

## **Initial Assessment of Member Code of Conduct Complaint**

**Complaint Reference [                      ]**

### **Parties**

- Complainant: Cllr Duggins
- Subject Cllr: Duggins

### **Independent Person**

- Peter Wiseman

### **Initial Assessment of Complaint**

On 16 November the Monitoring Officer commissioned Claire Ward (Anthony Collins Solicitors) to undertake an assessment of a complaint, from Cllr Duggins concerning his own conduct as a member of Coventry City Council, at stage 1.

### **Summary of complaint**

The councillor has made the referral due to content on social media suggesting that he had lied during a council meeting on 18 October 2022 and in his letter to the leader of the opposition party on the same date.

### **Potential breaches of the Code of Conduct identified**

This complaint has been assessed considering the Seven Principles of Public Life (the Nolan Principles) and the general principles as set out in the Code of Conduct (“the Code”). The complaint involves the following principles:

- Act with integrity and honesty
- Lead by example and act in a way that secures public confidence in the role of councillor

### **Initial Assessment**

In accordance with the Localism Act 2011 and section 4 of the complaints protocol, it is considered that this complaint does not merit formal investigation as the complaint does not disclose a potential breach of the Code.

#### **1. The facts**

Cllr Duggins wrote to the opposition leader on 18 October answering seven specific questions. At the full Council meeting on the same day Cllr Duggins made a statement and answered oral questions. An article in the Sunday Times on 11 November suggests that Cllr Duggins answers in the letter and orally in the Council meeting maybe untrue.

#### **2. Official Capacity**

Councillor Duggins was acting in his capacity as a member of Coventry City Council when answering the questions in writing and orally and as such was subject to the Council’s Code.

### 3. Analysis

The letter of 18<sup>th</sup> October to the opposition leader is an open letter replying to seven questions. They ask different questions but essentially ask whether cllr Duggins or anyone at the authority has done x or y in relation to the CBS Arena.

The Sunday Times article reports that Hottinger, a wealth management company, had been in positive negotiations with the council. A matter confirmed in the article by a statement from the Council's chief executive.

Question four in the letter of 18<sup>th</sup> October asks –

*Have you, or anyone at the authority, entered into discussions with any other party in relation to the ownership of the stadium?*

The answer given is -

*Yes- we have been open to speaking to any party that wanted to discuss the current situation and our ambition to have a thriving arena as a catalyst for the continued regeneration of that part of the city.*

At the Council meeting of the same date Cllr Duggins made a statement to the meeting making it clear that the Council *was never interested in staving off the administration of WASPS or bailing them out.*

The Council's standing orders provides at part 3 section 8.10 for oral questions to be made at ordinary council meetings by members to a cabinet member.

Cllr Duggins, as leader of the Council, received a number of oral questions at the meeting under item 13 on the agenda. The opposition leader Cllr Ridley asked questions about the arena, the pertinent question is number two which asks –

*what conversations have you had about this council providing support to ACL?*

Cllr Duggins answer is –

*None and any support that would be suggested would be the ones which would be shared with the group...*

ACL are the current leaseholders. Cllr Duggins was clear in his reply to the written questions that the council have been open to speaking to any party that wanted to discuss the current situation. He did not say he personally had been speaking to these parties. One of the parties was Hottinger, who did have a dialogue with senior officers. It was therefore correct in replying to the oral question asking him personally if he had had conversations that the answer was no. The question did not include as the written questions had asked about "or anyone at the authority". Although it may seem pedantic to make this distinction and to infer that the question was about conversations anyone in the council had had. That is not the language used. It is a direct question to the leader of the Council and is clearly seeking a personal response. In contrast the written questions from the same questioner days earlier seeking further information asking for "you, or anyone at the authority".

It is correct that persons interested in the arena would speak to officers not members in terms of any proposal and as Cllr Duggins referred to in the oral reply any support suggested to officers would be shared with members. Of course this would only occur when there was something to shared and consulted on.

Cllr Duggins confirms in the written answer to question four that the council have been open to speaking to any party that wanted to discuss the current situation. The chief executive did speak with Hottinger but their proposal was not at a stage to be consulted on with members which is why Cllr Duggins was correct to say none in reply to the oral question in Council.

There is no evidence that Cllr Duggin lied in the letter of 18<sup>th</sup> October or in the answer to questions at the full council meeting on the same date.

The complaint does not disclose a potential breach of the code.

### **Monitoring Officer Stage 1 decision**

*The Monitoring Officer in consultation with the Independent Person has concluded that in this case there is no basis to proceed, the complaint should be dismissed as being without merit.*

### **What happens now?**

The determination of the initial assessment will be reported to Cllr Duggins and the next ordinary meeting of the Ethics Committee of Coventry City Council for information.

There is no right of appeal to the Council against the assessment and determination of this complaint.