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Ethics Committee

23 July 2020

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

Not applicable

**Title:**

**Outcome of Code of Conduct Investigation**

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**Is this a key decision?**

No

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**Executive Summary:**

This report provides the outcome of a Code of Conduct Investigation in respect of allegations that Councillor Williams breached the Code of Conduct for Elected Members.

The Ethics Committee's complaints protocol sets out how a complaint that an Elected Councillor has failed to comply with the Council's Code of Conduct is dealt with. The protocol requires that where an investigating officer concludes that there is no evidence of a failure to comply with the Code of Conduct and no further action is required the outcome of such investigations will be reported to the next ordinary meeting of the Ethics Committee.

The investigation report was completed in March 2020 and this is the next ordinary meeting of the Ethics Committee that has taken place since that date.

**Recommendations:**

The Ethics Committee is recommended to note the outcome of the investigation attached as Appendix 1.

**List of Appendices included:**

Investigation Report

**Other useful background papers:**

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

**1. Context (or background)**

- 1.1 At a meeting of full Council on 14 January 2020 Councillor Williams made a statement that resulted in widespread criticism and resulted in six separate complaints being submitted alleging that Councillor Williams had breached the Code of Conduct for elected members.
- 1.2 The City Council's Monitoring Officer, supported by one of the Committees Independent Persons, considered that the complaints merited a formal investigation and instructed Mr Matt Lewin as an appropriately experienced external investigator to undertake the investigation.
- 1.3 Mr Lewin produced a draft report that he shared with the Complainants and Councillor before forwarding his final report to the Council's Monitoring Officer.
- 1.4 Mr Lewin found that Cllr Williams' statement was ignorant, prejudiced and offensive, however he did not find that it amounted to a failure to show respect in breach of paragraph 3(j) of the Code. Mr Lewin considered that "There is a very high threshold to be crossed before political speech – even intolerant and offensive political speech – can be found to have breached the Code". In this case he did not find that that threshold was crossed.
- 1.5 Mr Lewin noted that Councillor Williams had been held accountable for his offensive statement in the public arena and had made a public apology.

**2. Options considered and recommendations**

- 2.1 In light of the findings of the report there is no further action to be taken, however the Committee is asked to note the findings of the investigation report that has been attached in full as an appendix to this report.

**3. Results of consultation undertaken**

None

**4. Timetable for implementing this decision**

- 4.1 Not applicable

**5. Comments from Director of Finance and Director of Law and Governance**

- 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, however reporting on the outcome of this investigation and provide the investigation report in full supports the duty to promote high standards of ethical conduct.

**6. Other implications**

None

**6.1 How will this contribute to the Council Plan?**

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?**

The investigation supports the promotion of high standards amongst elected members in accordance with the Localism Act.

**6.4 Equality Impact Assessment / EIA**

The public sector equality duties require that the City Council in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Protected characteristics includes a person's sexual orientation

**6.5 Implications for (or impact on) Climate change and the environment?**

None

**6.6 Implications for partner organisations?**

None at this stage

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**Directorate: Law and Governance**

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Cllr Walsh	Chair: Ethics Committee		14/07/20	14/07/20

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## **Appendix 1**

### **Investigation Report**