and will be set out in secondary legislation.
- Crucially, only services that are ‘user-to-user’ services (an internet service which allows users to generate, upload or share content) and meet category 1 thresholds will be subject to additional duties. The Government has suggested that category 1 platforms will be those that are the highest risk and with the largest user-bases, such as the main social media platforms.
- At the re-convened Commons Committee stage, government amendments were added to the Bill which would require Ofcom to maintain a list of platforms or other online services that are close to the threshold for classification as category 1 services, enabling faster action to impose greater safety responsibilities when emerging platforms become influential. The LGA strongly welcomes this. However, we are concerned that at committee

stage the minister again insisted that both categorisation and this register would be subject to user number thresholds, rather than a risk-based approach.

Amendment to Schedule 11, page 216, line 30, tabled by Baroness Morgan of Cotes, Baroness Parminter and Lord Mann; new clause to be inserted after Clause 86, tabled by Lord Stevenson of Balmacara; and amendment to Clause 26, page 28, line 6, tabled by Lord Russell of Liverpool, Baroness Harding of Winscombe and Lord Knight of Weymouth

- These amendments would permit Ofcom to adopt a ‘risk-based’ approach to classifying and regulating user-to-user services. Baroness Morgan’s amendment permits platforms which attract smaller user numbers, but are hubs for extreme hate or other content, to be classified as category 1 platforms and therefore be regulated in the same way as larger user-to-user services.
- Lord Stevenson’s amendment has a broadly similar effect, permitting Ofcom to urgently re-classify and regulate a service as a category 1 platform, where they consider this necessary to avoid or mitigate serious harm, regardless of the size of the user base.
- Lord Russell’s amendment would have a similar impact to the other two amendments, but particularly focused on ensuring that the size of a provider’s user base is not allowed to disproportionately impact decisions in relation to child protection duties.

LGA view

- The LGA supports these amendments. We are concerned that many smaller user-to-user platforms could be left out of scope of category 1 requirements, even if they host large volumes of harmful material.
- A recent [academic study, conceptualizing “Dark Platforms,”](#) looked at how Covid-19 related content, especially conspiracy theories, was communicated on “dark platforms” such as 8Kun. It found that digital platforms that are less regulated can be used for hosting content and content creators that may not be tolerated by more mainstream platforms. As currently drafted, there is a risk that the Bill could inadvertently push harmful content onto these sites.

- We therefore urge the Government to set out as soon as possible what companies will fall into which category and reconsider their approach to categorising services. Instead, the Government should take a ‘risk-based’ approach to categorising services to ensure that all platforms with a high-risk profile, including smaller platforms, fall within the scope of category 1.
- The fast-moving nature of the internet means that content, trends, or new sites can gain traction amongst users quickly, including harmful content and associated risks. In undertaking its duties under this Bill, it is important that Ofcom is able to react rapidly and nimbly to emerging platforms and risks, including being able to re-categorise to higher levels speedily. We therefore strongly support the new register of ‘emerging category 1 services’, but it is vital that Ofcom has adequate resources to act swiftly and comprehensively in a complex and rapidly changing online environment.

Protecting children online

- Councils have a duty under the Children Act 2004 to work with local police and health partners to safeguard and promote the welfare of children in their area. Child exploitation and grooming is a serious and growing crime. While the exploitation of children by criminals has, sadly, been happening for a long time, the risks to children and young people continue to increase, including as a result of criminals using online spaces to meet, groom and exploit their victims.
- According to a freedom of information request from the **National Society for the Prevention of Cruelty to Children** (the “NSPCC”), in 2020/21, online grooming offences reached record levels with the number of sexual communications with child offences in England and Wales increasing by almost 70 per cent in three years.
- The LGA strongly welcomes the Government’s ambition to ensure children are safe online, and that provisions relating to child protection were excluded from the amendments moved by the

Government in the Commons relating to harmful content for adults. However, we are concerned that the move away from a regulatory approach to harmful content for adults increases risks around children and young people accessing misinformation, content relating to self-harm and suicide, or extremist content, given the porous nature of the internet. We would urge the government to engage with child protection experts in identifying what extra steps can be taken to address this.

- At the Commons re-convened committee stage, government amendments were added to the Bill requiring Ofcom to provide guidance, including examples, to service providers on content they should consider to be harmful to children, as well as what content should be covered by user empowerment tools for adults. The amendments set out that the guidance should specifically include encouragement to suicide, self-harm, eating disorders, abuse or incitement to hatred based on protected characteristics as content that should be covered. The LGA welcomes the creation of this new duty. Ofcom should engage with child protection experts and children themselves in developing this guidance.

Amendments to clauses 10 and 11, tabled by Baroness Harding of Winscombe, Baroness Stowell of Beeston, Lord Knight of Weymouth and Lord Clement-Jones

- These amendments clarify that application ('apps') stores are required to undertake the same levels of risk assessment and proactive measures to protect children from encountering harmful material (such as age assurance measures) as user-to-user services, such as social media platforms.

LGA view

- The LGA supports these amendments. App stores are a primary route through which online users initially access a range of user-to-user services, platforms and other routes to online content. There is therefore a role for providers of app stores to play in ensuring that children do not have access to harmful content or platforms where they could be subject to exploitation or grooming.

- Many app store providers already undertake risk assessment or age restriction measures in relation to which apps they choose to host. This should be standard good practice and this amendment would provide a double check against children accessing harmful content in many cases, by requiring both app store and service provider to undertake risk assessments and pro-active protective measures.

Amendment tabled by Lord Moylan to leave out subsection (3) at page 10, line 14

- This amendment would remove the duty on regulated user-to-user services (e.g. social media platforms) that are likely to be accessed by children to introduce proportionate systems and processes (e.g. age verification systems) to prevent children accessing encountering harmful content on their platform.
- The amendment would not impact on the requirements in subsection (2) for such platforms to mitigate and manage the risk of harms to children on regulated platforms.

