
9 December 2016

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

None

Title: Code of Conduct Update

Is this a key decision?

No

Executive Summary:

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

Recommendations:

The Ethics Committee is recommended to:

1. Note the cases determined under the new regime nationally and request that the the Legal Services Manager, Place and Regulatory in consultation with the Chair of the Ethics Committee, shares the case updates with all elected Members; 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 Legal Services Manager, Place and Regulatory in consultation with the Chair of the Ethics Committee.

List of Appendices included:

Appendix: Decision Notices in respect of standards hearing held by another authority

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

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Code of Conduct update

1. Context (or background)

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

1.2 The national picture

1.2.1 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore the cases reported are taken from general research.

1.2.2 Councillor H: East Riding of Yorkshire Council

A complaint was made by the company operating a household waste recycling centre on behalf of the Council. It alleged that Cllr H visited the centre and tried to dispose of waste that was not household waste. On being told she could not do this, she forcibly pushed an employee so that he was pushed into a wall. She also identified herself as a councillor.

The hearing into the complaint included CCTV footage of the incident and the committee concluded that the councillor had breached the code of conduct in that she had failed to treat others with respect and had behave in such a way as to bring her office or authority into disrepute.

The Standards Committee recommended to the Council that Cllr H should write a letter of apology to the employee concerned and should be removed from membership of the Standards Committee.

1.2.3 Councillor G: West Rainton and Leamside Parish Council

This case arose from a series of complaints concerning the alleged conduct of Cllr G at various Parish Council and Parish Meetings when he was alleged to have been guilty of being disrespectful to others and acting in an intimidatory manner. The complaints related to:

- Facebook postings containing disrespectful and threatening content;
- allegations that Cllr G had moved boulders surrounding the village green;
- his manner when confronting others with complaints about their actions or those of their contractors affecting the village green.

The Standards Committee concluded that Cllr G had failed to treat others with respect. His behaviour, while not amounting to bullying, had bordered on being intimidatory. Cllr G was asked to make a public apology for his behaviour and to undertake training.

1.2.4 Councillor M: Syston Town Council

This case concerns a number of complaints made by the Town Manager about the behaviour of a town councillor over a period of around 10 months. The main complaints were:

- (a) Cllr M raised gossip about the Town Manager with her and others.
- (b) She pursued information on stationery costs to the point of an altercation and in doing so, she did not engage appropriately with the Town Manager.
- (c) Cllr M prevented the Town Manager from speaking at Committee meetings.
- (d) She gave unreasonable and inappropriate instructions to the Town Manager and sent hostile and intimidating communications to the Town Manager.
- (e) The general conduct of Cllr M towards the Town Manager was one of harassment and lack of respect.

The Hearings Panel decided that although some allegations did not amount to a breach of the Code of Conduct, Cllr M had breached the following provisions of her council's Code of Conduct:

- Valuing staff and engaging with them in an appropriate manner that underpins mutual respect;
- Behaving in accordance with the Council's policies (in respect of the Dignity at Work and Harassment, Bullying and Discrimination Policies);
- Listening to statutory officers and taking all relevant information into consideration;
- Always treating people with respect, including those you work alongside.

The Hearings Panel decided to recommend to Syston Town Council that:

- that a formal letter be issued to Cllr M setting out the breaches of the Code of Conduct as identified by the Panel;
- that the Council remove Cllr M from her appointment as Chair of the Amenities Committee, and prevent her from holding the position of Chair or Vice-chair of any other Council committees or the Council itself for a minimum period of 18 months; and
- that the Council should give serious consideration to engaging professional mediation services in order to improve the specific situation between Cllr M and the Town Manager, and also to engaging professional assistance in order to promote good governance and improve working practices both between councillors, and between councillors and employees.

1.2.5 Councillor T: Honiton Town Council

Cllr T was found to have breached Honiton Town Council's Code of Conduct at a hearing in November 2015 held by East Devon District Council's Standards

Committee. The Standards Committee recommended to Honiton Town Council that it impose particular sanctions upon Cllr T. The Town Council, however, decided to impose its own sanctions which went further than those recommended by the committee.

