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Council

8 December 2020

**Name of Cabinet Member:**

N/A-Council

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

None

**Title: Recommendation of Ethics Committee Following Code of Conduct Hearing**

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**Is this a key decision?**

No

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**Executive Summary:**

On 8 October 2020 the Ethics Committee held a hearing into a complaint that Cllr Glenn Williams (the "Subject Member") had breached the Code of Conduct for Elected and Co-opted Members. It related to identical complaints made by eight individuals about Cllr Williams alleging that he is a "known racist, xenophobe, misogynist and homophobe" and giving a number of examples of tweets that he had made which they felt supported their complaint. The Complainants felt that the Councillor had breached several paragraphs of the Code of Conduct and were concerned that his beliefs, as expressed in social media and in council meetings, make it inappropriate for him to be an elected member.

The complaint was investigated and the Investigating Officer concluded that two of the comments complained of amount to a failure to treat people with respect.

The Committee decided that the Subject Member had breached the Code of Conduct. A copy of the Decision Notice issued on behalf of the Committee is attached at Appendix 1. The Committee decided to report its findings to full Council with a recommendation that it censures Cllr Williams.

**Recommendations:** Council is requested to

- (1) Consider the findings of the Ethics Committee;

- (2) To censure Cllr Williams in respect of the breaches of the Code of Conduct; and
- (3) To agree to a formal letter of censure being sent from the Leader of the Council to Cllr Williams

**List of Appendices included:**

Appendix 1: Ethics Committee Decision Notice issued on 16 October 2020.

**Background papers:** None

**Other useful documents**

The original report to Ethics Committee on 8 October 2020 can be found here:

<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?CId=161&MId=12358&Ver=4>

**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?**

Yes

## **Report title: Recommendation of Ethics Committee Following Code of Conduct Hearing**

### **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 3 July 2012 (since amended). In addition, the Ethics Committee on 30 August 2012 approved a Complaints Protocol for use when dealing with Code of Conduct complaints (also since amended).
- 1.2 In June 2020, eight individuals (the Complainants) made separate but identical complaints to the Monitoring Officer. The complaints were against Councillor Glenn Williams and alleged that Cllr Williams is a “known racist, xenophobe, misogynist and homophobe” and gave a number of examples of tweets that he had made which they felt supported their complaint. The Complainants felt that the Councillor had breached several paragraphs of the Code of Conduct and were concerned that his beliefs, as expressed in social media and in council meetings, make it inappropriate for him to be an elected member.
- 1.3 The complaint was investigated and on 8 October 2020 the Ethics Committee held a hearing into the complaint. The Committee concluded that Cllr Williams had breached the Code of Conduct. The Decision Notice issued on behalf of the Committee sets out the basis for the Committee’s decision and the sanction that it recommends. This can be found at Appendix 1 to this report.
- 1.4 The Committee resolved to report its findings to full Council and to recommend that Council should censure Cllr Williams.

### **2. Options considered and recommended proposal**

- 2.1 Ethics Committee has asked the Council to consider its findings and its recommendation to full Council as set out in the Decision Notice.

### **3. Results of consultation undertaken**

- 3.1 Not applicable.

### **4. Timetable for implementing this decision**

- 4.1 Any decision of the Council will be implemented within an appropriate time frame.

### **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**

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

Council also has a statutory duty to promote and maintain high standards of ethical behaviour under section 27 of the Act.

**6. Other implications**

**6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

Not applicable.

**6.2 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.

**6.3 What is the impact on the organisation?**

This report will have no direct impact on the organisation. It does, however, show that the Council is fulfilling its statutory duty to promote and maintain high standards of ethical behaviour among elected and co-opted members.

**6.4 Equality Impact Assessment (EIA)**

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

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

None

**6.6 Implications for partner organisations?**

None

**Report author(s):**

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Suzanne Bennett	Governance Services Officer	Law and Governance	20.11.20	20.11.20
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	20.11.20	20.11.20
Adrian West	Members and Elections Services Manager	Law and Governance	20.11.20	20.11.20
Director: Julie Newman	City Solicitor	Law and Governance	18.11.20	19.11.20
Members: Councillor Walsh	Chair, Ethics Committee		20.11.20	20.11.20

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)



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.

- 2.6 Ms Newman concluded that the two tweets referred to in 2.4(b) above amounted to a failure to show respect to others and so a breach of paragraph 3(j) of the Code of Conduct.
- 2.7 Cllr Williams declined to comment on the Investigation Report when given an opportunity to do so.

## **E Hearing**

- 3.1 The Ethics Committee consisted of:
- Cllr Allan Andrews
  - Cllr Patricia Hetherington
  - Cllr John Mutton
  - Cllr Seamus Walsh
  - Cllr David Welsh

The hearing was chaired by Ruth Wills, one of the Council's Independent Persons. Ms Wills took no part in the Committee's discussions or the decisions that it reached with regard to whether there had been a breach or breaches of the Code or in its discussions or decision concerning the imposition of sanctions.

- 3.2 Cllr Williams did not attend the hearing. A letter which he sent to the Chair of the Ethics Committee explaining why he would not be attending was read out to the Committee.
- 3.3 Members of the Committee asked Ms Newman, the Monitoring Officer and Investigating Officer, about Cllr Williams' claim (in his letter) that she had breached the Council's Constitution and Complaints Protocol by refusing to provide him with the names and addresses of the Complainants. She explained that she had, in other cases, provided Cllr Williams with information in confidence and that this had been shared with a third party and in one case that third party had contacted a complainant on social media. In the current case, she had asked him to confirm that he would not pass the Complainants' details on to third parties, but he was not prepared to do this. The Complaints Protocol allowed the Monitoring Officer to withhold a Complainant's details where it was in the public interest and this she had done.
- 3.4 The Committee decided to hear the matter in his absence.
- 3.5 Ms Newman attended the hearing. Ms Newman outlined her investigation and took the Committee through her report. She explained that if one took the two tweets in isolation, they might not appear to amount to a serious breach of the Code. However, they were part of a pattern of behaviour by the Councillor, which increased the impact of those tweets on people viewing them. She answered questions from the Committee.