LGA view

- The LGA opposes this amendment. The Bill represents an important step forward in improving child protection online, and measures such as age verification, where appropriate, are an important tool in that respect. Removing subsection (3) and relying solely on subsection (2) would reduce the requirement on regulated services from one of 'preventing' children from accessing harmful content to one of 'mitigating and managing'. This would substantially weaken the duties in the Bill. We do not believe that the use, where appropriate, of age verification or similar measures in order to prevent access to harmful material by children represents an unjustifiable limit on freedom of speech or expression and is a proportionate approach to the harms children can be subject to online.

New clause to be inserted After Clause 11, tabled by Lord Stevenson of Balmacara

- This clause would introduce personal liability on senior managers of user-to-user services (e.g. social media sites) in the event of the

service failing to fulfil its duties under Clause 11 of the Bill. This covers a wide range of duties, but primarily these relate to having in place proportionate measures to mitigate and manage the risk of harms to children; to have in place proportionate systems and processes (e.g. age verification systems) to prevent children from encountering harmful content; to set out these measures in the terms and conditions of the site, and to apply the measures consistently.

- The amendment would create an offence of failing to comply with a relevant duty under Clause 11, which can be applied to a senior manager of the entity controlling the user-to-user service. They would be liable to a prison term of up to two years, a fine, or both. Tariffs for these offences would be set separately by the Secretary of State.

LGA view

- The LGA supports this amendment. The duties set out in Clause 11 are amongst the most important within the Bill in terms of strengthening child protection online, and it is vital that they ‘have teeth’ in their application.
- Given the size and turnover of many of the entities engaged in the provision of social media and similar platforms, fines levied at a corporate level may not prove a substantial enough deterrent to non-compliance, especially where the new duties under Clause 11 would require significant investment in systems or major amendments to the functioning of a platform. Given the importance of ensuring these duties are consistently fulfilled in order to improve child protection online, it is appropriate in this instance for the potential of personal sanctions against senior officers to be incorporated in the Bill.

New clause to be inserted after Clause 142, tabled by Lord Knight of Weymouth, Baroness Kidron, Baroness Newlove and Baroness Tyler of Enfield

- This amendment would require Ofcom to establish a new advocacy body for child users of regulated internet services, in order to represent, protect and promote their interests.

- The advocacy body would have a specific role in reflecting the interests of child users with one or more protected characteristics; to assess emerging threats to child users of digital services; and to publish an annual report on threats to child users.
- The body would be independent of Ofcom, beyond budget setting responsibilities, and would be formed from a UK-wide organisation or organisations. The body would be required to include representation from young people under the age of 25.

LGA view

- The LGA supports this amendment. The NSPCC has highlighted the importance of ensuring appropriate user advocacy mechanisms in place when Ofcom develops its overarching risk assessment and risk profiles, to counterbalance industry influence. The LGA agrees that the voices of all internet users – including children and young people, vulnerable adults and parents and carers – must continue to be heard as different elements of the Bill are put into practice. Only by considering the ‘real world’ impact of online activity – both positive and negative – can we hope to effectively ensure online spaces that allow us to safely harness all the benefits offered by social media and search platforms.

New schedule to be inserted before schedule 8, tabled by Baroness Kidron, Lord Stevenson of Balmacara, the Lord Bishop of Oxford and Lord Bethell

- This schedule would strengthen the duties of regulated providers of online services around age verification duties.
- Under this schedule, providers would need to be able to demonstrate that the age verification tools and systems they are employing provide them with a high level of confidence in the age of those accessing the service.
- The level of confidence required would be proportionate to the level of risk arising from content hosted on the service

LGA view

- The LGA supports this new schedule, particularly in relation to sites hosting pornographic content. **Ofsted’s 2021 review of sexual abuse in schools and colleges** found that leaders were

concerned about problems created by children and young people's easy access to pornography. The review cited evidence that viewing pornography can shape unhealthy attitudes, including sexual aggression towards women, with more frequent consumption associated with victim-blaming attitudes.

- The Online Safety Bill must introduce robust age verification controls for all commercial providers of online pornography. We regret that the Government is not progressing with part three of the Digital Economy Act 2017, which would provide the option for payment providers to withdraw their services from infringing sites.

Contact

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The Jo Cox Commission on Civility

Background

Abuse and intimidation of elected political representatives, and violence towards them, in both local and national government, is one of the biggest threats to our democracy in the UK.

In the last seven years, two sitting MPs have been murdered as they meet their constituents. Before that, it had been over 25 years since an MP was killed in the UK. MPs are regularly reporting death threats and threats of serious sexual violence to the police, and most have panic alarms in their offices and homes. In 2021, 70% of Members of the Scottish Parliament reported that they had feared for their safety since being elected, rising to 90% among female MSPs. The problem is not just limited to national politicians. Research conducted by the Local Government Association in 2022 showed that seven out of ten of local councillors had experienced abuse and intimidation in the last year.

This situation is having a detrimental impact on the make-up of our elected leaders. It is forcing those already elected to consider their positions and sometimes stand back from politics, and it is having an impact on the pipeline of future politicians. It has a significant impact on representation, with female politicians and those from minority ethnic backgrounds suffering the most abuse.

"Nobody in any job should have to put up with threats, aggressive emails, being shouted at in the street, sworn at on social media, nor have to install panic alarms at home," - Heidi Allen MP in a letter to her constituents explaining why she was not seeking re-election, 2019

About the Jo Cox Commission on Civility

The reasons behind this growing problem are complex and implementing solutions will require concerted action across a number of different sectors - including social media firms, political parties, government and police forces.

