
Ethics Committee

30 June 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

Is this a key decision?

No

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

AEA-LLG-ADSO Guidance: Casual Vacancy – Failure to Attend Meetings – 10 May 2022: <https://www.adso.co.uk/aea-llg-adso-guidance-casual-vacancy-failure-to-attend-meetings-10-may-2022/>

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 S, South Kesteven District Council, Lincolnshire

A Councillor who made a racist remark during a public meeting was suspended from his party for five months. Councillor S resigned from his role as vice chairman of South Kesteven District Council and was suspended from his party in November 2021. His choice of words sparked protests, calls for extra training, and an investigation into his conduct.

A review into his actions recommended several sanctions against Councillor S, including asking him to make a further apology and attend equality and diversity training.

A spokesperson for the party group at the council said Councillor S had formally apologised in front of a meeting of the full council and had undertaken equality and diversity training.

He now has party Whip restored and the council's website has been updated to reflect this. In a statement, Councillor S said: "I would like to take this opportunity to apologise again for using such inappropriate language, I regret it unreservedly and it was a mistake."

1.2.2 Former Councillor L, Harlow Council, Essex

A Councillor quit less than a week after being elected on 5 May 2022, after his Twitter feed was allegedly found to be full of 'racist' retweets and likes including comments against the new actor cast to play Dr Who.

The whip was removed 'immediately' by the Councillors party who stated that they utterly condemned the content of the Tweets. Mr L stepped down, after his Twitter feed was discovered to have retweeted posts which made comments that were described as racist.

Mr L is yet to make a comment about his social media activity and appears to have deactivated his Twitter account.

1.2.3 Guidance on the appropriate actions to take when a council member fails to attend any meeting for six consecutive months

The Association of Electoral Administrators has issued guidance on the appropriate actions to take when a council member fails to attend any meeting for six consecutive months.

The Guidance, which has been endorsed by LLG (Lawyers in Local Government) and ADSO (the Association of Democratic Services Officers), notes that: “Section 85 (1) of the Local Government Act 1972 states that if a member of a council (both principal area and parish/community) fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the council, 1 2 they shall, unless the failure was due to some reason approved by the council before the expiry of that period, **cease to be a member of the council**”. [Emphasis in the Guidance]

The Guidance says the wording highlighted in bold “clarifies that while failure to attend any meetings for six consecutive months leads to that person ceasing to be a member of the council, it does not automatically create a casual vacancy for electoral purposes at that point”.

The document covers:

- When does the vacancy occur?
- Who can declare the vacancy and how?
- When does an election take place for the vacancy?
- Implications where vacancy occurs within six months of ordinary day of retirement

A copy of the guidance can be [viewed here](#).

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 (5 April 2022) 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/)?

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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Enquiries should be directed to the above person.

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