## **F Consultation with Independent Person**

4.1 The Independent Person, Mr Steve Atkinson referred the Committee to his written opinion which was attached as Appendix 5 to the report and is set out below:

4.2 *"When contacted by the Monitoring Officer, I agreed to be the Independent Person for this Complaint and that I would make myself available for contact from Cllr Williams, should he wish to discuss the matter with me. Cllr Williams has not contacted me.*

*I have had sight of the report would comment that:*

*- The conclusion that Cllr Williams' use of the term 'swarms' aims to 'dehumanise' is a fine one and I am not sure that it should be seen as antagonistic; although, from my previous knowledge of Cllr Williams - in a private meeting and from his attendance at the Ethics Committee - it is likely that Cllr Williams intended his intervention to be provocative.*

*- Taken together, I have reservations about the view that the two comments are 'incendiary', although they are very likely to 'offend' the average person.*

*- Where I think that there is a more major breach is the fact that he is - unreasonably - electing not to engage with the complaints process; which puts him in potential breach of sections 2(d) and 3(f) of the Code, in that he is not accepting accountability and scrutiny of his actions. As explained in the report, and as evidenced by his email response (which should be shared with the Committee), he does not have good reason not to cooperate.*

*- I think that the history of previous Complaints against Cllr Williams and the decisions made by the Ethics Committee in relation to his behaviour is relevant also and should be taken into account in considering this latest Complaint, as a pattern has been established. Although the sanctions available to the Ethics Committee, should it decide to take action, are limited, it is not in the interest of the Council's reputation that such continued breaches are perceived to be condoned.*

*My recommendation is that Cllr Williams has committed a breach in his use of language (albeit not major) - as he has done before - but that, having done so, he has committed a much greater and clearer breach by his non-cooperation with the investigation into the Complaint; thereby compounding the level of his non-compliance with the Code of Conduct."*

## **G Findings**

5 After considering the submissions made to the hearing and the views of the Independent Person, the Committee reached the following decision(s):

That Cllr Williams had breached paragraphs 2(d), 3(f) and 3(j) of the Code of Conduct for Elected and Co-opted Members in that he had failed to:

- (a) Submit himself to whatever scrutiny is appropriate to his office
- (b) Co-operate when scrutinised internally and externally, including by local residents; and
- (c) Always treat people with respect, including the organisations and public he engages with and those he works alongside.

## **H Reasons**

### **6. The Committee's reasons for reaching its decision are as follows:**

6.1 The Committee took the view that the two issues in this case were:

- (a) whether the two tweets by Cllr Williams advocating the use of water cannon on anti-racist protestors and referring to "swarms" of "illegal immigrants" coming to the UK amounted to a breach of paragraph 3(j) of the Code; and
- (b) whether Cllr Williams' failure to engage with both the investigation process and with the hearing amounted to a breach of paragraphs 2(d) and 3(f) of the Code.

6.2 The Committee considered that suggesting that water cannon should be used on anti-racist protestors was offensive and inflammatory. This was confirmed by a reply to his tweet which suggested that machine guns, rather than water cannon, should be used on protestors. The Committee also considered that referring to "swarms of illegal immigrants" was intended to be provocative and was distasteful and offensive.

6.3 While Cllr Williams is entitled to express his views on social media, his comments were divisive and disrespectful and crossed the threshold of what is acceptable behaviour by an elected member. Seen in the light of previous comments, this is a pattern of behaviour which shows a lack of respect for some sections of the community.

6.4 The Committee noted that Cllr Williams:

- (a) Refused to discuss the complaints with the Investigating Officer when she contacted him about them,
- (b) Declined to comment on the draft investigation report when invited to do so
- (c) Did not contact the Independent Person when given an opportunity to do so
- (d) Declined to attend the Ethics Committee hearing.

6.5 The Council has a legal obligation to promote and maintain high standards of conduct by elected members. Under the Code of Conduct councillors are required to submit themselves to, and co-operate with, any scrutiny. This includes any review or investigation into their conduct.

6.6 Cllr Williams' refusal to engage with the complaints procedure throughout undermines both the role of elected member and the reputation of the Council for upholding high standards of conduct. It amounts to a breach of the conduct under paragraphs 2(d) and 3(f).

## **H Sanctions applied**

7.1 The Committee heard Mr Atkinson, the Independent Person, on the question of sanctions. He said that as a breach of the Code had been found it was appropriate to take into account the pattern of behaviour by Cllr Williams. It was not in the interests of the Council's reputation that these continued breaches should be perceived as being condoned. He felt that the most

appropriate sanction would be to take a report to full Council recommending that Cllr Williams is censured.

**7.2 The Committee decided to:**

- (a) publish its findings in respect of Cllr Williams' conduct; and
- (b) recommend to full Council that it formally censures Cllr Williams for his conduct.

**I Appeal**

8. There is no right of appeal against the Committee's decision.

**J Notification of decision**

9. This decision notice is sent to:

- The Complainants
- Councillor Glenn Williams
- Ms Julie Newman and
- Mr Steve Atkinson

The decision will also be published on the Council's website.

**K Additional help**

10. If you need additional support in relation to this decision notice or future contact with the City Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

**Ethics Committee**

**Coventry City Council**

**16 October 2020**