
Ethics Committee

6 November, 2018

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

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
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 City Solicitor and 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 any cases reported are taken from general research where councils publish details of their conduct hearings in public.

1.2.2 Councillor S: Wyre Borough Council

In this case complaints had been made by four other councillors about the behaviour of Cllr S at a meeting of the council's Planning Committee. Cllr S was alleged to have made derogatory comments about fellow Planning Committee members following a heated debate regarding a controversial planning application. The main issue was around Cllr S's behaviour towards her fellow committee members, the perception that those comments would give to members of the public and to all those present at the meeting (including applicants and objectors) and, ultimately, the impact that this would have on the council's reputation.

Cllr S argued that the Code of Conduct comprised "general guidelines" for councillors and there was a degree of subjectivity about what constituted "inappropriate behaviour". She also argued that it was the part of the role of an elected councillor and an essential element of free speech in a democracy, to argue passionately for the things they believed in.

The Standards Committee concluded however that she had breached the Code of Conduct by failing to meet her requirement to "promote and support high standards of conduct when serving in your public post". Cllr S was required to make a written apology to read out at the next meeting of Planning Committee.

Commentary: this case is interesting since it deals with the question of where the line between legitimate political speech and unacceptable behaviour should be drawn. The Standards Committee here considered that in making the remarks

that she did, which implied that the planning decision had been made improperly, the councillor had stepped over that line.

1.2.3 Cllr JS: Holsworthy Town Council

This complaint related to an allegation that Councillor JS was rude and aggressive to members of the public in a shop. In so doing, it was said that he had failed to treat people with respect, was guilty of bullying and intimidation and brought his office and authority into disrepute.

The information on this case that is available in public is limited so it is not clear in what way Cllr JS was acting in his capacity as a councillor during the incident. The Standards Committee did consider the question but found that, amongst other things:

- that Cllr JS was known as a Councillor during the incident and did nothing to dispel that impression, and also that it was likely that Cllr JS did make reference to his role as Councillor during the incident;
- that correspondence pertaining to a previous incident at the shop was relevant as it highlighted Cllr JS's propensity to refer to himself as Councillor and also demonstrated a pattern of behaviour

Cllr JS was found to have breached the Code of Conduct on all three counts and was required to issue a letter of apology and undergo appropriate training. The outcome was also to be reported to his Town Council.

Commentary: this case deals with the difficult subject of when a councillor is acting in his capacity as an elected member. The Standards Committee clearly felt that by referring to himself as a councillor during the incident, Cllr JS had brought himself, and his actions, within the scope of the Code of Conduct.

1.2.4 Westminster City Council: Gifts and Hospitality

There are two items on the agenda at this meeting relating to gifts and hospitality accepted by elected members at Coventry. Earlier in the year it was reported in the press that the then deputy leader of Westminster Council had received over 500 separate gifts and instances of hospitality between 1 January 2015 and 31 January 2018. He had been entertained by and accepted gifts from figures in the property industry at least 150 times as well as theatre and hotel operators. The gifts included trips abroad and theatre and opera tickets. He was chairman of the Council's planning committee for 16 years until early 2017. He then became the Cabinet Member for Business Culture and Heritage.

It was subsequently discovered that the number of instances when the councillor accepted gifts and hospitality was in fact close to 900 over 6 years. The councillor then referred himself to the Council's Monitoring Officer and stepped down from

his Cabinet and Deputy Leader position. It is understood that the Monitoring Officer has commissioned an independent QC to carry out an investigation into his conduct. In addition, the Leader of Westminster had asked the Chief Executive to look at all aspects of the decision-making process to ensure that planning in Westminster is , and is seen as, an independent and impartial process.

Officers will report back to the Committee as and when the outcome of the investigation is known.

1.2.5 Northamptonshire County Council

Members will be aware from media reports that Northamptonshire County Council met in August to agree core spending priorities as part of its budget recovery programme following the issue of another Section 114 notice in July by the council's Director of Finance. The notice, issued in consultation with the Government Commissioners, warned that there is a potential budget shortfall of £60m to £75m in the current financial year. The Council also agreed a budget recovery action plan which outlines a number of measures required to reduce spending significantly.

In addition, following a county wide consultation exercise, the County Council and the seven district councils in Northamptonshire have drafted a proposed submission to the Secretary of State for the future governance of the county. This is based on the abolition of all 8 councils and their replacement by two unitary authorities. The proposals were approved by the County Council and 6 of the 7 district councils and submitted to the Secretary of State at the end of August.

1.2.6 Rotherham Metropolitan Borough Council

Members will recall that in February 2015 the Ministry for Housing, Communities and Local Government and the Department for Education jointly made a formal intervention at Rotherham Council following reports that had concluded that significant failings at the council had contributed to child sexual exploitation. The Government appointed commissioners to take over the running of the authority.

Over the last three years, selected functions have gradually been returned to the council and on 18 September, the Communities Secretary announced that he was concluding the Government's intervention and would return control of all services on 24 September. This was on condition that the council commissions an independent progress review of delivery of services to be completed by 18 February 2019.

1.2.7 Government Proposals to Extend Criteria for Disqualification from Office

The Ministry of Housing, Communities and Local Government's consultation on

expanding the disqualification criteria for local councillors closed in December 2017. As of 29 August, the Ministry is still considering the feedback from the consultation. The Monitoring Officer will update the Committee at the meeting if the Ministry publishes its response to the consultation at a later date.

1.2.8 Local Government Ethical Standards Regime

As previously reported, the Committee on Standards in Public Life is not expected to publish its findings on its review of local government ethical standards until the end of this year. Officers will report on this as and when the report is published. Meanwhile, the National Association of Local Councils, which represents town and parish councils, has published its finding from a survey of its members. It found that:

- 90% support the introduction of a single code of conduct for all local authorities;
- Nearly 70% would like new powers to impose additional sanctions; and
- 60% felt that current sanctions were insufficient to punish breaches of the code or deter future breaches.

NALC has argued that the power of suspension and disqualification should be available and have asked the Government to invest £2m towards a national training programme that would see all new councillors undertake training on ethical standards and the code of conduct as part of their induction.

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 two new complaints since the date of the last Committee meeting. One relates to a city councillor and one to a parish councillor. Both complaints are at Stage 1 in the complaints protocol.

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. One complaint has been received by the Monitoring Officer in respect of a Parish Councillor, which is one of the two complaints referred to in paragraph 1.3.2.

2. Options considered and recommended proposal

Members of the Committee are asked to:

1. Note the cases determined under the standards regime 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 City Solicitor and 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 Any actions arising from this report will be implemented as soon as possible.

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

Report author: Carol Bradford

Name and job title: Carol Bradford, Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

Tel and email contact: 02476 833976 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		04.09.18
Names of approvers for submission: (officers and members)				
Finance: Graham Clark		Place	31.08.18	04.09.18
Legal: Julie Newman	City Solicitor and Monitoring Officer	Place	29.08.18	04.09.18
Barry Hastie	Director of Finance and Corporate Services	Place	03.09.18	21.09.18
Councillor Walsh	Chair of Ethics Committee			04.09.18

This report is published on the council's website: www.coventry.gov.uk/councilmeetings