The Jo Cox Foundation wants anyone, regardless of their background, to feel able to participate in our political discourse and be treated with respect and we're committed to finding and advocating for solutions to the issue of abuse and intimidation.

Recognising that the solutions to this issue come from many different sectors, we are launching the Jo Cox Commission on Civility to find practical ways to address the problem. With Baroness Gabby Bertin and Lord Vernon Coaker acting as co-chairs, the Commission will gather proposed solutions to the issue from experts across numerous sectors.



The Jo Cox Commission on Civility will play a catalytic role in tackling abuse and intimidation in political life in order to:

- Develop a robust and evidenced set of recommendations to tackle the issue;
- Advocate for the adoption of these recommendations;
- Raise awareness of the detrimental impact of abuse and intimidation in political life on individuals, our democracy, and our society;
- Deliver positive and lasting change to our public life.

How will the Commission work?

Launching in February 2023, the Commission will have two main phases:

- **A solutions gathering phase.** Taking place until the summer of 2023, this phase will focus on gathering suggestions for how to address the issue of abuse and intimidation. Using an open call, public sessions, 1-2-1 and group interviews, we will hear from a wide variety of individuals, groups and organisations across a number of sectors about practical ways to address this issue. Once collected, this data will be analysed, and recommendations will be put forward, both grouped according to sector, and divided into immediate, medium and long term solutions.
- **An advocacy phase.** Once the recommendations are published, the advocacy phase will begin and The Jo Cox Foundation and the Commission co-chairs will actively work (with partners) to push for their adoption. Beginning in late 2023, this phase will continue through 2024.

About The Jo Cox Foundation

Jo Cox was a passionate campaigner, activist and humanitarian; a proud Yorkshire lass and internationalist; and a devoted mum, daughter, sister, wife, friend and MP.

The Jo Cox Foundation makes meaningful change on issues that Jo was passionate about. Like Jo, we believe that a kinder, fairer and more connected world is possible. Underpinning this belief is the understanding that we have more in common than that which divides us. As we work to make change, we follow Jo's example of collaborating with others and bringing people together to achieve more than we can alone.

Audit and Procurement Committee
Ethics Committee

26th June 2023
29th June 2023

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor G Duggins

Director approving submission of the report:

Chief Legal Officer

Ward(s) affected:

N/A

Title:

Local Code of Corporate Governance

Is this a key decision?

No

Executive summary:

The Local Code of Corporate Governance sets out Coventry City Council's arrangements for meeting the seven principles of good governance as defined in the CIPFA/Solace Framework 'Delivering Good Governance in Local Government'. The Framework recommends that Local Authorities develop and maintain a Local Code of governance as it provides a structure to help individual authorities with their approach to governance.

The Council adopted a Local Code of Corporate Governance in 2017. The Code has recently been reviewed in the light of best practice and updated to reflect the current governance arrangements in place within the Council. An up to date and robust Local Code provides clarity over an authority's governance and supports the legal requirement to undertake an annual review of effectiveness of the Council's governance arrangements and produce an Annual Governance Statement.

Recommendations:

Audit and Procurement Committee is recommended to:

- 1) Consider the Local Code of Corporate Governance 2023/24 and confirm its satisfaction that the Code accurately represents the Council's governance arrangements.

Ethics Committee is recommended to:

- 1) Consider the Local Code of Corporate Governance 2023/24.

List of Appendices included:

The following appendix is attached to the report:

Appendix - Local Code of Corporate Governance

Background papers:

None

Other useful documents:

Code of Corporate Governance Report – Audit and Procurement Committee - 3rd April 2017
Delivering Good Governance in Local Government: Framework (2016 edition)
Delivering Good Governance in Local Government: Guidance for English Local Authorities (2016 edition)

Has it or will it be considered by Scrutiny?

No

Has it 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: Local Code of Corporate Governance

1. Context (or background)

- 1.1. The CIPFA / Solace Framework defines governance as “the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.” Coventry City Council has a range of measures in place to ensure that governance in the organisation is managed effectively and works hard to ensure that these arrangements are robust and meet best practice. This is achieved through a range of policies, plans, procedures such as the Constitution (including codes of conduct for Members and employees), the Council Plan, the Medium-Term Financial Strategy and policies on whistle blowing, tackling fraud and corruption, and managing risk.
- 1.2. The attached Local Code of Corporate Governance (Appendix 1 to the report) is a refresh of the previous code with extensive work undertaken with internal stakeholders to ensure it reflects the current position of the organisation and our One Coventry approach. The Local Code sets out the Council’s specific arrangements for putting the principles of good governance into practice. It draws on examples provided in the Framework but also reflects systems and processes which are specific to the Council.

2. Options considered and recommended proposal

- 2.1. The “Delivering Good Governance in Local Government Framework” published by CIPFA / Solace sets the standard for local authority governance. The Framework is designed to help local authorities develop an informed approach to governance, aimed at achieving the highest standards in a measured and proportionate way. The Framework recommends that Council’s adopt a Local Code of governance. By setting out specifically how the Council puts the principles of good governance into practice, there is a greater degree of clarity and transparency over the arrangements in place, which in turns supports the annual review of effectiveness and development of the Annual Governance Statement.
- 2.2. The principles of good governance as detailed in the Framework are as follows:
 - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
 - Ensuring openness and comprehensive stakeholder engagement
 - Defining outcomes in terms of sustainable economic, social, and environmental benefits
 - Determining the interventions necessary to optimise the achievement of the intended outcomes
 - Developing the entities capacity, including the capability of its leadership and the individuals within it
 - Managing risks and performance through robust internal control and strong public financial management
 - Implementing good practices in transparency, reporting and audit, to deliver effective accountability
- 2.3. The Council adopted a Local Code of Corporate Governance in 2017. The Code has recently been reviewed in the light of best practice and updated to reflect the current governance arrangements in place within the Council. The review encompassed discussions with stakeholders from across the organisation. In addition, the updated Code has been considered by the Strategic Leadership Team, the One Coventry Leadership Team, and the Extended Leadership Team. Consideration of the Code by the Audit and Procurement Committee supports comprehensive understanding of governance across the organisation and will assist the Committee in discharging its role in relation to the Annual Governance Statement.

