
Ethics Committee

21 March, 2024

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 Director of Law and Governance, following 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 Director of Law and Governance 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

32 complaints were made that the Mayor of London had breached the Code of Conduct for elected members.

An independent investigation commissioned by the Greater London Authority following complaints about comments made by the Mayor that inferred ULEZ objectors were "joining hands" with far-right conspiracy theorists and Covid deniers concluded the Mayor did not breach the Code of Conduct.

The independent investigation report outlines the position in respect of Freedom of Speech

[PQT complaints - Final investigation report 24 Nov 2023.pdf \(london.gov.uk\)](#)

"Freedom of speech

25. Before making my assessment of these complaints, it is necessary to emphasise the importance of the right of freedom of expression. The Mayor, Assembly Members and members of the public attending PQT as well as the protestors outside the hall were all exercising their rights of freedom of expression, which is protected by both Article 10 of the European Convention on Human Rights and the common law.

26. Crucially for the purposes of this investigation, statements on political issues or other matters of general public interest attract "enhanced protection" under the law, meaning that in practice there are relatively few limits which can be imposed on "political speech". As a result, even statements which offend, shock or disturb are protected by the law: "Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence. Freedom only to speak inoffensively is not worth having."⁵

27. The reason why the law provides generous protection even to statements which others find offensive is because freedom of expression: "... constitutes one of the essential foundations of ... a [democratic] society, one of the basic conditions for its progress and for the development of every man. ... it is

applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’.”⁶ If the Code of Conduct process too readily interferes with comments made by elected representatives, this would exert a “chilling effect” on freedom of speech and would therefore undermine the democratic process.⁷ 28. This means that the obligations in the Code cannot be read in isolation; they must be read in a way that gives effect to the Mayor’s right of freedom of expression.⁸ It is not my role to decide whether what the Mayor said was fair or justified; that is a political judgment for the electorate.”

⁵ Redmond-Bate v Director of Public Prosecutions [2000] HRLR 249

⁶ Handyside v United Kingdom (1979-80) 1 EHRR 737, [49]

⁷ Lingens v Austria (1986) 8 EHRR 407, [42]

⁸ R (Mullaney) v Adjudication Panel for England [2009] EWHC 72 (Admin), [101]-[102]

Matt Lewin
Cornerstone Barristers

24 November 2023.

1.2.2 Councillor Hollis, Ashfield District Council

Councillor Hollis, Deputy Leader of Ashfield District Council, has pleaded guilty to two charges under the Localism Act 2011 of failing without reasonable excuse to notify a disclosable pecuniary interest and was fined £2,400.

Throughout the period 2019 to 2021, Councillor Hollis was the beneficial owner of a property having loaned money to a colleague to buy a property. He was re-elected twice without disclosure on his part of that financial interest. It was not suggested by the prosecution that the defendant was dishonest and it was not suggested that he benefitted from any decision made in his role as a councillor as regards his non-disclosure.

1.2.3 Councillor Pipe, Dorset Council

Councillor Pipe was found to have breached the Code of Conduct and is to be allocated a behaviour mentor after he mimicked a colleague’s Irish accent over an eight-year period.

1.2.4 Audit report, Wrexham Council

A report carried out by Audit Wales on governance arrangements at Wrexham Council, with a specific focus on its planning service, has found that delays in adopting key strategic documents created “significant risks” for the local authority, and relationships between some Members and officers were fractured.

The Auditor General, Adrian Crompton, noted that as a result, the Planning Service was “hindered in fulfilling its role as a key enabler across the Council.” Audit Wales undertook a review of the arrangements at Wrexham’s Planning Service and the extent to which it is supporting delivery of the Council’s overall objectives.

The report investigated and concluded that the Planning Service has appropriate governance arrangements, providing comprehensive Member training, but Member relationships with officers were “fractured”. The report warned: “Member and officer relationships appear to us to generally not be productive. We observed Members questioning professional officer advice when dissatisfied with officers’ explanations on planning policies. Members frequently undermine professional officers by requesting second opinions from external legal providers. The Council needs to consider whether Members are acting efficiently and with regard to value for money as well as how this behaviour impacts the well-being and resilience of officers.”

1.3 The local picture

Complaints under the Code of Conduct

- 1.3.1** The Ethics Committee has requested that the Director of Law and Governance reports regularly on any complaints received relating to Members of Coventry City Council.
- 1.3.2** The Director of Law and Governance has received three complaints since the date of the last meeting (14 December, 2023) as at the date this report was written. One complaint has been dealt with informally the other complaints are currently being considered at Stage 1 of the complaints process.
- 1.3.3** The Director of Law and Governance 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 Director of Law and Governance, in consultation with the Chair of the Ethics Committee.

3. Results of consultation undertaken

Not applicable.

4. Timetable for implementing this decision

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

5. Comments from Director of Finance and Resources and the 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 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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