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5 April 2022

**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 position with regard to matters concerning local authorities 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** 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 Councillor P, Southwark Council, Greater London**

A former Cabinet Member for Housing at Southwark Council breached the local authority's Code of Conduct by acting anonymously through a Twitter account, following an investigation by external solicitors.

After his exposure in the local press as being behind the anonymous account, Councillor P resigned his Cabinet role in February 2021 and read out an apology at a full Council meeting.

He also referred himself to the Monitoring Officer, while one of the campaigners mentioned in the tweets made a complaint in March 2021 about him to the Council.

The complainant was offended by the use of the word 'NIMBY' (Not in my Back Yard) in relation to those who objected to planning development.

The investigator concluded in a report that the Code applied to the tweets even though Councillor P was acting anonymously and not in his official capacity.

The report found that the Code also applied in relation to other tweets and retweets that referred to schemes and developments in which Councillor P had been involved in his official capacity.

The Code was not found to have applied in relation to the residue of tweets by the account as these were more general in nature.

The report was critical of the tweets but found that the content of the tweets to which the Code applied was not such as to result in a breach of the Code.

Where Councillor P was acting anonymously it was found that the tweets while provocative were deemed to be free speech.

Where Councillor P was acting in his official capacity, the tweets (mainly retweets) were found to be generally inoffensive and uncontroversial.

The report did find, however, that by acting anonymously Councillor P had breached the Code. Councillor P had said that his motivation for acting

anonymously was to address misinformation and influence public opinion in support of the developments. In mitigation he said he feared for his safety and this is why he chose to stay anonymous. The investigation while not condoning his actions, accepted the mitigation and noted that he resigned from his Cabinet position and appeared to be remorseful.

Updates on the Southwark's Standards Committee's consideration of the report will be provided at the next meeting.

### **1.2.2 Councillor E, Newport City Council, Gwent**

Councillor E was caught with a prostitute in his car after kerb crawling and lied to the police that she was a colleague from work when questioned.

Councillor E pleaded guilty to soliciting a prostitute in May 2021 and the Magistrates sentenced the Councillor to a conditional discharge and court costs.

Councillor E has been suspended from his position and awaits the results of an investigation.

More detail will be provided as and when available.

### **1.2.3 Councillor R, Vale of Glamorgan Council**

A Vale of Glamorgan Councillor who has sat on the local authority's Planning Committee since 2017 has been found in breach of its Code of Conduct after establishing a cafe without first securing planning permission.

Councillor R was suspended for a month for what the Standards Committee called a "serious breach" of the Code of Conduct that brought the Council and Town Council into disrepute.

The Councillor and a business partner opened the coffee shop and wine bar in June 2019. The building was previously a shop and therefore a change of use planning application was required for the building to be used as a cafe.

Councillor R applied for planning permission but decided to open the establishment before the Council decided on the case. At a Standards Committee meeting held in January 2022, the Councillor said he had "limited or confused knowledge of planning" when asked to explain his decision.

The Public Services Ombudsman for Wales, which investigated the case, concluded that Cllr R's conduct in failing to consider his situation appropriately or seek advice about his role or position in advance of the decision to open the establishment suggested a significant lack of judgment and had the potential to impact on the mutual relationship of trust that exists between the Council, the Town Council, its elected Members, and members of the public.

The Standards Committee subsequently found that Councillor R's actions brought his office as a Councillor and the Council into disrepute and were a breach of their Code of Conduct.

A one month suspension was imposed by way of sanction.

#### **1.2.4 Councillor B, Chirk Town Council, Wrexham County Borough**

A Councillor found to have used bullying behaviour has failed to get his three-month suspension overturned.

Councillor B, an Independent Member of Chirk Town Council, appealed against Wrexham Council's Standards Committee's ruling, but it has now upheld its decision.

He breached the Code of Conduct by contacting a woman's employers after she raised a grievance against him.

In a separate incident in 2020 he apologised for derogatory social media comments about A&E patients.

The Code of Conduct required Councillors to show respect and to not use bullying behaviour or use their position to create a disadvantage for other people.

Following Councillor B's hearing about his bullying behaviour, the Committee issued a three-month suspension along with two other sanctions - that he carry out code of conduct training and write letters of apology.

### **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 no new complaints since the date of the last meeting (9 December 2021) as at the date this report was written.
- 1.3.3 The Monitoring Officer will update the Committee on any further complaints received before the meeting and progress on those already received.
- 1.3.4 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.

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

Members of the Committee are asked to:

1. Note the position with regard to matters concerning local authorities nationally;
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**

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**

Any actions arising from this report will be implemented as soon as possible.

### **5. Comments from the Chief Operating Officer (Section 151 Officer) 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 the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

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) climate change and the environment**

None

## 6.6 Implications for partner organisations?

None at this stage

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