3. Results of consultation undertaken

3.1. No consultation has been undertaken.

4. Timetable for implementing this decision

4.1 The Local Code of Governance reflects the Council's governance arrangements which are intended to be in place for the financial year 2023/24. The Council is required to undertake an annual review of the effectiveness of these arrangements and publish an Annual Governance Statement.

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

5.1. Financial Implications

There are no specific financial implications associated with this report. Internal control / governance has clear and direct effects on finance within the Council. Since these vary widely, it is not useful to attempt to summarise them here, beyond noting that all systems and controls are designed to help improve value for money obtained, the probity and propriety of financial administration, and / or the management of operational risks.

5.2. Legal Implications

There is no legal requirement to adopt a Local Code. However, having an up to date and robust Local Code reflects best practice and helps to demonstrate the Council's commitment to good governance. It also supports the legal requirement to undertake an annual review of the effectiveness of the Council's governance arrangements and produce an Annual Governance Statement.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

The governance framework comprises the systems and processes (i.e., the internal control environment) and culture and values, by which the authority is directed and controlled, and its activities through which it accounts to, engages with, and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

6.2. How is risk being managed?

The key risk is that the governance arrangements set out in the Local Code are not effective and / or are not complied with. This risk is managed through the requirement to undertake an annual review and produce an Annual Governance Statement. Where areas for improvement are identified, these are included in the Annual Governance Statement action plan.

6.3. What is the impact on the organisation?

None

6.4. Equalities / EIA?

None

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

None

6.6. Implications for partner organisations?

None

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Local Code of Corporate Governance

2023/24



Introduction

Governance in the public sector can be described as the arrangements put in place to ensure that the intended outcomes for stakeholders are achieved while acting in the public interest at all times. In simple terms it is about:

How the Council operates to ensure it is doing the right things in the right way

Our governance arrangements are based on a series of principles*, as shown in the diagram below:



Source: CIPFA / SOLACE framework – *Delivering Good Governance in Local Government* (2016)

To explain this further:

Achieving the intended outcomes (doing the right thing) requires arrangements for:

- Being clear about what the Council wants to achieve for people, the environment and the economy

- Being clear about the actions needed to achieve the Council’s aims
- Making sure the Council has the skills, ability and money to achieve its’ aims
- Making sure the Council manages risks, budgets and performance
- Making sure that the Council operates in an open, accountable and transparent way

All of the above mean the Council needs to have in place ways to ensure the Council is acting in the public interest (doing it the right way). This means the Council needs to:

- Behave with integrity and demonstrate a strong commitment to ethical values and respect the rule of law
- Ensure the Council is open and engaged with our communities and stakeholders

As an example:

The Council’s One Coventry Plan is how we define the outcomes we are planning to achieve (Principle C)...



.....And in developing our plan we have engaged with people across the city using a variety of different methods (Principle A)



Our work is underpinned by the One Coventry Values (Principles A, E)



Our Local Code of Corporate Governance sets out our arrangements for meeting the principles, helping us to ensure that we deliver our intended outcomes and are accountable to those who live, work and visit Coventry. The law requires us to undertake an annual review to reflect on how well our governance arrangements have been operating in practice during the year and provide an opinion on this.

This is published in our Annual Governance Statement. The Statement also includes a plan of any actions we are taking to improve governance. The Council is committed to continuous improvement and we recognise that good governance is dynamic - as things change, the way in which we work needs to change as well to ensure that we can continue to do the right things in the right way.

The full Local Code of Governance for Coventry City Council is outlined in this document. The Code is reviewed every year and approved by the Audit and Procurement Committee to ensure its up-to-date and accurately reflects how the Council operates.

Principle A:

Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

1. Behaving with integrity

The Council has a Code of Conduct for Elected Members. The aim of the Code of Conduct is to create and maintain public confidence in the role of Elected Members, Co-opted Members and local government. It sets out general principles of behaviour expected of all Elected Members and Co-opted Members. It provides a guide to modelling the behaviour that is expected and covers standards including respect; bullying, harassment and discrimination; confidentiality and use of position as well as arrangements for declaring interests. Elected Members receive training on the Code of Conduct.

There is a Code of Conduct in place for Employees which forms part of their terms and conditions of employment and is based on the Seven Principles of Public Life.

Our 'One Coventry Values' have been co-created with the support and input of all employees across the Council so they are reflective of how we want to be represented both as colleagues and to the wider community. The One Coventry Values are "Open and Fair", "Nurture and Develop", "Engage and Empower", "Create and Innovate", "Own and Be Accountable" and "Value and Respect".

A Supplier Code of Conduct has been approved and communicated to suppliers and work continues to embed the Code to ensure providers of goods and services act with integrity with respect for individuals and the environment.

2. Demonstrating strong commitment to ethical values

The Council has an Ethics Committee who promote and maintain high standards of conduct by Members and co-opted members. The Ethics Committee monitor the operation of the Code of Conduct for Elected and Co-opted Members, consider complaints made against Elected and Co-opted Members, and monitor the operation of the Code of Conduct for employees.

There is a register of Interests for Members which can be viewed on the website. Officers are expected to declare financial and non-financial interests to their line manager and the Council undertakes an annual declarations of interest exercise in relation to all officers Grade 9 and above.

Gifts and hospitality are declared. The Ethics Committee review Members' and Officers' declarations of gifts and hospitality every 6 months. These are published as part of the Ethics Committee papers.