Cllr T sought permission for a judicial review of Honiton Town Council's decision to impose its own sanctions on him and was successful, even though Honiton Town Council had subsequently rescinded the sanctions. The substantive case was due to be heard in the High Court on 9 and 10 November. At the time of writing this report there was no further information available on the outcome of the hearing. The Acting Monitoring Officer will update the Committee at the meeting.

1.3. The local picture

Complaints under the Code of Conduct

1.3.1 The Ethics Committee has requested that the Monitoring Officer report regularly on any complaints received relating to Members of Coventry City Council.

1.3.2 The Monitoring Officer has received three new complaints, since the date of the last Committee meeting:

- (a) A complaint by one councillor that another councillor had failed to declare all their interests in a timely manner. The Acting Monitoring Officer has dealt with this under Stage 1 of the Complaints Protocol. She met with the Subject Member in relation to the allegations and where appropriate the Subject Member updated his register of interests. The Acting Monitoring Officer has also written to the Subject Member reminding him of the requirement to update his register within 28 days of any changes.
- (b) A complaint by one councillor that another councillor made inappropriate and disrespectful remarks about them in an email copied (in error) to other councillors and employees. This matter has been resolved at Stage 1 through informal action with the councillor concerned being asked to apologise for circulating the email so widely. The apology was circulated to all recipients of the original email. In addition the Acting Monitoring Officer and the Chief Executive are to meet with the respective Group Leaders and Whips (a separate meeting for each group) to consider how to re-set standards of behaviour amongst Members to ensure that complaints of this nature do not arise again in the future.
- (c) With regard to the final matter, although she has received no formal complaint, the Acting Monitoring Officer has investigated the circumstances surrounding remarks alleged to have been made by a councillor both on social media and in interviews with the media. The City Council has a statutory duty to promote and maintain high standards of conduct by Elected Members. It was therefore considered appropriate (despite the lack of complaint) to investigate the comments made to establish whether they amount to a breach of the code. The Acting Monitoring Officer has completed her report and the matter will be dealt by way of a hearing to determine whether any sanction should be imposed.

1.3.3 The Committee was due to conduct a hearing into a complaint on 12 September, which was unable to go ahead due to unforeseen circumstances. The complaint is being reviewed by a new investigator and will come before members in due course.

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. No complaints have been received by the Monitoring Officer in respect of Allesley, Finham or Keresley Parish Councils.

Training for Parish Councils

1.3.4 The Acting Monitoring Officer ran a training session for parish councils on the Code of Conduct and Declaration of Interests on 28th July. This was attended by all Finham Parish councillors together with the clerks from both Finham and Keresley. The Acting Monitoring Officer also delivered a short training session to Allesley Parish Council on Disclosable Pecuniary Interests on 18th July which was attended by the clerk and four of the seven councillors. A further short session on the code was held in October which was attended by the Clerk and six councillors.

Training for City Councillors

1.3.6 The Acting Monitoring Officer has held two further training sessions for city councillors who were unable to attend the three sessions held on in June. These sessions were on 8th and 13th September and a total of 11 councillors attended. Over the five sessions held, 43 out of the 54 councillors have attended. Of the 11 remaining, 2 undertook the training in 2015 and so there are just 9 councillors who need to complete the training.

1.3.7 The Acting Monitoring Officer has written to the party group leaders to ask them to remind the remaining 9 councillors of the need to undertake the training and will arrange another session for them. In addition, the Monitoring Officer has delivered the same training for legal and governance services officers who advise members at meetings.

Letter to Secretary of State

1.3.8 At its meeting on 15 July the Committee authorised the Acting Monitoring Officer, in consultation with the Chair to send a letter to the Secretary of State putting forward the recommendation that there needs to be a change to the legislation in respect of displaying/providing personal information in the public domain.

The Acting Monitoring Officer wrote to the Secretary of State on 31st August 2016 and received a reply on 13th October. Both letters are attached at the Appendix to this report.

