
16 May 2017

Name of Cabinet Member:

N/A- Council

Member Approving Submission of the report:

Chair of Ethics Committee – Councillor S Walsh

Ward(s) affected:

None

Title: Recommendations of Ethics Committee Following Code of Conduct Hearing

Is this a key decision?

No

Executive Summary:

On 17 March 2017 the Ethics Committee held a hearing in to a complaint that Cllr Jaswant Singh Birdi (the “Subject Member”) had breached the Code of Conduct for Elected and Co-opted Members. It related to an incident which took place on 4th January 2016.

The Committee decided that the Subject Member had breached the Code of Conduct and imposed a number of sanctions upon him. A copy of the Decision Notice issued on behalf of the Committee is attached at Appendix A. Among other things, the Committee decided to report its findings to full Council with a recommendation that it censures Cllr Birdi.

Recommendations

Council is requested to consider the findings of the Ethics Committee and to consider censuring Cllr Birdi in respect of the breaches of the Code of Conduct.

List of Appendices included:

Appendix 1: Ethics Committee Decision Notice issued on 28 March 2017

Other useful background papers:

The original report to Ethics Committee on 17 March 2017 can be found here:

<http://democraticservices.coventry.gov.uk/documents/s33368/04%20-%20Hearing%20into%20Complaint%20Under%20Code%20of%20Conduct.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?

Yes

Report title: Recommendations of Ethics Committee Following Code of Conduct Hearing

1. Context (or background)

- 1.1 The Council adopted the Code of Conduct for Elected and Co-opted Members (“the Code”) at its meeting on 3rd July 2012. In addition the Ethics Committee on 30th August 2012 approved a Complaints Protocol for use when dealing with Code of Conduct complaints.
- 1.2 On 15th January 2016, Mr Nagarajah Kuruparan (the Complainant) made a statement of complaint to the Deputy Monitoring Officer. The complaint was against Councillor Jaswant Singh Birdi (“the Subject Member”) and related to an incident which took place at the Complainant’s shop on 4th January 2016.
- 1.3 The complaint was investigated and on 17 March 2017 the Ethics Committee held a hearing into the complaint. The Committee concluded that Cllr Birdi had breached the Code of Conduct and issued a number of sanctions. The Decision Notice issued on behalf of the Committee sets out the basis for the Committee’s decision and the sanctions that it applied. This can be found at Appendix 1 to this report.
- 1.4 Among other things, the Committee resolved to report its findings to full Council and to recommend that Council should censure Cllr Birdi.

2. Options

- 2.1 Ethics Committee has asked the Council to consider its findings and its recommendation to full Council as set out in the Decision Notice.

3. Results of consultation undertaken

- 3.1 Not applicable.

4. Timetable for implementing this decision

- 4.1 Any decisions of the Council will be implemented within an appropriate time frame.

5. Comments from the Monitoring Officer and Section 151 Officer

5.1 Financial implications

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

5.2 Legal implications

The Council is required under Section 28 of the Localism Act 2011 to adopt a suitable Code of Conduct and to have in place arrangements under which allegations of failure to comply with the Code may be investigated and decisions on allegations can be made. The Council also has a statutory duty to promote and maintain high standards of ethical behaviour under section 27 of the Act.

6. Other implications

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?

Failure to consider and deal appropriately with complaints about councillors' behaviour could lead to damage to the Council's reputation as well as that of individual councillors.

6.3 What is the impact on the organisation?

This report will have no direct impact on the organisation. It does, however, show that the Council is fulfilling its statutory duty to promote and maintain high standards of ethical behaviour among elected and co-opted members.

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

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team

Directorate: Place

Tel and email contact: 024 7683 3976 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	03.05.17	03.05.17
Names of approvers for submission: (officers and members)				
Helen Lynch	Legal Services	Place	24.04.17	25.04.17

	Manager (Place and Regulatory) and Acting Monitoring Officer			
Julie Newman	Legal Services Manager (People)	Place	24.04.17	25.04.17
Adrian West	Elections and Member Services Manager	Place	24.04.17	25.04.17
Director: Barry Hastie	Director of Finance and Corporate Resources	Place	03.05.17	08.05.17
Members: Councillor Walsh	Chair, Ethics Committee		03.05.17	

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Appendix 1: Ethics Committee Decision Notice