A Member Officer Protocol offers guidance on some of the issues which are commonly experienced between Members and Officers when working together. 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. Respecting the Rule of Law

The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has three statutory posts who are responsible for ensuring the rule of law, as set out in the Constitution is applied – The Chief Executive, Section 151 Officer and the Monitoring Officer. There is a Monitoring Officer Protocol in place.

The Council has a Whistleblowing Policy. This enables employees to report concerns about wrongdoing which are in the public interest. This policy is important as it protects the individual who raised the concerns from suffering any detriment. There is also information on the staff intranet which advises employees how they can raise concerns about work (including Whistleblowing), entitled "I have a concern".

A Group Governance Agreement is in place which sets out the legal framework for the operation and management of Coventry Municipal Holdings Ltd and its subsidiaries. Coventry Municipal Holdings Ltd and the Council's Joint Venture companies are accountable to the Coventry Shareholder Committee which represents the interests of the Council as shareholder.

Principle B:

Ensuring openness and comprehensive stakeholder engagement

1. Openness

Meetings are open to the public and information is displayed on our website. A weekly public notice is published and displayed at the Council House. Papers are published on the website five working days before a meeting and wherever possible, items are discussed in public. If items are discussed in private, a reason is given for this.

Key Decisions (those which involve financial implications of over £1m or impact substantially on two or more Wards) are published.

Decisions taken by Cabinet and Member Committees are available on the website.

2. Engaging with citizens and stakeholders

The Council engages with citizens/residents and stakeholders in a variety of ways including our website and social media. We also publish a magazine, Citivision, which is delivered to every house in the city and includes news, views and features about the work of the Council and life in Coventry. The magazine includes information about how you can get in touch with your local councillors and reports on the many events taking place in the city.

The Let's Talk Coventry website is an online platform designed for residents to engage with the Council. You can use it to take part in consultations and surveys, share ideas and join in with discussions. We also use the site to keep residents and stakeholders up to date with how your feedback has led to action from the council.

Information on comments, compliments and complaints is on our website on the speak up, we're listening section. The Council is committed to putting local people and their needs at the heart of what it does. We want to ensure that people have a positive and trouble-free experience with us in all transactions and interactions. However, sometimes things go wrong. When things go wrong, we encourage people to speak up, so that we can make things right.

The Council has a network of Community Messengers who share information with community and resident groups, as well as a Community Resilience Team, whose role is to develop community initiatives with local people.

The Council has a Faith Partnership which is a joint commitment between faith communities and Coventry City Council to a set of principles that guide engagement, aiming to improve collaborative partnerships, and to promote open, practical working at all levels.

Principle C:

Defining outcomes in terms of sustainable economic, social and environmental benefits

1. Defining outcomes

The Council defines its outcomes in the One Coventry Plan – this is our strategic, corporate plan. The One Coventry Plan is focussed on the needs and aspirations of our communities. It also contains the One Coventry Performance Framework which contains the targets we will be working to deliver. Members and senior officers regularly monitor how well the Council is delivering work towards meeting the targets. The Cabinet take a report every six months on progress toward target. These reports are published and are discussed publicly.

2. Sustainable economic, social and environmental benefits

The One Coventry Plan focusses on economic, social and environmental benefits. The Plan is underpinned by a number of strategies which help us to deliver the plan. This includes the Medium Term Financial Strategy (which helps us to plan our spending over a three year period), the Climate Change and Sustainability Strategy and the Health and Wellbeing Strategy.

Every decision making report contains information on how the decision will impact on people and the environment. For significant policy changes full Equality Impact Assessments are undertaken.

The Council has a Social Value and Sustainability Policy. This means that we look at maximising the wider benefit for our city through meeting our needs when we purchase goods and services in a way that achieves value for money for the life of the contract. This means that whilst the cost of the contract is important we also look at what else can be gained – for example, apprenticeship opportunities or environmentally friendly working practices.

Principle D:

Determining the interventions necessary to optimize the achievement of the intended outcomes

1. Identifying the right course of action

Decision making reports contain information on the options considered which includes outlining the impact of doing nothing. Financial and legal implications are explained, and the reports contain information on how the work contributes to the One Coventry Plan as well as how risks are managed. The report also includes information on the impact on equalities, including the identification any groups that the decision may have an impact on (including a positive impact) and how any potential adverse impacts on groups will be mitigated. The implications of decisions on climate change, the environment and partners are also outlined in decision making reports.

The Joint Strategic Needs Assessment (JSNA) brings together evidence about the health and wellbeing of Coventry residents to help inform the right course of action. This information is used by the Council and health partners to enable us to work together to improve the health and wellbeing of Coventry residents.

There are Procurement Boards and Panels who use the information provided to make informed decisions when we purchase goods and services. This includes considering the Social Value and Sustainability Policy when deciding who to buy our goods and services from.

The One Coventry Policy Forum has been established to provide a collaborative approach, to work to ensure they are complementary. This includes peer challenge and oversight of policies across the council, This helps to ensure we are working as One Coventry to identify the right course of action to collectively achieve our objectives.

2. Planning action

The Council has a One Coventry Plan Performance Management Framework which helps us ensure we achieve what we aim to do. It does so by setting out how we plan and organise our resources to achieve the things we want to do – our vision and priorities, as set out in the One Coventry Plan. By aligning our resources, actions and activities to the Council's vision, priorities and desired outcomes, it helps us measure how public money is turned into results.

3. Maximising outcomes

MTFS (Medium Term Financial Strategy) sets out how we plan to manage our finances for the next three years and how we can closely align resources to the priorities set in the One Coventry Plan. This plan is refreshed annually and considered by Scrutiny, Cabinet and Council.

Principle E:

Developing the Council's capacity including the capability of its leadership and the individuals within it

1. Developing capacity

The Council has a People Plan which is our workforce strategy. It outlines what we as a Council and a responsible employer are going to do to deliver the workforce vision and objectives, particularly around organisational development and leadership. The People Plan details how we intend to improve capacity, capability and processes to deliver the Council's priorities.

