



Public report
Ethics Committee)

Ethics Committee

8 October 2020

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

None

Title: Hearing into Complaint under Code of Conduct

Is this a key decision?

No

Executive Summary:

This report sets out brief details of a complaint made on 17 June 2020 by eight separate individuals ("the Complainants"). The content of each of the complaints is the same. The complaint is against Cllr Glenn Williams (the "Subject Member") and relates to comments made by the Subject Member on Twitter.

The Complainants allege that the Subject Member breached the Council's Code of Conduct for Elected and Co-opted Members in a number of respects, most notably in connection with comments that he has made on social media. These are detailed in Section 2.3 of the Stage 2 report.

An initial review concluded that there should be an investigation into the complaints. Julie Newman, the Council's Monitoring Officer carried out the investigation. Ms Newman concluded that most of the examples of behaviour relied upon by the Complainants either fell outside of the timescale for considering complaints or had already been investigated and findings made. However, the matters raised in paragraph 2.3.8 of her report were new matters and so should be considered as part of the investigation. These matters related to tweets about using water cannon on anti-racist protestors and about "swarms" of illegal immigrants arriving in the UK.

The Stage 2 Investigation Report concluded that the Subject Member's postings were antagonistic and aimed to dehumanise and were incendiary and offensive. They crossed the boundary of acceptable respectful debate and amounted to a *prima facie* breach of Paragraph 3(j) of the Code (treating people with respect).

In accordance with Paragraph 7.4 of the Council's Complaints Protocol, the Deputy Monitoring Officer has referred the complaint to a hearing of the Ethics Committee.

Recommendations:

The Committee is requested to:

- (1) Hear the complaint against the Subject Member and determine whether he has breached the Code of Conduct;
- (2) if the Committee considers that there has been a breach or breaches of the Code of Conduct, determine what sanction or sanctions, if any, should be applied; and
- (3) authorise the Monitoring Officer, in consultation with the Chair of Ethics Committee, to publish the Full Decision on the Council's website at the same time that copies are made available to the parties to the hearing.

List of Appendices included:

Appendix 1: Code of Conduct for Elected and Co-opted Members

Appendix 2: Complaints Protocol

Appendix 3 Hearings Procedure

Appendix 4: Report of Investigating Officer

Appendix 5: Written opinion of the Independent Person

Background papers: None

Other useful documents: 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: Hearing into Complaint under Code of Conduct

1. Context (or background)

- 1.1 The Council adopted the Code of Conduct for Elected and Co-opted Members ("the Code") at its meeting on 3rd July 2012. An extract of the relevant parts of the Code can be found at **Appendix 1** to this report. In addition, the Ethics Committee on 17 March 2017 approved a Complaints Protocol for use when dealing with Code of Conduct complaints. This is attached at **Appendix 2 to this report**.
- 1.2 On 17 June 2020, eight separate individuals (the Complainants) made a formal complaint to the Monitoring Officer. The complaints were the same and can be found as **Enclosure 1 to the Investigator's Report (Appendix 4 to this report)**.
- 1.3 The complaints are against Councillor Glenn Williams ("the Subject Member") and allege that he is a "known racist, xenophobe, misogynist and homophobe". The complaints alleged that the Subject Member had breached paragraphs 2b, 2c, 2d, 2e, 3(f), 3(h), 3(j) and 3(k) of the Code and that it was unacceptable that he "still holds office".

Full details of the Complainants' complaint are set out in Enclosure 1 to the Investigator's Report (Appendix 4 to this report) and in section 2.3 of the investigation Report.

2. Initial Review of Complaints

- 2.1 In accordance with the Complainants Protocol, the Monitoring Officer carried out an initial review of the complaint and recommended that the complaints should be investigated. Her recommendations were accepted by the Independent Person and the Chief Executive on 30 July 2020.

