
Ethics Committee

14 December 2023

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

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 Chief Legal 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 Chief Legal 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 G and C, Royal Borough of Kensington

Data protection concerns have been raised after Councillors mass emailed more than 19,000 of his peers across the country to ask them to sign a public letter calling for a ceasefire in the Israel-Hamas conflict.

The public letter was authored by Cllr G and Cllr C from the Royal Borough of Kingston. Cllr G said that the information and email addresses of the almost 20,000 Councillors contacted had been collected from council web pages using 'Open Council Data UK', which is a service often used by charities, political parties, researchers and campaign groups to make contact with elected representatives.

The email included a line that said: "We will also be publishing the names of those who have been invited to sign but choose not to, in the interest of public accountability."

Cllr Shaun Davies, Chair of the Local Government Association (LGA), on behalf of all LGA Group Leaders, said: "The LGA does not endorse how this recent communication from Cllr G and Cllr C was sent, nor the hurt, worry and distress that this has caused. We can also confirm that the LGA did not share any Councillor email contact information." The LGA added that it understood that the Royal Borough of Kingston's Monitoring Officer, the Information Commissioner's Office and the Metropolitan Police were aware "of this ongoing situation".

A spokesperson for the Metropolitan Police said the force was aware of the letter, adding that officers had made contact and offered support to those who have reported it. "The contents are currently being assessed," it added.

1.2.2 Mayor of Cambridgeshire and Peterborough Combined Authority

The Mayor of Cambridgeshire and Peterborough Councillor was found by a Panel to have breached the Code of Conduct in relation to civility and disrepute. The allegations were made almost two years ago

A previous whistleblowing investigation, first made public in May 2022, alleged the Mayor's then chief of staff, Mr P, had caused "stress and strain" to colleagues in the authority. The Mayor was accused of failing to take appropriate action over that behaviour.

The Mayor apologised to the Panel for his actions. The Panel also invited the Mayor to provide a written apology to the Authority and to "consult with the monitoring officer about the appropriateness of providing a written apology directly to one or more of the complainants".

The Panel also said it would ask the Mayor "for an undertaking not to repeat this behaviour" and agree appropriate "development and training" within the next six months, dealing with "HR practice when acting in a senior member role". It recommended that the Combined Authority "reviews and improves" its induction process for new Mayors.

1.2.3 Bristol City Council. – Review

Bristol City Council has pledged to review its complaints procedure after facing questions about how the Council had not upheld a single complaint against a Councillor in six years. The decision came after five Bristol residents claimed that the lack of successful complaints suggested a "systematic failure of the Member Code of Conduct Complaints Process".

Bristol City Council's Value and Ethics Sub-Committee's made the decision to set up a working group of Councillors to review the council's procedures for complaints against Councillors.

1.2.4 Cllr S, Blackburn with Darwen – proposed reforms

Blackburn with Darwen Borough Council's Monitoring Officer has proposed reforms to relations between Councillors and Planning officers after accusations were made against Planning Committee Chair Cllr S. The Monitoring Officer confirmed that none of the allegations were substantiated and no breach of the code had been found but he had "identified a number of learning points". The complaints concerned two planning applications relating to the same property in Cllr S ward, where he had engaged with both the applicant and objectors.

The Monitoring Officer recommendations included that "The process for consideration by the Chair of planning applications received (which would usually be determined under officer delegations) for referral to the planning & highways committee [should] be reviewed. "There needs to be clear records kept of meetings/consultations, including any declaration of interests by the chair/vice-chair." It was expected that Councillors would be interested in planning applications in their ward, and would contact the planning department for information, but "they should ensure this cannot be perceived as an attempt to seek to influence or question the planning officer's judgement on the particular applications.

The Monitoring Officer also proposed advice and training should be provided to Planning Committee Members on their role in protecting the integrity of the process "by always demonstrating impartiality and avoiding or limiting their involvement with applicants/objectors, to reduce risks of any allegations of bias (or the perception of bias)".

1.2.5 Cllr B, West Northamptonshire Council

A report produced by an independent council investigator revealed that Councillor B had breached the Code of Conduct by forcefully intervening at a Planning Committee and appeared to have also predetermined their view. The report found that Cllr B had been “grandstanding” at the meeting and that he used his position improperly to disadvantage the applicant and brought his office and authority into disrepute by undermining the integrity of the Council’s planning service.

1.3 The local picture

Complaints under the Code of Conduct

- 1.3.1** The Ethics Committee has requested that the Chief Legal Officer report regularly on any complaints received relating to Members of Coventry City Council.
- 1.3.2** The Chief Legal Officer has received one complaint since the date of the last meeting (28 September 2023) as at the date this report was written.
- 1.3.3** The Chief Legal 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

The Ethics Committee are recommended 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 Chief Legal 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 Chief Finance Officer (Section 151 Officer) and Chief Legal Officer

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 One Coventry Plan

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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