The Council recognises the importance of partnerships in developing capacity in our city. This can be seen through the introduction of a Chief Partnerships Officer at the Council. We are also working with Anchor institutions in the city to grow employment opportunities and retain money in the City by encouraging the purchase of local goods and services. Anchor institutions are large organisations based in the City who have a significant stake in the area – this includes NHS Organisations, Universities and large employers.

2. Developing strong leaders

The Council has a Members Training and Development Strategy which is designed to ensure our Members are properly supported to help them meet the demands of the role. Members need the skills and knowledge to be able to deliver Coventry's ambitions. A well-trained and informed cohort of Elected Members is key to the success of the One Coventry Plan. The strategy provides the framework for Elected Members to access a programme of training that meets their needs, as well as the needs of the organisation to deliver the ambition set out in the One Coventry Plan. The strategy will help to continue to support the development of a training culture for Elected Members.

The Council has Corporate Learning and Development offer in place which includes a strand on leadership and management development. Strengthening the leadership and management capability of our workforce will enable us to address some of the challenges we face as an organisation and will put us in a better position to deliver our 'One Coventry' ambitions through our One Coventry Plan.

Principle F:

Managing risks and performance through robust internal control and strong public financial management

1. Managing risk

The Risk Management Policy and Strategy sets out the mechanisms for the identification and management of risks in the Council. This includes requirements for both service and directorate registers to be maintained and sets out when risks should be reported to the Strategic Leadership Team to consider if it should be included in the Corporate Risk Register. The Corporate Risk Register contains the most significant risks the Council faces and is kept under review by the Strategic Leadership Team and the Audit and Procurement Committee. In addition, risk registers are maintained for significant projects the Council is working on and all decision-making reports must explain how risks will be managed.

2. Managing performance

Performance against the One Coventry Performance Management Framework is reported to Scrutiny, Cabinet and Council.

Members who are not on the Cabinet assist with managing performance through the scrutiny process. The Council has six scrutiny boards which are responsible for keeping a check on decisions and how they are made. They help to provide transparency and enable decisions and policy to be challenged. Scrutiny plays a part in developing Council policy, reviewing Council Services, and making sure the Council is acting efficiently and efficiently. Scrutiny meetings are open to the public and welcome suggestions and comments from the public on items to scrutinise.

Performance management takes place across the organisation. There are a number of Officer groups at which performance is discussed in different levels of details. This includes the Strategic Leadership Team (SLT), One Coventry Leadership Team (OCLT) and Extended Leadership Team (ELT).

Employees have an annual appraisal which considers their performance, targets and development needs.

Performance management of the Council's subsidiaries is undertaken by Coventry Municipal Holdings Ltd who are accountable to a Shareholder Committee.

3. Robust internal control

Officers are responsible for implementing appropriate systems of internal control to manage risks within their services. The Council's Internal Audit Service are responsible for providing independent assurance that internal control processes are operating effectively and advising on actions to improve systems and processes where necessary. The Internal Audit Charter defines the purpose, authority, responsibility and position of Internal Audit within the Council.

The Council has a Fraud and Corruption Strategy which sets out the Council's arrangements for responding to the risk of fraud and corruption.

The Council has an Audit and Procurement Committee who ensure there is sufficient assurance over governance, risk and internal control and oversee the work of Internal Audit.

4. Managing data

The Council's information governance framework ensures that personal information is held and processed in a confidential and secure manner while ensuring compliance with the relevant statutory and regulatory requirements. Key roles have been identified to ensure appropriate oversight and accountability. A corporate information risk register has been developed for regular review by the Information Management Strategy Group, which is chaired by the Senior Information Risk Officer. Guidelines and training are in place to support the safe collection, storage and use of data and a reporting system is in place to identify data incidents which are investigated and used to identify lessons learned. Information about incidents and near misses are reported annually to the Audit and Procurement Committee.

5. Strong financial management

The Council's Medium Term Financial Strategy sets out the financial planning foundations that support the setting of the Council's revenue and capital budgets and the Constitution sets out the budget and policy framework procedure rules, financial procedure rules, and rules for contracts. Budgetary control arrangements are in place including defined responsibilities of budget holders and budget managers. Quarterly financial monitoring reports are presented to Cabinet and Audit and Procurement Committee, along with out-turn reports. An annual assessment is undertaken of both the Council's compliance with the CIPFA Financial Management Code, which provides guidance for effective and sustainable financial management in local authorities and the role of the S151 Officer (The Chief Operating Officer) against the CIPFA Statement of the Role of the Chief Financial Officer in Local Government.

Principle G:

Implementing good practices in transparency, reporting, and audit to deliver effective accountability

1. Implementing good practice in transparency

The Council complies with the Local Government Transparency Code, which sets out which information we should be publishing and the timeframe for doing so.

Our report templates are standardised and designed to make sure that it is clear why a decision has been taken and that the appropriate information is provided to explain the decision. The reports and minutes of meetings are published and meetings are open to the public.

2. Implementing good practices in reporting

We report our performance through the One Coventry Performance Report. This is available on our website.

We compile our Statement of Accounts on an annual basis. The Statement of Accounts gives residents and other interested parties clear information about the Council's finances and operational and financial performance. The statement summarises; the cost of services provided by us in the year; how services were paid for and our assets and liabilities at the year end. The Statement of Accounts is available on our website. The Council's External Auditors assess the Council's arrangements for providing value for money as part of their audit on the Statement of Accounts.

The Coventry Municipal Holdings Ltd Board provide the Shareholder Committee and Scrutiny Co-ordination Committee with a summary of the activities and financial performance of Coventry Municipal Holdings Ltd Group over the preceding year.