2. Options considered and recommended proposal

Members of the Committee are asked to:

- (a) Note the cases determined under the new regime nationally and request that the Legal Services Manager, Place and Regulatory, in consultation with the

Chair of the Ethics Committee bring the case summaries to the attention of all elected Members; and

- (b) 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 Legal Services Manager, Place and Regulatory, in consultation with the Chair of the Ethics Committee.

3. Results of consultation undertaken

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

4. Timetable for implementing this decision

- 4.1 The case summary will be shared with all elected Members as soon as possible and in any event before the next meeting of the Committee.

5. Comments from Executive Director, Resources

5.1 Financial implications

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

5.2 Legal implications

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

6 Other implications

None

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

Not applicable.

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

No direct impact at this stage

6.4 Equalities / EIA

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

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel/Suzanne Bennett	Governance Services Officer	Resources	30.11.16	30.11.16
Names of approvers for submission: (officers and members)				
Finance: Kathryn Sutherland		Resources	28.11.16	01.12.16
Legal: Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	28.11.16	29.11.16
Chris West	Executive Director Resources	Resources	28.11.16	01.12.16
Councillor Walsh	Chair of Ethics Committee		18.11.16	18.11.16

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www.coventry.gov.uk/councilmeetings

Appendix

Letter to Secretary of State

31 August 2016

Dear Secretary of State

Code of Conduct Training and Declaration of Interests

I am writing on behalf of Coventry City Council's Ethics Committee.

At its meeting in July 2016, the Committee considered the legal requirements to publish the home addresses of Councillors. The three principal requirements are set out below;

- i) The requirement to register interests in land within the City on the Register of Disclosable Pecuniary Interests;
- ii) The requirement to publish the addresses of Cabinet Members in the Council's Constitution; and
- iii) the authority must hold a register open to public inspection which lists the name and addresses of Councillors and the wards they represent (s.100G Local Government Act 1972).

Members of the Committee have recently completed personal safety training as well as received guidance from West Midland Police.

The Committee were concerned that the legislative requirements to publish home addresses is at odds with this guidance. Whilst they understand and support the need for openness and transparency, they are concerned that the publishing of addresses potentially puts them at an increased risk of violence and intimidation.

The Committee requested that I write to you to ask whether other authorities had expressed similar concerns and/or whether you would be minded to review the requirements.

I look forward to hearing from you.

Yours faithfully,

Helen Lynch
Legal Services Manager (Place and Regulatory), Acting Monitoring Officer

Response from Secretary of State



Department for
Communities and
Local Government

**Department for Communities and Local
Government**

Fry Building
2 Marsham Street
London

Helen Lynch
Legal Services Manager
(Place and Regulatory),
Acting Monitoring Officer
Coventry City Council

E-Mail: stuart.young@communities.gsi.gov.uk

www.gov.uk/dclg

By email
Helen.Lynch@coventry.gov.uk

Our Ref: 2705251
Your Ref:

Date: 13 October 2016

Dear Ms Lynch,

Thank you for your letter of 31 August to The Rt Hon Sajid Javid MP, asking if the requirement for councillors to register property as interests is at odds with their personal safety. As I am sure you will appreciate, the Secretary of State receives a great deal of correspondence and cannot reply to it all personally. Instead, the correspondence unit here at the Department for Communities and Local Government allocate the correspondence to the team with policy responsibility for the content of the correspondence. I am responding to your letter because I work in the team here at the Department for Communities and Local Government that deals with the conduct of councils and councillors.

I was sorry to read of your concerns. It is important that members of the public know that elected members are putting the interests of the public before their own, personal, interests. That is why the Localism Act 2011 introduced new rules on the registering and disclosing of certain pecuniary interests, including property owned in the local authority area.

Whilst there has been no concern expressed that this might somehow endanger local authority members, the rules do allow for certain pecuniary interests not to appear on the public register, as reflected in the Department's guidance on openness and transparency on personal interests: 'a guide for councillors'.

The section titled 'Is there any scope for withholding information on the published register', notes 'Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other

than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation'.

I hope that my advice is of some assistance, and that you are able to resolve your complaint or concerns.

Yours sincerely,

Stuart Young

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