

---

Ethics Committee

29 September 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 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 Mayor of London, Greater London Authority (GLA)**

The Mayor of London issued a press statement on 4 May 2022 - the day before elections for London's 32 boroughs - that service on the delayed Elizabeth Line would begin on 24 May.

The Transport Secretary, complained to the Monitoring Officer that he had made an improper announcement during the pre-election period (also known as *purdah*).

The Monitoring Officer for GLA has confirmed that the complaint will be investigated in accordance with its procedure.

#### **1.2.2 Councillor D, Eden District Council, Cumbria**

Eden District Council found Cllr D had breached the local authority's Code of Conduct over posts he published on Twitter and his blog.

However, the Councillor said that the content of the Twitter post was "not aligned to my role as a councillor and was a personal expression of a view and opinion". The Councillor has now sent a pre-action protocol letter to Eden District Council after alleging that its Code of Conduct assessments did not follow Local Government Association Guidance and the findings regarding comments he made online amounted to a breach of his human rights, particularly the right to Freedom of Expression.

Eden District Council in a statement confirmed that it stood by its decision and will respond to the pre-action letter.

Further updates will be provided as and when reported.

#### **1.2.3 Unidentified Councillor, Babergh and Mid Suffolk District Council**

Councillors were considering an application for the construction of retirement living apartments during a Planning Committee meeting at Babergh and Mid Suffolk District Council when it came to the attention of the Monitoring Officer (MO) that an

unidentified document, that was not part of the Planning papers was being handed out amongst Members.

The MO immediately adjourned the meeting to investigate and conducted interviews with each Committee Member in respect of procedural irregularities. The MO concluded that the document circulated was a previous plan from 2020 which did not form any part of the application before the committee.

During the investigation it became apparent that a Member lacked: "the requisite skills and understanding of the planning process". The Member was removed from the Committee and will be provided with further training.

The MO concluded that the integrity of the planning process had not been undermined and the committee members had not been influenced by the plan being shared.

The application has been "struck through" and the process will now start again afresh in September, to ensure transparency.

#### **1.2.4 Former Councillor D, Pembrokeshire County Council**

Former Councillor D has been disqualified from holding office as a Councillor for three years by the Adjudication Panel for Wales (Welsh cases being centrally adjudicated) after having made false accusations against fellow Members. A finding was made that former Councillor D breached the Code of Conduct in five separate incidents that concerned false accusations and posting misinformation online including a false accusation of a Councillor sharing a pornographic video of a girl under the age of 17 (which was repeated), accusing a member of the public of being an ex-offender and accusing another member of the public of being a sex offender.

In response to complaints concerning former Councillor D, the Public Services Ombudsman for Wales conducted an investigation into his behaviour. It told the hearing that the former Councillor misled the investigation by fabricating posts on social media. This also amounted to a breach of the Code of Conduct, the tribunal concluded.

The tribunal decided by unanimous decision that former Councillor D, should be disqualified for three years from being or becoming a member of Pembrokeshire County Council or of any other relevant authority.

The former Councillor did not appear at the tribunal, nor was he represented.

### **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 5 complaints since the date of the last meeting (30 June 2022) as at the date this report was written). In four cases the Chief Executive and Monitoring officer have decided to take no further action. A Stage 1 Decision Notice is pending on the remaining complaint.
- 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

**Report author(s):** Julie Newman

**Name and job title:** Monitoring Officer, Director of Law and Governance

**Directorate:** Law and Governance

**Tel and email contact:** 024 7697 7271 [julie.newman@coventry.gov.uk](mailto:julie.newman@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Service Area</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Suzanne Bennett	Governance Services Officer	Law and Governance	07.09.22	09.09.22
Sarah Harriott	Corporate Governance Solicitor	Law and Governance	07.09.22	09.09.22

<b>Names of approvers for submission:</b> (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	20.09.22	20.09.22
Councillor S Nazir	Chair of Ethics Committee		20.09.22	20.09.22

This report is published on the council's website: [www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)