3. Assurance and effective accountability

The Council are subject to a number of external reviews and inspections including OFSTED and CQC, as well as external audit. The outcomes of these inspections and reviews are published. Governance and oversight of these reviews and inspections are undertaken through the local authority. For example, recommendations from the OFSTED review of Children's Services are addressed through the Children's Services Improvement Board.

Services participate in peer reviews which are designed to support the council's performance by identifying its areas of strength and areas for development. A Peer Review is conducted by a team of people with experience and knowledge of the service being reviewed.

Improvement plans are developed and monitored to implement recommendations from reviews and inspections and this is overseen by Cabinet Members in their regular briefings with Directors and by the One Coventry Leadership Team.

The Council has an Audit and Procurement Committee who ensure that there is sufficient assurance over governance, risk and control within the Council. They also monitor the implementation of internal audit and external audit recommendations.

The Council produces an Annual Governance Statement which provides accountability to stakeholders on how well it has delivered on governance over the course of the previous year.

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Ethics Committee

29 June 2023

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:

None

Other useful background papers

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: 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 Independent investigation launched by East Devon District Council, regarding Former Councillor H

At the last meeting of the Ethics Committee on 30 March 2023, it was reported that an independent review into the response of Devon County Council's Local Authority Designated Officer (LADO) Service to Allegations of Abuse was published in January 2023.

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

Former Councillor H was first arrested for the offences in summer 2016, but he stayed on as a Councillor until May 2019 - before being made an Honorary Alderman in December that year.

An independent review into the response of Devon County Council's Local Authority Designated Officer (LADO) Service to Allegations of Abuse said that a LADO meeting was held in 2014 after historic allegations were made against former Councillor H, but after discussions with police no further action was taken.

Two meetings were held in 2016 - in March and April - when police were investigating allegations of abuse.

These meetings considered former Councillor H's contact with children and it was established he did not work with children and there was no allegation of abuse at that time.

A further discussion was agreed but a meeting did not take place.

The independent review found no evidence this left any child at risk but recommended for the future that there was more clarity around the role of the LADO, better record keeping and tracking of work to ensure matters are not left to drift.

Since then, in March 2023 an independent consultancy agency has produced a report into EDDC's response to the situation. It has concluded that the Monitoring

Officer was placed in “an unenviable position”, when police told him in 2016, at a LADO meeting that Councillor H, a prominent Councillor, was under investigation for child sex offences but ordered him not to disclose this.

The report concluded that the Monitoring Officer at the time could not have alerted anyone without breaking confidentiality imposed by the police, especially as the Councillor chose not to disclose to the Council that he was under police investigation or had been arrested and charged.

It said that as a consequence there was nothing that EDDC could have done so long as it was in the dark as to the offence.

The report added “It is not clear why the police would seek to maintain this strict requirement of confidentiality following the LADO meeting in November 2016.

No formal action could have been taken against Former Councillor H before he was convicted and there is no evidence that his offending continued during his term as a councillor or that he abused his council position to enable him to carry out offences.

“In our view the code of conduct and allied standards process are not effective tools to promote desired behaviours, nor to effectively address poor behaviours amongst elected members,” the report said.

“Criminals and those flouting the rules are routinely unlikely to do the honourable thing and self-report their actions to appropriate authorities. In the existing legal and procedural framework, this is a likely outcome and an ever-present risk.”

The report noted comments from the East Devon Conservative Association “suggest that they may have had more remit to impose sanctions on [Councillor H] than were available to East Devon”.

The report said that although the Honorary Alderman title conferred no special powers there had been “no evidence of any qualitative assessment of the merits of those nominated, nor any explanation of how they had, in practice, delivered the ‘eminent services’ that qualified them for the award”. It said there should be a codified protocol for the bestowing of the honour.

The report also criticised the wider culture at the Council. It said there was “a concerning culture of fear and hostility amongst both Councillors and officers”.

It went on: “Some Councillors reported feeling fearful of asking any questions or raising concerns of any nature at Council meetings for fear of being attacked, harassed, or targeted for doing so.

“Such a culture is not conducive to the effective governance of any organisation. It is also a hindrance to creating an environment in which matters relating to safeguarding can be discussed openly and constructively. There is a real, present and significant risk that any future safeguarding concerns will not be raised and handled effectively.”

1.2.2 Councillor K, Braintree District Council, Essex

Councillor K wrote on her community Facebook page that she did not want "sex flags" on her local high street after a local resident volunteered to buy Pride stickers for businesses to put in their windows.

Four complaints were made under the Local Authority's Councillor Code of Conduct. An independent investigation found that her behaviour was in breach of their Code.

In April 2023 the Monitoring Officer advised that it would be beneficial for Councillor K to undergo Equality Act and emotional intelligence training and issue an apology.

Councillor K was suspended by her party for 28 days. The Councillor has confirmed that they stood by the comments but were considering the training and apology.

Councillor K had already made a decision not to stand for re-election in May prior to this issue.

1.2.3 Councillor E, Pembrokeshire Council

In April 2023 Councillor E is alleged to have made racist comments about Black people and is being investigated by his party.

Councillor E's voice has been identified on an audio recording of comments which emerged online. The Councillor has refused to confirm whether or not the voice is his but that he has self-referred himself to the Public Services Ombudsman under the Welsh system and would not comment further.

The Ombudsman's office confirmed it had received a self-referral. That does not necessarily mean a formal investigation will be launched.

Pembrokeshire Council have confirmed that they are aware of the allegation.

The Committee will be notified on any further updates of this matter.

1.2.4 Councillor P, Colchester Council

A report produced by an independent council investigator revealed that Councillor P referred to councillors "hating each other", adding: "Elect Muppets – get a comedy show." The investigation examined four complaints made against Councillor P.

