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20 July 2017

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Deputy Chief Executive, Place

**Ward(s) affected:**

None

**Title:** Code of Conduct Update

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**Is this a key decision?**

No

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**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:**

**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?**

No

## **Report title: Code of Conduct update**

### **1. Context (or background)**

1.1 The Council's Ethics Committee has agreed that the Monitoring 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 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 where councils publish full details of their conduct hearings in public.

#### **1.2.2 Councillor V: Driffield Town Council**

This case concerned a number of complaints made by members of the public about Councillor V and her use of social media. It was alleged that the councillor had "liked" a number of extremely offensive posts on social media. In addition it was claimed that she had posted or replied to other posts which were also offensive and racist in nature. She used the title "Councillor" on her account.

An investigator concluded that by liking other people's posts Cllr V was associating herself with those views which were highly disrespectful and offensive to people of other faiths and ethnic backgrounds; her own posts were equally offensive. The Investigator concluded that Cllr V had failed to treat others with respect and had brought her office and authority into disrepute.

A hearing of the Standards Committee concluded that Cllr V had been in breach of the Code of Conduct and recommended to Driffield Town Council that:

- Councillor V submits a verbal public apology at a full meeting of Driffield Town Council; and
- training on social media be undertaken by all members of Driffield Town Council.

At a subsequent meeting of the Town Council, it agreed with the Standards Committee's recommendation with regards to Cllr V making a public apology, which she did. It did not however agree the recommendation that all Town Councillors should undertake social media training.

#### **1.2.3 Councillor H: Hornsea Town Council**

Two separate complaints were made by members of the public who attended the annual public meeting of Hornsea Town Council. The meeting became heated and it was alleged that Cllr H behaved in an ill-tempered and aggressive manner towards members of the public and made remarks which some felt were

inappropriate. Following an investigation, the Investigator concluded that Cllr H had behaved in a way which showed a lack of respect and brought his office and authority into disrepute.

Following a hearing the Standards Committee expressed its disappointment at Cllr H's failure to engage with the process which as a result had delayed the decision making process and had in itself shown a lack of respect towards the standards regime. The Committee decided that he had been in breach of the Code of Conduct. It recommended to Hornsea Town Council that Cllr H should make a public apology at a full Town Council meeting.

#### **1.2.4 Councillor C: Pocklington Town Council**

This was another case involving a town councillor's behaviour on social media which gave rise to a complaint by an East Riding of Yorkshire councillor who is a ward councillor for Pocklington. It was alleged that during the course of a series of Facebook posts with a member of the public, Cllr C's comments showed a lack of respect to the member of the public, they amounted to bullying and brought the councillor's office and authority into disrepute.

The investigation into the complaint concluded that while there was no evidence of bullying, the councillor had failed to treat the member of the public with respect and brought his office and authority into disrepute. The Standards Committee however, decided that Cllr C had been guilty of bullying as well as the two other breaches established by the Investigator. The Committee recommended to Pocklington Town Council that Cllr C submit a written apology to the member of the public, and that it makes available social media training for its members and also that it reminds them of the need to exercise due caution when using social media.

This case is interesting because the councillor sought to argue that his comments were not made in his official capacity as a councillor and his postings did not include his title as councillor. However, both the Investigator and the Standards Committee took the view that his status as a councillor was known to others commenting on the Facebook page and some of his comments would have led a reasonable person to believe that he was a councillor.

In addition Cllr C argued that the comments were made in the course of a robust debate, with the member of the public concerned being equally forthright in his views expressed. Nevertheless, the Investigator and the Committee took the view that there is a difference between a debate between rival elected members and between a councillor and a member of the public. In their view, individuals should not be subject to unreasonable or excessive personal attack and, so far as possible, members should treat the public courteously and with consideration.

### **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. The complaints concerned:

- alleged bullying behaviour and misuse of position towards a member of the public during dispute. The Councillor was considered to be acting in his private capacity and therefore not caught by the Code;
- statements made during a Council meeting including comments made about the leader of the Council. Comments made about the Leader of the Council amounted to political speech. The statements made also contained a number of factual inaccuracies and could have amounted to disrespect towards a member of the public. The Acting Monitoring Officer met with the Councillor to re-set standards and re-iterate the importance of being factually correct when making statements;
- concerns raised by member of the public who chose not to pursue the complaint. These related to alleged involvement in a planning application and failure to declare a DPI. These concerns were still considered in accordance with Stage 1. The Council's procedures in respect of handling Planning Applications were not breached and there was no evidence that the Councillor had been involved in determination of the application. Evidence was provided as to the date that the DPI arose and recorded on register within 28 days.

1.3.3 The Committee conducted a hearing on 17 March 2017 into an allegation that a councillor had breached the Code of Conduct. The decision notice setting out the sanctions imposed was published on the Council's website.

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.

#### *Member Training*

1.3.5 The nine councillors who were unable to attend any of the training sessions on the Code of Conduct in 2016 have been invited to attend extra sessions to be held on 3 and 24 July. These dates have been chosen specifically to fit in with the councillors' other commitments. While these sessions are intended primarily for those councillors who have not undertaken training in the last 4 years, all councillors have been invited to attend, if they wish, through an item in the Members' Weekly Bulletin.

1.3.6 In addition the two councillors who were recommended to undertake training as a result of Code of Conduct proceedings, have completed that training.

#### *Appointment of Independent Persons*

- 1.3.7 The Committee will be aware that the Council recently advertised for people who were interested in the voluntary position of Independent Person. Five applications were received. An interview panel was set up consisting of the Chair of Ethics Committee Cllr Seamus Walsh, Cllr Abdul Khan and Councillor John Blundell.
- 1.3.8 Four candidates were invited to interview on 18 April 2017 and the Panel decided to recommend the appointment of all four candidates: Steve Atkinson, Ann Barton, Ruth Wills and Peter Wiseman. While it had originally been intended to appoint up to three independent persons, the panel felt that each candidate had different qualities and skills which would benefit the Council in meeting its legal duty to uphold and promote high standards of ethical behaviour among elected and co-opted members. In addition, having a pool of independent persons will assist where an independent person has a conflict of interest in a particular matter and will make it easier for members to consult an independent person on aspects of ethical conduct.
- 1.3.9 On 18 May 2017, Annual Council confirmed the appointment of all four applicants as Independent Persons. The Monitoring Officer has arranged some training for the Independent Persons immediately following the meeting of the Ethics Committee.

## **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 Deputy Chief Executive, Place**

- 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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