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Ethics Committee

27 June 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

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**Is this a key decision?**

No

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**Executive Summary**

The 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 matter 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 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 regulate 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 Members conduct.

### **1.2 The National Picture**

#### **1.2.1 Former Councillor V, Bristol City Council**

A Bristol City Councillor was disqualified within a month of having been elected after it was revealed that Councillor V was employed by the Council as a teacher for a primary school. A person is disqualified from being elected if they hold paid employment for the same Local Authority under the Local Government Act 1972. The former Councillor, who appeared to be unaware of this provision said, "it is a great shame that this did not come to light earlier in the process".

#### **1.2.2 Councillor T, Tendring District Council**

Councillor T was found to be in breach of the Councillors' Code of Conduct for Tendring District Council. Complaints were made about the behaviour of the Councillor at two Local Government Association Coastal Special Interest Group meetings, which were held virtually.

During one meeting it was alleged that Councillor T embarked on a "wholly inappropriate and disrespectful verbal attack" of an officer for the Environment Agency.

On the second occasion, Councillor T was accused of constantly interrupting and of overbearing behaviour. A Councillor complained Councillor T making racist and offensive remarks towards people of Afro-Caribbean descent by implying "that members of the community were unable or unwilling to learn how to float". It was further alleged that comments were made by Councillor T, which indicated that the clothing that "people of specific faiths wear when in the sea" is inappropriate.

An external investigator was appointed and determined that Councillor T was found to have infringed the Code on four counts with the remarks "made out of ignorance rather than malice and that his language was clumsy and patronising rather than being rooted in what might be described as out-and-out racism".

Tendring's District Council's Standards Committee reviewed the complaints. In finding the Code of Conduct breached it was concluded that Councillor T failed to treat others with respect. This included representatives and employees of partner organisations, Councillors and employees of the Council. Further, Councillor T was found to have brought their role and the District Council into disrepute.

The Committee heard of Councillor T's resignation from the Special Interest Group and offer of apology at the time the complaint was received. However, owing to the divergence in opinion on the manner of debate between Councillor T and the Complainant, the Council's Monitoring Officer did not consider it appropriate to resolve the matter informally.

As part of Councillor T's response, it was stated that they were, "intent on highlighting perceived barriers to swimming education and facilities, rather than intending to make derogatory remarks."

The Standards Committee did not find there to be "conscious discriminatory intent by the words used".

Sanctions against Councillor T included the findings being published on the Council's website, reported to Full Council and training was arranged for the Councillor. Councillor T was told that they should apologise to the Council and the Special Interest Group and that until the apology is issued, and the training attended, Councillor T should not be allowed to return any committees or external bodies.

### **1.2.3 Councillor D, Betley, Balterley and Wrinehill Parish Council**

A Councillor for Betley, Balterley and Wrinehill Parish Council has been deemed to have breached their Members' Code of Conduct following an independent report. Complaints about Councillor D's conduct were received from the Council's Clerk (at the time), Parish Councillors and a member of the public.

Upon the matter being referred to Newcastle-under-Lyme, the Monitoring Officer commissioned specialist employment lawyers to investigate.

The report found that Councillor D was in breach for "failing to show respect for others", "bullying and harassing" the Council's clerk (at the time) and "bringing the Parish Council into disrepute".

The Borough Council's Audit and Standards Hearing Panel considered the report and agreed with the findings. The Panel recommended that the Councillor be removed from positions of responsibility and external appointments held in their role, and that the Parish Council formally censure Councillor D.

#### **1.2.4 Code of Conduct Investigations Costs, Newcastle-under-Lyme Borough Council**

Following a Code of Conduct investigation into the previously mentioned Councillor D, Newcastle-under-Lyme Borough Council issued Betley, Balterley and Wrinehill Parish Council with a £23,865 invoice to cover the costs of the investigation. Such costs typically rest with the relevant principal authority responsible for handling such complaints and was in excess of the Parish Council's reserves. The Parish Council considered the bill at their meeting and expressed their concerns. The Chair liaised with Newcastle Borough Council to challenge legal basis of the bill. It was subsequently withdrawn.

### **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 6 complaints since the date of the last meeting (21 March 2024) as at the date this report was written. 3 complaints have 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 to 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; and
- 2. Note the local position relating to the operation of 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**

Not applicable

#### **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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