
14 September 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

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 standards regime nationally and request that the Monitoring Officer 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 Monitoring Officer, 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 L: Haltwhistle Town Council

The Standards Committee of Northumberland County Council held a hearing into a complaint that Cllr L had:

- (i) taken a stance against the Clerk to Haltwhistle Town Council, wife of the complainant, and had constantly belittled her, complained about her work, undermined her confidence at meetings and in emails which were circulated around the other Town councillors.
- (ii) despite having been requested by the Town Council not to contact the Clerk directly and to correspond directly and only with the Chairman, refused to do so and increased the abuse of the Clerk seemingly unable to accept that she was part-time and should not work beyond her contracted hours.

The Committee found that the actions of the councillor, particularly the tone of his emails and the way he spoke to her at public meetings and a site visit, amounted to bullying and failing to treat the Clerk with respect. This was a breach of the Town Council's code of conduct.

The Committee recommended that Haltwhistle Parish Council:

- (i) Censure Cllr L;
- (ii) Arrange training for Cllr L and for the whole Town Council;
- (iii) Remove Cllr L from any or all committees and subcommittee for a period of 12 months.

1.2.3 Councillor X: Northallerton Town Council

In this case Hambleton District Council's Standards Hearings Panel considered a complaint about a Town Council member who it was alleged had intimidated or attempted to intimidate the complainant and failed to treat them with respect. The complaint alleged that at the end of a council meeting the councillor had verbally abused the complainant and threatened him with physical violence.

This case is interesting in that the councillor did not deny that some sort of incident had taken place. However he argued that he had not attended the council meeting in his capacity as a councillor but rather in order to support a council employee whom he was mentoring. The Hearings Panel accepted his explanation and there was a finding that no breach had taken place.

1.2.4 Councillor R: Ryedale District Council

This was an unusual case in that a councillor made a complaint against another councillor that he had voted twice at a meeting of Council. The Council uses individual electronic voting units and the allegation was that Cllr R had voted using both his own unit and that of a fellow councillor who had left the meeting early and who had not asked Cllr R to vote on his behalf.

The Corporate Governance Standards Sub-Committee determined that in voting twice the councillor had broken at least two of the Council's procedural rules and this amounted to a breach of the following parts of the Code of Conduct:

- (a) Behaving in accordance with all legal obligations, alongside any requirements contained within the authority's policies protocols and procedures, including on the use of the authority's resources.
- (b) Various principles set out in the Code, namely: selflessness, integrity, openness, honesty and leadership.

The Sub-Committee recommended that:

- (a) Full Council should censure Cllr R;
- (b) The Group Leader be asked to suspend Cllr R from committees for 6 months;
- (c) Cllr R be asked to apologise to the Chair of the Council and all members of the Council.

In addition the Sub-Committee made a number of other recommendations relating to logging when councillors leave meetings early, returning their voting units and reviewing the effectiveness of having lengthy meetings.

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 four new complaints since the date of the last Committee meeting. All four complaints relate to the same incident and allege breach of the Code of Conduct by one councillor; one of the complainants has also alleged that a second councillor has breached the Code. The complainants are being dealt with at Stage One of the Complaints Protocol and the Monitoring Officer will update the Committee at the meeting.

- 1.3.3 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

- 1.3.4 Two final mop-up training sessions were held on 3 and 24 July. Seven councillors attended these sessions. There are now only two councillors who have not attended Code of Conduct training within the last three years, as required. The Monitoring Officer will be arranging further training for them in a format to suit them.

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 Monitoring Officer, 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 Monitoring Officer 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 Director of Finance and Corporate Services

- 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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