

---

Ethics Committee

26 September 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**

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 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 Members' conduct.

### **1.2 The National Picture**

#### **1.2.1 Councillor B, Cheshire West and Chester Council**

Councillor B of Cheshire West and Chester Council has been convicted in a Magistrates' Court of using threatening and abusive language with intent to cause distress.

The conviction was a result of an incident which occurred in a street. Councillor B, believing another Member was trying to "smear" them confronted them. As part of the language used, the Councillor is said to have referred to their fellow Councillor as a "scumbag".

Councillor B was sentenced by way of a fine in the amount of £415 and ordered to pay costs.

#### **1.2.2 Councillor G, Councillor H and Councillor M, Warwickshire County Council**

An independent investigation into 3 Councillors of Warwickshire County Council has concluded that there were not in breach of the Code of Conduct, following complaints about their comments made about children with special educational needs.

The investigation into Councillor H found that in asking "Why are there so many people now jumping out with these needs? Where were they in the past when I was at school?", Councillor H was not in breach of the Code of Conduct. Instead, the Councillor's language was deemed to be "disrespectful and showed a lack of care and sensitivity" and caused "reputational damage to the Councillor and the Council". The comments made during the debate did not constitute a breach of the Councillor Code of Conduct.

Councillor M asked whether children put forward for assessment were "just really badly behaved" and in need of "some form of strict correction". It was determined that whilst Councillor M's words were "disrespectful, not courteous, and showed a lack of care and sensitivity" they were not in breach of the Code of Conduct.

The findings in the decision notices for Councillor H and Councillor M were “by virtue of the enhanced protections afforded by Article 10 of the European Convention on Human Rights (right to freedom of speech) during political debate”. It was also recommended that the Local Authority’s Chief Executive consider ways for Councillors to be supported to engage in debate “whilst ensuring that the language used is respectful, courteous, and sensitive to the matter concerned”.

Councillor G commented that "families are swapping tips on how to get their children diagnosed" on social media pages. It was determined that there was “insufficient evidence” to determine a breach of the standard relating to bullying, harassment and unlawful discrimination and there was “no evidence that Councillor G acted in the way they did because of any protected characteristics”. It was noted that if the findings were different, the Councillor would have been afforded the enhanced protections of Article 10 also.

All three of the Councillors personally apologised for their comments.

### **1.2.3 Councillors C and Councillor D, West Suffolk Council**

Two Councillors for West Suffolk Council have been found to have breached six rules of the Councillors’ Code of Conduct each.

Councillor C was found to have breached rules relating to treating the public and other Councillor’s with respect in addition to harassment.

Councillor D broke rules concerning discrimination and not respecting Council employees and volunteers or partner organisations. Both Councillors broke rules in relation to disclosing confidential information, using their role to the advantage or disadvantage of themselves or another, bullying and bringing their role or the local authority into disrepute.

At the Council meeting, Councillor C when asked to apologise maintained that he had nothing to say. Councillor D expressed a desire to apologise but their speech was forced to be cut short avoid the revelation of private information.

The Councillors were sanctioned, which included writing letters of apology to the complainants. Both Councillor D and Councillor C were also removed from the various appointments of which they had seats.

### **1.2.4 National Association for Local Councils submission to Committee for Standards in Public Life Consultation on accountability within public bodies.**

The Committee for Standards in Public Life carried out a consultation on accountability within public bodies and the importance of acting on early

warning signs. The consultation which ran earlier this year focused on "how organisations build and maintain systems of internal accountability that enable timely decision making, supporting proper scrutiny of their decision making".

The National Association for Local Councils (NALC) in its submission to the Committee said "the current standards regime not only lacks effective sanctions, but in many cases the 'regulators' (i.e. monitoring officers and standards committees) lack the organisational capacity to promote, monitor and maintain ethical standards".

The NALC also said, "Councils are frustrated that there is nothing they can do to change the actions or attitudes of certain persons be they councillors, council staff or members of the public."

Among its submissions, the organisation suggested more basic training of Councillors and staff on the standards regime.

A push was also made for Committee report on Local Government Ethical Standards from 2019 to be implemented.

#### **1.2.5 The Public Services Ombudsman for Wales reports increase in code of conduct complaints**

The Public Services Ombudsman for Wales annual report and accounts for 2023/24 revealed that it had received 518 code of conduct complaints which was an increase by 16% on the previous year.

Since 2019 the Ombudsman has seen a 37% increase in complaints received about public services and the behaviour of local councillors.

The Welsh Ombudsman refers the most serious concerns to the Adjudication Panel for Wales or the relevant local authority's standards committee. Of the 21 referrals of this nature regarding breaches of the code 85% were upheld.

### **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 in total since the date of the last meeting (27 June 2024) at the time this report was written. No further action has been taken on 5 of those complaints.
- 1.3.1** Since the last meeting 2 complaints against a Councillor, that were received in April 2024 and February 2024 has now been resolved but in line with the complaint's process is now being reported to the Committee as they were considered at Stage 2 of the complaint's procedure.

The first complaint related to the behaviour of the Councillor in reporting parking contraventions to the parking enforcement team to intimidate the complainant.

The second complaint relates to posts by the Councillor on Facebook that stated the Councillor had received threats of physical harm towards an individual but did not warn the individual or inform the police.

These two separate allegations were referred to an independent investigator for consideration. The independent investigator considered that there had been no breach in respect of both allegations.

In respect of the first allegation the independent investigator found that the motivation in reporting the parking violations was because of the Councillor's observations as to how the cars in the area were parked and from complaints by residents.

In respect of the second complaint the independent investigator found that the comments on Facebook by the Councillor were "political expression commenting on local issue" and that there was no requirement for the Councillor to refer the comments to the police (although the Councillor had subsequently done so).

- 1.3.2** The Director of Law and Governance will update the Committee on any further complaints received before the meeting and progress on those already received.
- 1.3.3** 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.



**Report author(s):**

**Name and job title:** Shanita Manhertz, Trainee Solicitor

**Directorate:** Law and Governance

**Tel and email contact:** 024 7697 2350 [shanita.manhertz@coventry.gov.uk](mailto:shanita.manhertz@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>				
Julie Newman	Director of Law and Governance	Law and Governance		
Suzanne Bennett	Governance Services Officer	Law and Governance	02/09/24	04/09/24
Shanita Manhertz	Trainee Solicitor	Law and Governance	02/09/24	02/09/24
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Richard Shirley	Lead Accountant	Finance	02/09/24	04/09/24
Legal: Julie Newman	Director of Law and Governance	Law and Governance	02/09/24	16/09/24
Councillor S Nazir	Chair of Ethics Committee		13/09/24	16/09/24

This report is published on the council's website:

[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)