The Governance and Audit Committee determined that the Councillor's behaviour breached the Code of Conduct.

The committee recommended that Councillor P should be issued with a reprimand and given extra training on adherence to the Code of Conduct.

Councillor P decided not to stand for re-election in May prior due to this issue.

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 no new complaints since the date of the last meeting (30 March 2023) as at the date this report was written.
- 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.
- 1.3.5** Since the last meeting a complaint against a Councillor, that was received in October 2022, has now been resolved but in line with the complaint's process is now being reported to the Committee.

The complaint related to the behaviour of a Councillor at a Council meeting, two separate allegations were made and these were referred to an independent investigator for consideration. The independent investigator considered that there had been no breach in respect of one of the allegations as the behaviour complained about amounted to "political speech and was protected by the right of freedom of expression. However, the second allegation was found to have been a breach as the behaviour complained about was not "political speech" and was disrespectful.

During discussions with the investigator the Councillor reflected on their behaviour and offered to apologise. As a result, it was proposed that rather than referring the matter to the Ethics Committee for a hearing the matter be dealt with by way of summary resolution. The Councillor eventually did apologies to the complainant. This approach was endorsed by the Independent Person who reviewed this decision.

As part of the decision notice the Monitoring Officer whilst determining the matter could be dealt with by way of summary resolution raised her disappointment in respect of the Councillor's prevarication and failure to respond to the Monitoring Officer and the apparent lack of respect for the process of maintaining standards in public life.

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 Chief Finance 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 One Coventry Plan

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

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

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| Julie Newman | Chief Legal Officer | Law and Governance | 31/05/23 | 05/06/23 |
| Benita Udegbe | Trainee Solicitor | Law and Governance | 31/05/23 | 31/05/23 |
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| Finance: Graham Clark | Lead Accountant | Finance | 19/06/23 | 19/06/23 |
| Councillor S Nazir | Chair of Ethics Committee | | 13/06/23 | 13/06/23 |

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Ethics Committee

29 June 2023

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

Not applicable

Title:

Work Programme for the Ethics Committee 2023/24

Is this a key decision?

No

Executive Summary:

This report suggests areas of work for the Ethics Committee for the Municipal Year 2023/24. The Committee is asked to consider the draft Work Programme and make any suggestions for additional or alternative reports.

Recommendations:

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

List of Appendices included:

Draft Work Programme

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Draft Work Programme for the Ethics Committee 2023/24

1. Context (or background)

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

2. Options considered and recommended proposal

- 2.1 The Work Programme includes regular items on:
 - Code of Conduct/ Monitoring Officer Update
 - Declarations of gifts and hospitality by Members and Officers
 - Annual report to full Council
 - Local Government and Social Care Ombudsman's Annual Report
- 2.2 In addition the Ethics Committee factor into the Work Programme a number of matters where work is being, or about to be, undertaken across the Council, namely:
 - Monitoring the work of the Committee on Standards in Public Life (including any legislative changes arising from the CSPL's report and / or recommendations of January 2019)
 - Monitoring, and responding to, the Local Government Association's work on Civility in Public Life and Digital Citizenship
 - The work of a Member/Officer group which is developing a local response to the LGA's guidance on intimidation in public life
- 2.3 The Work Programme was approved by the Committee at its meeting on 30 March 2023 with the inclusion of the following item for the Committee's December meeting:
 - 'Chamber Skills and Etiquette – A Guide for Councillors' – training was provided for Councillors on 7 and 14 June 2023. Once feedback has been collected, a guide will be produced for consideration by the Committee.
- 2.4 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. The Committee may wish to consider including the following matter:
 - Since the last Committee meeting the Jo Cox Foundation has launched the Jo Cox Commission on Civility. This is a review that will look specifically at the increasing problem of threats and intimidating behaviour towards elected officials, particularly MPs. The first evidence gathering phase is this summer. More detailed information is included at Appendix 2.

2.5 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 the Chief Finance 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 achievement of the One Coventry Plan?

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

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): Julie Newman

Name and job title: Chief Legal Officer

Directorate: Law and Governance

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Enquiries should be directed to the above person.

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| Sarah Harriott | Deputy Team Leader (Job-Share), Regulatory – Civil, Governance and Information | Law and Governance | 31/05/23 | 31/05/23 |
| Julie Newman | Chief Legal Officer | Law and Governance | 31/05/23 | 05/06/23 |
| Names of approvers for submission: (officers and members) | | | | |
| Finance: Graham Clark | Lead Accountant | Finance | 19/06/23 | 19/06/23 |
| Cllr S Nazir | Chair: Ethics Committee | | 12/06/23 | 23/06/23 |

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Appendix 1

Work Programme for the Municipal Year 2023/24

| Meeting no. and date | Topics |
|--------------------------|--|
| 2023/4 | |
| 1. June 2023 | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update |
| | Annual Report of the Committee |
| | Work Programme 2023/24 |
| | Local Code Of Corporate Governance |
| | |
| 2. September 2023 | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update |
| | Officers Gifts and Hospitality -Inspection of Registers for first 6 months of 2023 |
| | Members Gifts and Hospitality -Declarations for first 6 months of 2023 |
| | |
| | Civility in Public Life and Digital Citizenship Review |
| | Work Programme 2023/24 |
| | |
| 3. December 2023 | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update |
| | |
| | Local Government and Social Care Ombudsman Annual Report |
| | Committee on Standards in Public Life Annual Report |
| | |
| | Chamber Skills and Etiquette – A Guide for Councillors |
| | Work Programme 2023/24 |
| | |
| 4. March 2024 | |
| | Monitoring Officer/Code of Conduct/ Members Complaints Update. |
| | |
| | Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2023 |
| | Members Gifts and Hospitality -Declarations for last 6 months of 2023 |
| | |
| | Work Programme 2023/24 |