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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:** Code of Conduct Update

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**Is this a key decision?**

No

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**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 33 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 twelve-month period. In addition, 20 of the complaints relate to one councillor.

1.3.3 The position with regard to the complaints is as follows:

- Two complaints were withdrawn by the complainants
- Four complaints were either service complaints or no formal complaint was received
- Five complaints were reviewed, and no further action agreed
- Six complaints (against one councillor) were investigated and no breach found
- Eight complaints (against one councillor) have been investigated and will be coming before the Committee
- Eight complaints are in progress at the time of writing this report

1.3.4 The Monitoring Officer will update the Committee on any complaints received before the meeting and progress on those already received.

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.

## **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 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. 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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| Legal: Julie Newman  | City Solicitor and Monitoring Officer | Law and Governance                 | 11/09/20                 | 15/09/20                                  |
| Councillor Walsh   | Chair of Ethics Committee             |                                    | 16/09/20                 | 16/09/20                                  |

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