3. Investigation into the Complaint

- 3.1 The Monitoring Officer conducted the investigation into the complaint ("the Investigating Officer").
- 3.2 The Investigating Officer issued her report on 11 September 2020. She found that:
 - (a) Most of the examples of unacceptable conduct submitted by the Complainants either fell outside the timescale for consideration or had already been investigated and findings made.
 - (b) The matters raised in paragraph 2.3.8 of her report (comments about the use of water cannon on anti-racist protestors and "swarms" of illegal immigrants) were new matters that had not been previously considered.
 - (c) The use of the metaphor "swarm" was clearly in this context antagonistic and aimed to dehumanise. It was likely that the Subject Member was making provocative comments to amplify his views, however in his role as an elected member he should be more measured in his public pronouncements and should avoid divisive and inflammatory rhetoric.
 - (d) The Subject Member's pattern and habit of making disrespectful and inflammatory use of social media undermines the role of elected members of the City Council. These pronouncements cross the boundary of acceptable respectful debate and are incendiary and offensive.

- 3.3 The Investigating Officer concluded that there was a *prima facie* case that the Subject Member did fail to comply with paragraphs 3(j) of the Council's Code of Conduct.

The full Report is attached at Appendix 4 together with the documents referred to in the Report.

4. Response to the Investigating Officer's Report

- 4.1 Under the Council's Complaints Protocol, all parties have an opportunity to consider the Report and make a formal response to the Report, if they so wish.
- 4.2 In this case the Complainants did not make any comment on the Report.
- 4.3 The Subject Member made the following comments:

"As you have not followed the City Council's protocol your investigation is invalid and should never have taken place. You have not given me the information to which I am entitled and therefore will have to make my own complaint to the Chairman of the Ethics Committee.

As your investigation is invalid I cannot make comments, nor can I engage in the process, nor will I be bound by anything the committee decides. They should decide to throw it out as you have not followed procedure."

- 4.4 The Council's Independent Person was provided with a copy of the Report and was asked to give his views on it. His written opinion is attached at **Appendix 5**.

5. Hearings Procedure

- 5.1 Attached to this report at **Appendix 3** is the Hearing Procedure that will be followed during the hearing into this complaint. The Chair will have the right to depart from the procedure where he or she considers it appropriate to do so.

6. Options Available to the Committee

- 6.1 At the end of the hearing, the Committee must consider whether the complaint has been upheld. The Committee may decide, on the information/representations before it that:
- The Subject Member has not failed to comply with the Code of Conduct
 - The Subject Member has failed to comply with the Code of Conduct in whole or in part.
- 6.2 In the event that the Committee finds that the Subject Member has failed to comply with the Code of Conduct, it must consider what sanctions, if any, it should apply. The sanctions available to the Committee are to:
- (i) decide to take no action;
 - (ii) publish its findings in respect of the member's conduct;
 - (iii) send a formal letter of censure to the member;

- (iv) report its findings to the Council either for information or to recommend censure of the member;
- (v) recommend to the member's Group Leader that the member be removed from any or all Committees or Sub-Committees of the Council (where applicable);
- (vi) recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities (where applicable);
- (vii) recommend the Monitoring Officer to arrange training for the member.

Any recommendation made under (v) to (vii) above will require the cooperation of all parties.

- 6.3 Where a Subject Member does not accept a sanction which has been imposed upon him/her by the Ethics Committee, the Monitoring Officer will submit a report to full Council which will then consider what action, if any, it should take as a result of the Subject Member's failure.

7. Results of consultation undertaken

- 7.1 Both the Complainants and the Subject Member have been consulted at each stage of these proceedings.

8. Timetable for implementing this decision

- 8.1 Any decisions of the Committee will be implemented within an appropriate time frame.

9. Comments from Director of Finance and Director of Law and Governance

9.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

9.2 Legal implications

The Council is required under Section 28 of the Localism Act 2011 to adopt a suitable Code of Conduct and to have in place arrangements under which allegations of failure to comply with the Code may be investigated and decisions on allegations can be made. The hearing into this complaint meets this requirement and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Act.

10. Other implications

a. How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable

b. How is risk being managed?

Failure to consider and deal appropriately with complaints about councillors' behaviour could lead to damage to the Council's reputation as well as that of individual councillors. The hearing into this complaint is designed to ensure that the Council discharges its duty to promote and maintain high standards of conduct.

c. What is the impact on the organisation?

The hearing is to consider whether the behaviour of the Subject Member breached the Code of Conduct and as such will have no direct impact on the organisation. Nevertheless, the conclusions reached by the Committee may be relevant to other councillors.

d. Equality and Consultation Analysis (ECA)

There are no public sector equality duties which are of relevance at this stage.

e. Implications for (or impact on) climate change and the environment

None

f. Implications for partner organisations?

None

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