
19 March 2020

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/Monitoring Officer 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 L: Bournemouth Christchurch and Poole Council

In January 2020, Bournemouth Christchurch and Poole Council's Standards Committee considered an investigation into a complaint about a councillor whose use of social media (specifically Twitter) was alleged to have breached the Code of Conduct.

The complaints arose when the councillor re-tweeted an article in a local online magazine which the complainants considered as hate speech and anti-Semitic. The complainants believed that by re-tweeting the article, Cllr L endorsed and promoted the sentiments in the article.

The Investigator recommended that no further action be taken against Cllr L because he had concluded that the councillor had not been acting in her capacity as a councillor when she re-tweeted the article. This was because although her account at the time included "Labour councillor" as one of her activities, she posted without using her council title, she did not use her Twitter account to deal with Council business and there were no postings about her activities at the council or about the business of the Council generally. The Investigator felt that a constituent interested in Cllr L's council activities would not find such information on Twitter. Neither would they interpret her activities on Twitter as part of her council duties.

Although the Standards Committee resolved that the Code of Conduct did not apply to Cllr L on this occasion, it did have a discussion about the wider issues of how councillors made use of social media and the take-up of training among councillors.

Commentary: *this case again shows how careful councillors need to be in their use of social media and how difficult it can be to distinguish between posts in a personal and in an official capacity. While the Investigator was able to make this distinction, the three complainants clearly believed that the councillor was acting in her official capacity.*

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 17 new complaints since the date of the last meeting at which the previous report was considered (12 September 2019). While this appears to be a relatively high number of complaints, it does cover a six-month period. In addition, six of the complaints related to remarks made by one councillor on one occasion. These six complaints are the subject of an investigation.

1.3.3 In three cases, although the complainant expressed a desire to lodge a complaint, no formal complaint has been made and in another the matter appeared to be a service complaint with no councillor involved.

1.3.4 The position with regard to the remaining 7 complaints is as follows:

- 2 complaints have been reviewed and no further action recommended
- 2 complaints are at Stage 1 (being reviewed at officer level)
- 3 complaints have been reviewed by officers and are with an Independent Person for consideration

1.3.5 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 a Parish Councillor.

Local Ombudsman

1.3.6 In 2018/19, the Local Government and Social Care Ombudsman received 100 complaints and enquiries against the local authority, down from 135 in 2017/18. If the Ombudsman decides there was fault or maladministration causing an injustice to the complainant, they will typically recommend that a council take some action to address it.

1.3.7 In 2018/19, the Ombudsman investigated 18 complaints against Coventry City Council, and upheld 10 complaints. The ten upheld complaints (maladministration) were in the areas of:

- household waste collections (4 complaints) and
- abandoned vehicles; adult social care; children's services; education services; housing services and planning (1 complaint each)

Details of all 18 investigations (10 upheld, 8 not upheld) are set out at:
<https://edemocracy.coventry.gov.uk/documents/s45503/04%20-%20Appendix%203.pdf>.

1.3.8 Officers will bring a full report on Ombudsman complaints for 2019/20 to Ethics Committee in September 2020.

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

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