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Ethics Committee

9 January 2025

**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 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 C, West Suffolk Council**

As reported to the Committee at the last meeting (26 September 2024) Councillor C of West Suffolk Council was found to be in serious breach of the Members' Code of Conduct. Councillor C's sanctions included letters of apology to complainants. West Suffolk's Standards Committee has now heard of Councillor C's failure to comply with these sanctions, which has resulted in a further breach, deemed sufficient to warrant action.

As the Committee was concerned by the failure and is limited in the sanctions it can impose, the Chair of the Committee wrote to the Councillor's Group Leader and Association informing them of the breach to determine what steps they intend to take. In addition, the Committee's decision was issued in a media statement by West Suffolk Council and the Chair will report on the decision at the next Council meeting.

#### **1.2.2 Councillor VS, Aberdeen City Council**

The Ethical Standards Commissioner (ESC) to whom complaints against Councillors in Scotland are referred has found that Councillor VS of Aberdeen City Council has breached the Members' Code of Conduct.

The finding came about as a result of a referral concerning a phrase used during a Council meeting in October 2023. During an exchange, Councillor VS stated, "I realise as a *New Scot*, [Councillor T] maybe doesn't know about the mitigations that the SNP government have had to put in over the years since they have been in power".

Councillor VS, stepped back from their party membership and referred themselves to the ESC. The ESC determined that whilst the phrase may not be negative or racist, the context in which the phrase was used, meant it was disparaging or derogatory.

The Councillor also apologised for the "clumsy" language and offence caused stating it "could not be further from the values [they] hold". Councillor T said their professional competence had been "undermined", due to their birthplace and that they had been made to feel "less Scottish than [their] peers" and "inferior" because of their race.

Following the determination of the ESC, their report was referred to the Standards Commission for Scotland.

### **1.2.3 Unidentified Councillor, Redcar and Cleveland Borough Council**

A Councillor for Redcar and Cleveland Borough Council has escaped sanction after it was determined that their comments were not in breach of the Local Authority's Code of Conduct.

The incident arose during a social media exchange, whereby a comment was posted which said "typical of our council blame everyone but themselves and try to make themselves look good. Can't wait to get the jokers out". The unidentified Councillor responded to the post by stating "The joker is already out, it was [the Complainant]" referring to a former Councillor.

The Monitoring Officer deemed the term 'joker' to be a potential issue regarding the Members' duty of 'respect' but did not consider it to be significant enough warrant escalation to a Hearing Panel or for the unnamed Councillor to be subjected to any formal sanction.

### **1.2.4 Letter from Jim McMahon OBE MP to Chair, CSPL**

Jim McMahon OBE MP the Minister of State for Local Government and English Devolution has written to Doug Chalmers, the Chair of the CSPL, in respect of reforms to the local government standards regime. In his letter Jim McMahon stated:

"As you are no doubt aware, the Deputy Prime Minister recently announced in a speech at the Local Government Association Conference on 24 October, the Government's intention to give local authorities powers to address poor conduct. We will shortly be consulting on reforms to the local government standards framework. We intend to consult on a range of measures to address this challenge, including a proposal to enable local authorities to suspend members who violate codes of conduct."

### **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** At the time this report was written, the Director of Law and Governance has received 6 complaints in total since those reported at the last meeting (26 September 2024). No further action has been taken in respect of the first complaint as it was not in relation to a Councillor and has now been referred to the correct department. The second complaint has been referred to the appropriate body for consideration. The remaining 4 are 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 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 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?**

<https://www.coventry.gov.uk/strategies-plans-policies/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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